

August 7, 2020

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

Re: CBP-2020-012037

Dear Ms. Kim:

This is a fifth 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;¹
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 386 pages of records and made the following determinations:

- 386 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>.

¹ 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.

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


**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="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C) CBP OFFCR/0803 Conflict of Interest-Failure to perform Official Duties (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Closing Report	6. TYPE OF REPORT Blue Book	7. RELATED CASES (b) (7)(E)
8. TOPIC CBPO allegedly took actions that were not consistent with CBP policies.		
9. SYNOPSIS 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), (b) (7)(E) regarding CBPO (b) (6), (b) (7)(C), (b) (7)(E) 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). CBP Office of Professional Responsibility (OPR), Special Agent in Charge (b) (7)(E) SAC (b) (7)(E) conducted numerous interviews and determined CBPO (b) (6), (b) (7)(C) operated within CBP policies.		
(b) (6), (b) (7)(C) (Print Name & Title) CBP-OPR Special Agent	11. COMPLETION DATE 28-DEC-2018	14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
(b) (6), (b) (7)(C) (Print Name & Title) Special Agent	13. APPROVED DATE 28-DEC-2018	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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.		
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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

002

10. NARRATIVE

DETAILS OF INVESTIGATION

ALLEGATION ONE: CBPO (b) (6), (b) (7)(C) did not follow proper procedures when completing an EMR report; EXONERATED

PROSECUTORIAL ACTION: N/A

ALLEGATION TWO: CBPO (b) (6), (b) (7)(C) released FOUO information when he listed CBPO (b) (6), (b) (7)(C) name and government cell phone number on DHS form 6051D; EXONERATED

PROSECUTORIAL ACTION: N/A

ALLEGATION THREE: CBPO (b) (6), (b) (7)(C) demonstrated a reckless disregard for CBPO (b) (6), (b) (7)(C) safety by providing CBPO (b) (6), (b) (7)(C) government cell phone number to (b) (7)(E) EXONERATED

PROSECUTORIAL ACTION: N/A

ALLEGATION FOUR: CBPO (b) (6), (b) (7)(C) discriminated against CBPO (b) (6), (b) (7)(C) due to his national origin; NOT SUSTAINED

PROSECUTORIAL ACTION: N/A


ALLEGATION FIVE: CBPO (b) (6), (b) (7)(C) interfered with CBPO (b) (6), (b) (7)(C) IFO duties; NOT SUSTAINED

PROSECUTORIAL ACTION: N/A

On October 15, 2018, the JIC received an email from 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 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) 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) EXHIBIT 1)

On October 31, 2018, this case was assigned to CBP OPR Special Agent (SA) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) SAC (b) (7)(E) for investigation.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>On November 6, 2018, SA (b) (6), (b) (7)(C) conducted local records checks for CBPO (b) (6), (b) (7)(C) with the (b) (7)(E) Police Department. No derogatory information was revealed.</p> <p>On November 23, 2018, SA (b) (6), (b) (7)(C) and Senior SA (SSA) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed Chief CBPO (CCBPO) (b) (6), (b) (7)(C), (b) (7)(E) at CBP, Office of Field Operations (OFO), located at (b) (7)(E) CCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (Exhibit 2)</p> <p>CCBPO (b) (6), (b) (7)(C) stated she has worked for CBP as an Officer for the past 11 years. During her time with CBP, CCBPO (b) (6), (b) (7)(C) served as a (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) Additionally, CCBPO (b) (6), (b) (7)(C) was the Supervisory CBPO (SCBPO) over the (b) (7)(E) Tactical Terrorism Response Team (TTRT). One of CCBPO (b) (6), (b) (7)(C) requirements as the TTRT SCBPO is to be fully aware of CBP's policy and procedures as they apply to the Border Search of Electronic Devices.</p> <p>CCBPO (b) (6), (b) (7)(C) was trained and certified to use the Document Exploitation (DOCEX) machine by the CBP Laboratory and Scientific Service (LSS) division. Subsequently, CCBPO (b) (6), (b) (7)(C) was trained and certified to use the Document and Media Exploitation (DOMEX) machine as well as the Universal Forensic Extraction Device (UFED) touch machine by LSS.</p> <p>CCBPO (b) (6), (b) (7)(C) stated the following steps should be taken by TTRT when encountering a traveler they determine requires an advanced search of their electronic devices:</p> <ul style="list-style-type: none"> - The on-duty GS-14, or higher, must be made aware of all information received from queries conducted by CBP. - The GS-14 must be informed of any electronic equipment the traveler has in their possession and that the TTRT would like to conduct an advanced search. - The on-duty GS-14, or higher, must approve all advanced searches of electronic media. - If an advanced search is approved, the TTRT officer must complete an Electronic Media Report (EMR) within CBP systems, which is automatically sent to his first line SCBPO for approval. - Once an advanced search is completed and all information requested by the case agent is successfully captured, the electronic device is returned to the owner. - If an advanced search does not successfully capture all of the required information, the GS-14 can authorize a detention of the electronic device which would then be sent to LSS for further examination. - A Department of Homeland Security (DHS) form 6051D is completed and a copy is provided to the traveler. 	

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

- The DHS form 6051D is completed by the individual who is detaining the electronic media.
- Line item 15 requires a Point of Contact information which is generally an office number at the Port of Entry (POE) the traveler can call if they have questions following the detention of their electronic media.
- The process is explained to the traveler and the traveler is provided with a copy of CBP Publication No. 2123-1215, which is referred to as a BSI Tear Sheet/Inspection of Electronic Devices, unless there are National Security concerns.
- CBP must track the detention of the electronic media.
- If the detention exceeds five days, it requires Port Director/GS-15 approval.
- At the fifteen day detention mark, and seven days thereafter, the continued detention requires the approval of the Director of Field Operations/SES.
- Upon completion of the advanced search of the electronic device by LSS, the device is returned to the POE.
- Once the device is returned to the POE, a TTRT officer contacts the traveler and informs them that they are able to pick up their device.


CCBPO (b) (6), (b) (7)(C) provided a BSI Tear Sheet (Exhibit 3), DHS form 6051D (Exhibit 4), and a copy of CBP Directive No. 3340-049A Border Search of Electronic Devices (Exhibit 5).

On December 17, 2018, SA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at CBP OPR SAC (b) (7)(E) located at (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (Exhibit 6)

CBPO (b) (6), (b) (7)(C) is currently on a Temporary Duty Assignment (TDY) assigned to the Federal Bureau of Investigation, (b) (7)(E) working as a Task Force Officer (TFO). In his capacity as a TFO, CBPO (b) (6), (b) (7)(C) is a liaison between the FBI and CBP while assisting with investigations being conducted by the FBI.

On August 30, 2018, CBPO (b) (6), (b) (7)(C) informed CBP OFO management that on September 3, 2018, a person of interest to the U.S. government was scheduled to arrive at the (b) (7)(E) (b) (7)(E) via an international flight. CBPO (b) (6), (b) (7)(C) along with several other (b) (7)(E) members, would be present at the POE that day to witness the interview of this individual.

Upon conclusion of the interview, CBPO (b) (6), (b) (7)(C) realized that the advanced search of the traveler's electronic media did not capture all of the text messages. CBPO (b) (6), (b) (7)(C) pointed this information out to CBPO (b) (6), (b) (7)(C), (b) (7)(E) CBPO (b) (6), (b) (7)(C) who was conducting the TTRT interview of the individual, stated that all of the information requested by (b) (7)(E)

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had been captured and if CBPO (b) (6), (b) (7)(C) wanted all of the text messages, CBPO (b) (6), (b) (7)(C) would have to detain the phone himself.

CBPO (b) (6), (b) (7)(C) pointed out the following possible policy violations when it came to conducting the advanced search of the phone as well as the subsequent detention:

- Not all text messages were captured, which is what the case agent requested.
- CBPO (b) (6), (b) (7)(C) informed CBPO (b) (6), (b) (7)(C) if he wanted all of the text messages, he would have to detain the phone and send it to LSS.
- As a TFO, CBPO (b) (6), (b) (7)(C) does not have a place to properly store a detained phone.
- CBPO (b) (6), (b) (7)(C) does not report to a Port Director. Accordingly, the detention procedures, as outlined in the policy, could not be followed if he detained the phone.
- CBPO (b) (6), (b) (7)(C) was directed by the on-duty Watch Commander (WC) to detain the phone.
- CBPO (b) (6), (b) (7)(C) filled out DHS form 6051D, but purposely left block 15, the point of contact information blank, because he did not want to provide his name to the individual who owned the phone for security reasons.
- An unknown TTRT officer provided the owner of the phone with CBPO (b) (6), (b) (7)(C) name and government issued cell phone number.

Additionally, CBPO (b) (6), (b) (7)(C) alleges the following policy violations occurred when a TTRT officer provided the traveler with CBPO (b) (6), (b) (7)(C) name and government issued cell phone number:

- It adversely impacted CBPO (b) (6), (b) (7)(C) privacy or welfare.
- There was a willful or reckless disregard for the safety of others.
- There was a violation of security procedures covering material classified or sensitive to the Government.

CBPO (b) (6), (b) (7)(C) stated he believes that all of these actions were taken against him by TTRT officers because he is of Hispanic/Mexican American origin.

CBPO (b) (6), (b) (7)(C) stated he has the ability to obtain business cards, at his own expense, that would list his name and government cell phone number. Other TFOs have chosen to obtain the business cards and will routinely hand those cards out to individuals they encounter, whether they are subjects or witnesses to (b) (7)(E)

Since CBPO (b) (6), (b) (7)(C) name and government issued cell phone number are not material classified or sensitive to the government, and providing his name to an individual who is under investigation



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

2. REPORT NUMBER

002

10. NARRATIVE

does not negatively impact his privacy or welfare, CBPO (b) (6), (b) (7)(C) conceded that there was no reckless disregard for his safety.

CBPO (b) (6), (b) (7)(C) has never heard any TTRT officer talk negatively about him, nor has he heard them ever make any type of comment about his national origin. When posed with the possibility that the TTRT officers he was working with on September 3, 2018 just don't like him for personal reasons, CBPO (b) (6), (b) (7)(C) agreed that was plausible.

On December 19, 2018, SA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed CBPO (b) (6), (b) (7)(C) at CBP, OFO, located at (b) (7)(E). CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (Exhibit 7)

CBPO (b) (6), (b) (7)(C) stated he currently works as the Team Lead (TL) for the TTRT. In the TL role, CBPO (b) (6), (b) (7)(C) is responsible for sending out a daily e-mail advising port management as to any possible (b) (7)(E) expected to fly into the POE on that date. CBPO (b) (6), (b) (7)(C) will then coordinate with SCBPO (b) (6), (b) (7)(C) to determine which TTRT officers should handle each specific traveler.

On September 3, 2018, CBPO (b) (6), (b) (7)(C) was assigned to conduct the inspection of an individual of interest to the (b) (7)(E). Part of that inspection was to conduct an advanced search of any electronic media the traveler had in his possession. CBPO (b) (6), (b) (7)(C) had received prior approval from the on-duty WC to conduct the advanced search per CBP policy.

An advanced search was completed on the traveler's cell phone, however the search did not capture all of the text messages. CBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) and WC (b) (6), (b) (7)(C) of this information. CBPO (b) (6), (b) (7)(C) advised CBPO (b) (6), (b) (7)(C) that the case agent wanted all of the text messages and requested that CBPO (b) (6), (b) (7)(C) detain the phone to send to LSS. CBPO (b) (6), (b) (7)(C) advised WC (b) (6), (b) (7)(C) of this request since he is the only on-duty WC that has the authority to authorize a detention of phone.

CBPO (b) (6), (b) (7)(C) stated that WC (b) (6), (b) (7)(C) informed him to have CBPO (b) (6), (b) (7)(C) detain the phone if he needed to capture all of the text messages. CBPO (b) (6), (b) (7)(C) relayed this information on to CBPO (b) (6), (b) (7)(C).

After several discussions between WC (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) it was finally decided that CBPO (b) (6), (b) (7)(C) would detain the phone. However, CBPO (b) (6), (b) (7)(C) did not want to provide the traveler with the DHS form 6051D and requested that CBPO (b) (6), (b) (7)(C) provide it to him. CBPO (b) (6), (b) (7)(C) reluctantly agreed to this.

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

2. REPORT NUMBER

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10. NARRATIVE

As CBPO (b) (6), (b) (7)(C) was going to the area where the traveler was waiting, he realized that the DHS form 6051D was not completely filled-out. Specifically, box 15 Point of Contact Information was not completed. CBPO (b) (6), (b) (7)(C) contacted WC (b) (6), (b) (7)(C) and asked if he had a contact phone number for CBPO (b) (6), (b) (7)(C). Once CBPO (b) (6), (b) (7)(C) obtained CBPO (b) (6), (b) (7)(C) government issued cell phone number, he wrote both CBPO (b) (6), (b) (7)(C) name and phone number in box 15 as the policy requires. CBPO (b) (6), (b) (7)(C) stated this was done pursuant to CBP policy which requires the name and contact number of the person detaining the electronic media.


CBPO (b) (6), (b) (7)(C) stated he has a working relationship with CBPO (b) (6), (b) (7)(C). He previously worked with CBPO (b) (6), (b) (7)(C) when they were both assigned to the same POE. CBPO (b) (6), (b) (7)(C) emphatically denied discriminating against CBPO (b) (6), (b) (7)(C) in any way. CBPO (b) (6), (b) (7)(C) stated he did not know that CBPO (b) (6), (b) (7)(C) was of Hispanic origin nor does it matter to him. CBPO (b) (6), (b) (7)(C) is a Muslim and treats all fellow officers with respect.


Continuing on December 19, 2018, SA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed WC (b) (6), (b) (7)(C) at CBP, OFO, located at (b) (7)(E). WC (b) (6), (b) (7)(C) interview was audio/video recorded. (Exhibit 8)


Prior to answering any questions, WC (b) (6), (b) (7)(C) reviewed and verified that he is aware of the current policies that pertain to detaining electronic media from travelers as stated under CBP's Border Search Authority (BSA).

WC (b) (6), (b) (7)(C) was asked to discuss his involvement with the detention of a cellular telephone from a known watch listed individual in conjunction with CBP's BSA on September 3, 2018. WC (b) (6), (b) (7)(C) provided the following responses.

WC (b) (6), (b) (7)(C) said he responded to a dispute between CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) regarding the detention of a cell phone during a secondary inspection of a watch listed individual on September 3, 2018. WC (b) (6), (b) (7)(C) advised that the dispute was over whether or not CBPO (b) (6), (b) (7)(C) could be the detaining officer. WC (b) (6), (b) (7)(C) said he instructed CBPO (b) (6), (b) (7)(C) to detain the phone under the CBP BSA. WC (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) advised him that he could not be the detaining officer because he is a TFO assigned to the field office and there are no resources in place to store or track the property. WC (b) (6), (b) (7)(C) stated that he had never encountered this particular situation in the past, so he contacted CBPO (b) (6), (b) (7)(C) supervisor, Program Manager (PM) (b) (6), (b) (7)(C) via telephone for further guidance, but he could not be reached. WC (b) (6), (b) (7)(C) stated that he then contacted (b) (7)(E) and advised them of the dispute. WC (b) (6), (b) (7)(C) said that (b) (7)(E) agreed with his initial instructions to CBPO (b) (6), (b) (7)(C) and recommended that he detain the phone if necessary. WC (b) (6), (b) (7)(C) said at that point, he sent PM

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>(b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) an email which advised them of his decision for CBPO (b) (6), (b) (7)(C) to detain the cell phone in question. WC (b) (6), (b) (7)(C) said that PM (b) (6), (b) (7)(C) responded to the email and acknowledged his decision without incident. WC (b) (6), (b) (7)(C) said after he sent the email, he re-approached CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) said he would detain the phone as instructed.</p> <p>WC (b) (6), (b) (7)(C) stated that he used all of the information available to him in accordance with CBP policy to include the recommendation of CBP management at the (b) (7)(E) in order to make the best decision he could at the time. WC (b) (6), (b) (7)(C) also said CBP Directive: 3340-049A does not specifically state that a CBP TFO cannot detain electronic media during an inspection.</p> <p>On December 21, 2018, SA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) interviewed SCBPO (b) (6), (b) (7)(C) at CBP, OFO, located at (b) (7)(E) SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (Exhibit 9)</p> <p>SCBPO (b) (6), (b) (7)(C) stated that he was not on duty September 3, 2018. However in his position as the TTRT Supervisor, SCBPO (b) (6), (b) (7)(C) had been informed the prior day that an individual of interest to (b) (7)(E) would be returning to the U.S. on September 3, 2018. SCBPO (b) (6), (b) (7)(C) assigned CBPO (b) (6), (b) (7)(C) to conduct that inspection.</p> <p>SCBPO (b) (6), (b) (7)(C) is the first-line supervisor over all of the officers assigned to TTRT. Since he is their first-line supervisor, he is the approving official for any EMRs that are completed by the TTRT.</p> <p>When SCBPO (b) (6), (b) (7)(C) returned to work on September 6, 2018, he logged into his computer and reviewed the EMR report from that inspection as well as any other EMRs his team completed while he was on his Regular Days Off (RDO). SCBPO (b) (6), (b) (7)(C) ensured that all the fields required were completed, then reviewed the narrative to ensure it was completed. SCBPO (b) (6), (b) (7)(C) then answered a series of questions, which are checkmarks to show the EMR was completed properly.</p> <p>SCBPO (b) (6), (b) (7)(C) is required by CBP policy to review all EMRs automatically forwarded to him for completeness, even if he wasn't present for the inspection, and then certifies the EMR has been completed.</p> <p>The following databases were queried as part of this investigation with no derogatory information found:</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>(b) (7)(E)</p> <p>CBP OPR Personnel Security Division (PSD) reported that CBPO (b) (6), (b) (7)(C) currently holds a Top Secret/SCI security clearance.</p>	

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 002

1. CBPO (b) (6), (b) (7)(C) email to the JIC dated, October 15, 2018.
2. CCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated November 23, 2018.
3. BSI Tear Sheet
4. DHS form 6051D.
5. CBP Directive 3340-049A.
6. CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated December 17, 2018.
7. CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated December 19, 2018.
8. WC (b) (6), (b) (7)(C) audio/video recorded interview dated December 19, 2018.
9. SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated December 21, 2018.

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 PROFESSIONAL RESPONSIBILITY
O F F I C I A L U S E O N L Y

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

From: (b) (6), (b) (7)(C)
Sent: Monday, October 15, 2018 5:17 PM
To: JOINT INTAKE
Subject: Allegation of misconduct at (b) (7)(E)
Attachments: RE: (b) (6), (b) (7)(C), (b) (7)(E) RE: FBI Request for assistance.; RE: Second Attempt; RE: Question concerning attempted Media Screening request on 9/7/2018; RE: TTRT/FBI; RE: (b) (7)(E)

Importance: High

I would like to file a Joint Intake Center inquiry for Serious Misconduct for (b) (7)(E) (b) (7)(E) CBP Officer (CBPO) (b) (6), (b) (7)(C) along with his first-line supervisor, Supervisory CBP Officer (SCBPO) (b) (6), (b) (7)(C)

On Monday, September 03, 2018, CBPO (b) (6), (b) (7)(C) performed actions that are considered to be "Serious Misconduct", i.e. "substantive misconduct that could jeopardize the agency's mission", including:

1. Release of For Official Use Only (FOUO) information, which, as defined in the November 06, 2017, is "information of a sensitive nature, not otherwise categorized by statute or regulation, which would adversely impact a person's privacy or welfare, Federal programs, or operations essential to the national interest".
2. Under Section K, "Neglect of Duty" #2 of the CBP Standards of Conduct – Table of Offenses, "Failure to follow applicable laws, rules, regulations, or policies in the performance of duties".
3. Under Section K, "Neglect of Duty" #3 of the CBP Standards of Conduct – Table of Offenses, "Interference with other employees in the performance of official duties."
4. Under Section M, "Safety/Health" #3 of the CBP Standards of Conduct – Table of Offenses, "Willful or reckless disregard for the safety of others".
5. Under Section N, "Security" #1 of the CBP Standards of Conduct – Table of Offenses, "Violation of security procedures covering material classified or sensitive to the Government".
6. Possible violation of Prohibited Personnel Practices, including discrimination for being of Hispanic national origin (Mexican American), as well as preemptive whistleblower retaliation.

On September 03, 2018, CBPO (b) (6), (b) (7)(C) was one of two Tactical Terrorism Response Team (TTRT) CBP officers assigned to (b) (7)(E) who conducted the secondary inspection of a U.S. citizen who was (b) (7)(E)

(b) (7)(E) Due to the traveler being "An individual who is included in the (b) (7)(E) (b) (7)(E) the 1 cell phone was subject to an "Advanced Search" (in accordance with the January 04, 2018 CBP Directive #3340-049A, "Border Search of Electronic Devices") using document and media screening equipment (in accordance with January 12, 2018 memorandum, "Border Search of Electronic Devices – Field Guidance"). Due to FBI interest in the subject's electronic media, CBP (b) (7)(E) Task Force Officer (TFO) (b) (6), (b) (7)(C) was on site at the time of this traveler's inspection. HSI and FBI were also onsite at the time of the inspection.

(b) (7)(E) managers and staff involved with the inspection (specific officers unknown outside of CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) SCBPO (b) (6), (b) (7)(C) and Watch Commander (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) possibly also Chief CBP Officer (b) (6), (b) (7)(C) took actions inconsistent with the January 04, 2018 CBP

Directive #3340-049A, "Border Search of Electronic Devices". Below is a timeline of events regarding this media detention and details regarding the inappropriate actions:

- The Advanced Search, documented as the Action (b) (7)(E) on the (b) (7)(E) screen in the (b) (7)(E). The extraction was actually unsuccessful, as documented in the (b) (7)(E) (b) (7)(E) Slide 20 of February 21, 2018 HQ powerpoint, "Document and Media Exploitation Pilot Program DOMEX", which is presented at every DOMEX training class, states that an "Advance Data Extraction" includes call logs, contacts, emails, and texts. The extraction in this case was unsuccessful because (b) (7)(E) (b) (7)(E)
- CBP (b) (6), (b) (7)(C), (b) (7)(E) upon finding out that the text messages were not captured in the media screening, and knowing that (b) (7)(E) via the FBI case agent had an interest in the text messages, requested that CBP at the (b) (7)(E) port of entry (the traveler's arriving port of entry) detain the one cell phone to complete the Advanced Search (i.e. capture the text messages). This is consistent with section 5.4 of the January 04, 2018 CBP Directive #3340-049A, "Border Search of Electronic Devices", which states, "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." This is also not an unusual circumstance for (b) (7)(E) who has detained electronic media before to send it to CBP Laboratories & Scientific Service (LSS) for technical assistance, such as to complete an Advanced Search.
- The initial request to detain the one cell phone to complete the Advanced Search was made by CBP (b) (7)(E) TFO (b) (6), (b) (7)(C), (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C), (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) became insistent that he would not detain the 1 cell phone, and that if the phone had to be detained then CBP (b) (6), (b) (7)(C), (b) (7)(E) should detain it himself under FBI (b) (7)(E) Authority. CBP (b) (6), (b) (7)(C), (b) (7)(E) remained professional throughout his exchange with (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) but emphasized the importance of detaining the cell phone as well as informed (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) that there does not exist a separated FBI (b) (7)(E) Authority that supersedes CBP Border search authority of media encountered at the Port of Entry. It was explained to (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) that there was no chain in place to do the detainment, and if the detainment was not going to be completed by (b) (7)(E) TTRT, then an email to CBP Program Managers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) needed to be drafted to inform them in writing the request to the Field Office that CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) operates out of.
- CBP (b) (6), (b) (7)(C), (b) (7)(E) is currently assigned to the (b) (7)(E) Field Office as one of two CBP (b) (7)(E) TFOs (the one that usually assists (b) (6), (b) (7)(C), (b) (7)(E) however (b) (6), (b) (7)(C) was not involved with this case.) As such, although technically CBP (b) (6), (b) (7)(C), (b) (7)(E) has the authority to detain electronic media as a CBP Officer per 19 CFR 162.6, "All persons, baggage, and merchandise arriving in the Customs territory of the United States from places outside thereof are liable to inspection and search by a CBP Officer", it is impractical for him to have been the one to detain the 1 cell phone himself because the (b) (7)(E) would have to be approved by (b) (7)(E) Field Office chain of command, and the (b) (7)(E) Field Office is not a port of entry, nor does it have the proper set-up such as proper secure storage to meet all of the detention tracking requirements mandated by CBP Directive #3340-049A.
- (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) initially returned to the office and sat at his desk, but then left the room and returned with WC (b) (6), (b) (7)(C) CBP (b) (6), (b) (7)(C), (b) (7)(E) was then requested to talk with WC (b) (6), (b) (7)(C) outside of the office for a further explanation of the request. It was explained again that the equipment had failed to capture the case agent's request, and due to the failure of the equipment, the phone needed to be detained and sent to CBP Labs for the full extraction. WC (b) (6), (b) (7)(C) stated to CBP (b) (6), (b) (7)(C), (b) (7)(E) that if the reason for not filling out the paperwork and doing the detention was because of pride on the part of CBP (b) (6), (b) (7)(C), (b) (7)(E) or a lack

of knowledge, WC (b) (6), (b) (7)(C) added that he would have the (b) (7)(E) TTRT assist with the paperwork because they are the experts and can do the detention fast. CBP (b) (6), (b) (7)(C), (b) (7)(E) stated that it was not pride or lack of knowledge, but again CBP equipment had failed, and CBP had a resource to correct that failure. Also as part of the Field Office there was not a correct means to record and track through a chain of command.

- WC (b) (6), (b) (7)(C) then contacted (b) (7)(E) purportedly stated that CBP (b) (6), (b) (7)(C), (b) (7)(E) should detain the one cell phone under (b) (7)(E) authority. This assertion by (b) (7)(E) is incorrect, as there is no (b) (7)(E) authority” to detain electronic media, and the authority to detain electronic media is held by all CBP Officers per 19 CFR 162.6.
- WC (b) (6), (b) (7)(C) concurred with CBPO (b) (6), (b) (7)(C) that CBP (b) (6), (b) (7)(C), (b) (7)(E) should be the one to detain the one cell phone. CBP (b) (6), (b) (7)(C), (b) (7)(E) completed 6051D (b) (7)(E) per WC (b) (6), (b) (7)(C) direction and took the one cell phone into his physical custody. Due to not having a proper vestibule to securely store the detained cell phone pending the transfer of the 1 cell phone to LSS (which CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) did not have a procedure for that as a Field Office employee), he requested guidance from his direct CBP Supervisor, Supervisory Program Manager (b) (6), (b) (7)(C) who directed CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) to secure the one cell phone at the (b) (7)(E) CBP (b) (6), (b) (7)(C), (b) (7)(E) had to drive approximately 40 minutes from (b) (7)(E) to the (b) (7)(E) located at (b) (7)(E) (b) (7)(E) in the late evening of September 3, 2018, in order to secure the one cell phone.
- Section 5.4.1.3 of CBP Directive #3340-049A states, “When a border search of information is conducted on an electronic device, the individual subject to search will be notified of the purpose and authority for such search, how the individual may obtain more information on reporting concerns about their search, and how the individual may seek redress from the agency if he or she feels aggrieved by a search. If the Officer or other appropriate CBP official determines that the fact of conducting this search cannot be disclosed to the individual transporting the device without impairing national security, law enforcement, officer safety, or other operational interests, notification may be withheld.” This requirement is usually fulfilled by providing the owner of the electronic device a copy of CBP Publication #0204-0709, also commonly known as the “BSI Tear Sheet” or “Inspection of Electronic Devices Tear Sheet”, which, according to the (b) (7)(E) was provided to the owner of the 1 cell phone being detained.
- CBP Publication #0204-0709 states that if an electronic device has been detained, “You will receive a written receipt (Form 6051-D) that details what item(s) are being detained, who at CBP will be your point of contact, and the contact information (including telephone number) you provide to facilitate the return of your property within a reasonable time upon completion of the examination.” Although this does not specify what officer’s name should be the point of contact regarding the detained media, or what telephone number should be provided, it is inferred that the designated port point of contact should be a manager or a designated officer, since the paragraph that follows this states, “The CBP officer who approved the detention will speak with you and explain the process, and provide his or her name and contact telephone number if you have any concerns. Some airport locations have dedicated Passenger Service Managers who are available in addition to the onsite supervisor to address any concerns.”
- DMA managers insisted that CBP (b) (6), (b) (7)(C), (b) (7)(E) be the one to put his name as the detaining officer on the Form 6051D. This is problematic not only because of CBP (b) (6), (b) (7)(C), (b) (7)(E) inability to properly detain the one cell phone as an employee assigned to the (b) (7)(E) and not an actual port of entry, but because it made his identity known to the (b) (7)(E) owner of the 1 cell phone.
- After CBP (b) (6), (b) (7)(C), (b) (7)(E) had departed (b) (7)(E) to secure the one cell phone at the (b) (7)(E) per his CBP supervisor’s direction, he started to receive calls on his government cell phone from the cell phone’s (b) (7)(E) owner. As a Task Force Officer, a significant portion of CBP (b) (6), (b) (7)(C), (b) (7)(E) duties include being on call 24/7 to support the ports of entry as well as inquiries from the FBI and other agencies such as ICE, so he answers his government cell phone on a regular basis. Additionally CBP (b) (6), (b) (7)(C), (b) (7)(E)

receives calls from all over the country as well as some international calls, but all calls are supposed to be from other state or federal law enforcement entities.

- The (b) (7)(E) owner of the cell phone began to call CBP (b) (6), (b) (7)(C), (b) (7)(E) several times from the time the one cell phone was detained on September 3, 2018, until the (b) (7)(E) Border Security Coordinator advised (b) (7)(E) management that they needed to contact the (b) (7)(E) owner of the cell phone and provide him with the name and contact number for a (b) (7)(E) manager in lieu of CBP (b) (6), (b) (7)(C), (b) (7)(E)
- Once CBP (b) (6), (b) (7)(C), (b) (7)(E) began to recognize the phone number being used by the (b) (7)(E) he did not answer calls coming from that phone number, however the (b) (7)(E) then began to use alternate phone numbers to call CBP (b) (6), (b) (7)(C), (b) (7)(E) so he would answer the phone not knowing it was him. Additionally, the (b) (7)(E) attorney began to call CBP (b) (6), (b) (7)(C), (b) (7)(E) inquiring about the status of the (b) (7)(E) cell phone.
- CBP (b) (6), (b) (7)(C), (b) (7)(E) did not provide his government cell phone number to the (b) (7)(E) His government cell phone number was provided by an unknown person at (b) (7)(E)
- On the final phone call received from the (b) (7)(E) which occurred around 1700 on the evening of September 05, 2018 (prior to him being contacted by (b) (7)(E) with the name and contact number of a (b) (7)(E) manager for the media detention), the (b) (7)(E) asked CBPO (b) (6), (b) (7)(C), (b) (7)(E) about the detention of electronic media process. CBP (b) (6), (b) (7)(C), (b) (7)(E) stated that he should have received a Tear Sheet with that information. The (b) (7)(E) stated he had not received such a Tear Sheet, and that he had been provided CBP (b) (6), (b) (7)(C), (b) (7)(E) government cell phone number by CBPO (b) (6), (b) (7)(C) and was told by CBPO (b) (6), (b) (7)(C) that he should call CBP (b) (6), (b) (7)(C), (b) (7)(E) 24/7 with any questions regarding his detained cell phone.
- The official report in (b) (7)(E) states in the Remarks that a BSI Tear Sheet was provided to the subject, and also marked “Y – Yes” as the answer to the field “Tear Sheet Provided?” on the (b) (7)(E)
- The act of CBPO (b) (6), (b) (7)(C) providing CBP (b) (6), (b) (7)(C), (b) (7)(E) government cell phone number to the (b) (7)(E) is a severe violation of CBP policy:
 - CBPO (b) (6), (b) (7)(C) gave a known (b) (7)(E) direct access to a CBP (b) (7)(E) TFO.
 - This direct access compromised CBP (b) (6), (b) (7)(C), (b) (7)(E) government cell phone number to the point where it had to be changed to a different phone number due to the (b) (7)(E) and his attorney calling him so much.
 - CBP (b) (6), (b) (7)(C), (b) (7)(E) personal safety was jeopardized by providing the (b) (7)(E) with this direct access. His location could be established by tracing the cell phone signal, which would have led to CBP (b) (6), (b) (7)(C), (b) (7)(E) domicile.
 - This direct access jeopardized CBP (b) (6), (b) (7)(C), (b) (7)(E) role as a (b) (7)(E) TFO, had the (b) (7)(E) realized what level of information CBP (b) (6), (b) (7)(C), (b) (7)(E) has access to as a TFO. The February 16, 2007 CBP Directive #3340-039, “U.S. Customs and Border Protection (b) (7)(E) states that the CBP (b) (7)(E) TFO’s role is to support the FBI (b) (7)(E) to advance CBP’s priority antiterrorism mission and to increase interagency effectiveness in countering terrorism. Per section 6.6.5 of the CBP (b) (7)(E) Directive, “CBP TFOs assigned to the (b) (7)(E) will receive their direction for activities from an FBI Supervisory Special Agent”, and are more vulnerable than a regular CBP Officer due to involvement in investigations and access to intelligence and Top Secret and Sensitive Compartmented Information.

- This direct access jeopardized the safety of CBP (b) (6), (b) (7)(C), (b) (7)(E) spouse (b) (6), (b) (7)(C) who is a CBP Officer Program Manager assigned to the (b) (7)(E)
- This direct access caused a significant amount of constant stress for CBP (b) (6), (b) (7)(C), (b) (7)(E) and his spouse, (b) (6), (b) (7)(C) and continues to be a great source of stress on a daily basis due to the leaked information about the government cell phone.
- The fact that CBPO (b) (6), (b) (7)(C) specifically told the (b) (7)(E) to call CBP (b) (6), (b) (7)(C), (b) (7)(E) 24/7 was a retaliatory measure because CBPO (b) (6), (b) (7)(C) did not like CBP (b) (6), (b) (7)(C), (b) (7)(E) telling him that (b) (7)(E) should be the ones to detain the (b) (7)(E) cell phone.
- CBPO (b) (6), (b) (7)(C) is an experienced CBP Officer who has been at (b) (7)(E) for many years and, as a long-time TTRT officer, has even been to HQ to present TTRT-related information. He also has access to some of the high level information that CBP (b) (6), (b) (7)(C), (b) (7)(E) does regarding (b) (7)(E). Having that full knowledge of what these (b) (7)(E) are capable of and being an experienced TTRT officer, it was a complete betrayal of the trust that CBP officers, especially CBP (b) (7)(E) TFOs, should be able to have in each other as a team, and even worse was an aggressive and deliberate act that CBPO (b) (6), (b) (7)(C) did as retaliation against CBP (b) (6), (b) (7)(C), (b) (7)(E) with the intention to cause harm to him and his spouse. Letting CBPO (b) (6), (b) (7)(C) continue working in a TTRT capacity, let alone as a CBP Officer, puts all officers who work with him in jeopardy and must be addressed to ensure that it does not happen again. CBP Officers work in a sensitive and dangerous environment where they need to be able to rely on each other 100%, and CBP (b) (6), (b) (7)(C) actions could jeopardize the mission of the agency to protect the country from terrorism.
- Prior to the arrival of the (b) (7)(E) CBP (b) (6), (b) (7)(C), (b) (7)(E) made contact via phone and email with (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) to confirm the inspections, and go over the possibility of the CBP equipment failing. During both the verbal and email exchange, (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) stated that if the CBP equipment did fail, then there would be reason for detainment to send the phone to the CBP Lab for full extraction. The reason why (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) pressured CBP (b) (6), (b) (7)(C), (b) (7)(E) to do the detainment outside of (b) (7)(E) authority was confusing.
- SCBPO (b) (6), (b) (7)(C) is equally responsible for CBPO (b) (6), (b) (7)(C) actions. As the approving supervisor on the (b) (7)(E) SCBPO (b) (6), (b) (7)(C) allowed the officer who generated the (b) (7)(E) CBPO (b) (6), (b) (7)(C) to document that “The one cell phone was detained by CBP/FBI (b) (6), (b) (7)(C), (b) (7)(E) for further examination” (which again compromises CBP (b) (6), (b) (7)(C), (b) (7)(E) position as a TFO if he had been trying to remain anonymous for investigative purposes, plus it is incorrect because (b) (7)(E) was the one that should have detained the media), and also deliberately chose to improperly document in the “Item Details” screen of the (b) (7)(E) that the only Action performed by (b) (7)(E) officers with the one cell phone was the Logical Examination. CBPO Program Manager (b) (6), (b) (7)(C) provided guidance to SCBPO (b) (6), (b) (7)(C) on September 18, 2018, via e-mail, on how to correctly document the detention, extension, and return of the one cell phone to the traveler on the Item Details screen to match what was stated in the Remarks, however SCBPO (b) (6), (b) (7)(C) chose to disregard this guidance and approved the (b) (7)(E) without including Actions regarding the detention of the media. As an experienced Supervisory CBP Officer and long time SCBPO overseeing TTRT at (b) (7)(E) which has one of the highest volumes of electronic media inspections in the country, the only explanation for not making the appropriate modifications to hold (b) (7)(E) responsible for the electronic media detention is due to (b) (7)(E) holding CBP (b) (6), (b) (7)(C), (b) (7)(E) completely responsible for the detention of the media. Because WC (b) (6), (b) (7)(C) had made the comment that (b) (7)(E) TTRT were the experts at phone detainment, this appears to be in support of CBPO (b) (6), (b) (7)(C) retaliatory act of providing the (b) (7)(E) with CBP (b) (6), (b) (7)(C), (b) (7)(E) government cell phone number.
- In addition, once the phone had been sent out and returned to (b) (7)(E) a Blu Ray Disc with the contents of the search was also returned to the port. That disc had the name of the person it had been detained from as well

as (b) (6), (b) (7)(C) marked as the case agent. Per a FedEx Tracking number that was provided at a later time, it was discovered that the disc had been received by (b) (7)(E) on September 12. The information on the disc was crucial, and the fact that CBP (b) (6), (b) (7)(C), (b) (7)(E) was not informed of the disc was harmful to the case. Because proper tracking was not done in (b) (7)(E) and due to the lack of communication from the airport about the status of the phone, it was not discovered that the phone had been returned to the subject until well after it had been. The request for the Disc went out as normal, however due to several unforeseen circumstances such as the lack of funding to send the disc, the information that was sent not being complete, and a general delay in the return, IF CBP (b) (6), (b) (7)(C), (b) (7)(E) had been provided the disc when it arrived on 9/12/2018, FBI (b) (7)(E) would not have had the extreme delay that prevented work moving forward.

- Also, as stated, SCBP (b) (6), (b) (7)(C) had not followed the correct documentation of the Cell Phone even after direction, however when it came time for the Disc to be given to CBP (b) (6), (b) (7)(C), (b) (7)(E) SCBPO (b) (6), (b) (7)(C) went against what he had previously said to Program Manager (b) (6), (b) (7)(C) and instead of meeting CBP (b) (6), (b) (7)(C), (b) (7)(E) curbside to give the disc, SCBPO (b) (6), (b) (7)(C) informed that he needed to have CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) come inside the airport office to sign the original Detention form. When asked why the form had to be signed because the form was for the Iphone, not the disc, SCBPO (b) (6), (b) (7)(C) stated that it has to be done. Due to the extreme urgency of the information contained in the disc to the FBI, CBP (b) (6), (b) (7)(C), (b) (7)(E) did not debate the matter, and signed the form. Because of SCBPO (b) (6), (b) (7)(C) refusal to follow the proper direction for the (b) (7)(E) procedure, but claiming that the original detention form had to be signed, even though that form is for the Iphone that was detained and not the disc, suggests that SCBPO (b) (6), (b) (7)(C) is retaliating against CBP (b) (7)(E) TFO.
- Additionally, in the over two years CBP (b) (6), (b) (7)(C), (b) (7)(E) has been a (b) (7)(E) TFO for the (b) (7)(E) Field Office, he has always been treated differently (very often by SCBPO (b) (6), (b) (7)(C) and Chief (b) (6), (b) (7)(C) than the other CBP (b) (7)(E) TFO, (b) (6), (b) (7)(C) For example, CBP (b) (6), (b) (7)(C), (b) (7)(E) requests and e-mails to (b) (7)(E) managers, specifically SCBPO (b) (6), (b) (7)(C) and Chief (b) (6), (b) (7)(C) go completely ignored, however whenever CBP (b) (6), (b) (7)(C), (b) (7)(E) makes requests or sends e-mails they are answered and answered timely. Additionally the managers at (b) (7)(E) as well as TTRT officers have consistently been hostile to CBP (b) (6), (b) (7)(C), (b) (7)(E) whenever he has been present at (b) (7)(E) even though he is always there specifically for official purposes. As an experienced CBP Officer of 17 years and always being professional, it appears that the reason for this derogatory treatment by (b) (7)(E) staff and management towards CBP (b) (6), (b) (7)(C), (b) (7)(E) verses CBP (b) (6), (b) (7)(C), (b) (7)(E) could only possibly be because of his Hispanic national origin as a Mexican American, since both CBP (b) (6), (b) (7)(C), (b) (7)(E) and CBP (b) (6), (b) (7)(C), (b) (7)(E) are both currently assigned to the (b) (7)(E) Field Office but CBP (b) (6), (b) (7)(C), (b) (7)(E) is Hispanic and receives poor treatment, while CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) is Caucasian, and also now additionally in retaliation for (b) (7)(E) not wanting to be involved with the detention of the (b) (7)(E) cell phone on September 03, 2018.

What is most upsetting is that the port of entry at (b) (7)(E) appears to be in support of CBPO (b) (6), (b) (7)(C) treasonous actions (For lack of a better word). To my knowledge CBPO (b) (6), (b) (7)(C) is still currently a TTRT CBP Officer and has had no disciplinary action taken against him for violating CBP policy and the Standards of Conduct. Such a person who is willing to put not only a regular CBP Officer, but one who has a special role and accesses such as a CBP (b) (7)(E) TFO, in such a potentially harmful and vulnerable position with the highest priority that we are trying to protect our country from, which is terrorists, should not only have his special accesses removed and be off the TTRT special team, but should not be an officer at all. The entire (b) (7)(E) management team as well as all officers involved with TTRT inspections should be investigated because if it is this easy for them to put a CBP (b) (7)(E) TFO in danger, what other actions have they been taking in violation of policy and against fellow CBP officers?

I respectfully request that CBPO (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) be investigated in regards to this September 03, 2018 cell phone examination of a (b) (7)(E) as well as for their actions that have hindered CBP (b) (7)(E) TFO (b) (6), (b) (7)(C) from performing the duties of the position. Attached are the emails that I have on file in regards to

that event as well as others which support the difference in treatment between CBP (b) (6), (b) (7)(C), (b) (7)(E) and CBP (b) (6), (b) (7)(C), (b) (7)(E)

I will be out of town starting tomorrow but will return on Tuesday October 23rd to answer any questions.

Respectfully submitted.

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

(b) (7)(E) TFO

U.S. Customs and Border Protection
Field Operations (b) (7)(E)

(b) (7)(E)

FBI (b) (7)(E)

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

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

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

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

Email:

Email:

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(b) (7)(E)

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY
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STAR WITNESS - AUDIO/VIDEO

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

November 23, 2018

Original DVD is in OPR SAC, (b) (7)(E)

Case Folder (b) (7)(E)

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(b) (7)(E)

EXHIBIT 3

DEPARTMENT OF HOMELAND SECURITY
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O F F I C I A L U S E O N L Y



Inspection of Electronic Devices

Why You May Be Chosen for an Inspection

You may be subject to an inspection for a variety of reasons, some of which include: your travel documents are incomplete or you do not have the proper documents or visa; you have previously violated one of the laws CBP enforces; you have a name that matches a person of interest in one of the government's enforcement databases; or you have been selected for a random search.

If you are subject to inspection, you should expect to be treated in a courteous, dignified, and professional manner. As the border is a law enforcement environment, CBP officers may not be able to answer all of your questions about an examination that is underway. If you have questions or concerns, you may ask to speak with a CBP supervisor.

Authority to Search

All persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection, search and detention. This is because CBP officers must determine the 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. CBP is charged with enforcing various laws that authorize such searches and detention (see, for example, 8 U.S.C. §§ 1225 and 1357, and 19 U.S.C. §§ 482, 507, 1461, 1496, 1499, 1581, 1582, and 1595a(d), 22 U.S.C. § 401, and 31 U.S.C. § 5317, as well as the attending regulations of U.S. Customs and Border Protection promulgated at Titles 8 and 19 of the Code of Federal Regulations).

What Happens Now?

You are receiving this sheet because your electronic device(s) have been detained for further examination, possibly including copying data contained in the device. The CBP Officer who approved the detention will speak with you and explain the process. You will receive a completed Form 6051-D, which is a written receipt detailing the item(s) that are being detained and who at CBP will be your point of contact and how to contact this person. To facilitate the return of your property within a reasonable time, you must provide a telephone number that will be recorded on the Form 6051-D.

For your convenience, some airport locations have dedicated Passenger Service Managers who are available in addition to the onsite supervisor to address any concerns you may have. Should you have additional questions or concerns, please contact the telephone number provided on the form.

Return or Seizure of Detained Electronic Device(s)

CBP will contact you by telephone when the examination of your electronic device(s) is complete and to notify you that you may pick-up the item(s) during regular business hours from the location where the item(s) were detained. If it is impractical for you to pick up your device, CBP can make arrangements to ship your device to you at our expense. CBP may retain documents or information relating to immigration, customs, and other enforcement matters if such retention is consistent with the privacy and data protection standards of the system in which such information is retained. Otherwise, if there is no probable cause to seize the information after review, CBP will not retain any copies of the information.

If CBP determines that the device is subject to seizure under law—for example, if the device contains evidence of a crime, contraband or other prohibited or restricted items or information—then you will be notified of the seizure as well as your options to contest it through the local CBP Fines, Penalties, and Forfeitures Office.

Continued ➡



Privacy and Civil Liberties Protection

In conducting border searches, CBP officers strictly adhere to all constitutional and statutory requirements, including those that are applicable to privileged, personal, or business confidential information. CBP has strict oversight policies and procedures that implement these constitutional and statutory safeguards. Further information on DHS and CBP privacy policy can be found at www.dhs.gov/privacy.

The DHS Office for Civil Rights and Civil Liberties investigates complaints alleging a violation by DHS employees of an individual's civil rights or civil liberties. Additional information about the Office is available at www.dhs.gov/topic/civil-rights-and-civil-liberties.

Additional information on CBP's search authority, including a copy of CBP's policy on the border search of information, can be found at: www.cbp.gov/travel/cbp-search-authority.

DHS Travel Redress Inquiry Program (DHS TRIP)

The U.S. Department of Homeland Security's Travel Redress Inquiry Program (DHS TRIP) provides a single portal for travelers who have inquiries or seek resolution regarding difficulties they experienced during travel screening or while crossing U.S. borders, including possible watch list misidentification issues. To initiate an inquiry, please log on to DHS TRIP's interactive website at: www.dhs.gov/trip. There you will be prompted to describe your particular concerns and experience, provide contact information to which a response will be directed, and be assigned a case number to help you monitor the progress of your inquiry. In addition, depending on your inquiry, documentation may be required.

CBP INFO Center

This office responds to general or specific questions or concerns about CBP examinations. You may contact us in any one of three ways:

Telephone: During the hours of 8:30 a.m. to 5 p.m. Eastern time:

(202) 325-8000

(877) 227-5511 (toll-free call for U.S. callers)

(703) 526-4200 (international callers)

(866) 880-6582 (TDD)

Online: Through the "Questions" tab at:

<http://www.cbp.gov>

Mail address format:

CBP INFO Center, MS 1345

1300 Pennsylvania Avenue NW

Washington, DC 20229

Privacy Act Statement

Pursuant to 5 U.S.C. § 552a (e)(3), this Privacy Act Statement serves to inform you of the following concerning the possible collection of information from your electronic device.

AUTHORITY and PURPOSE: See above, Authority to Search.

ROUTINE USES: The subject information may be made available to other agencies for investigation and/or for obtaining assistance relating to jurisdictional or subject matter expertise, or for translation, decryption, or other technical assistance. This information may also be made available to assist in border security and intelligence activities, domestic law enforcement and the enforcement of other crimes of a transnational nature, and shared with elements of the federal government responsible for analyzing terrorist threat information.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: Collection of this information is mandatory at the time that CBP or ICE seeks to copy information from the electronic device. Failure to provide information to assist CBP or ICE in the copying of information from the electronic device may result in its detention and/or seizure.

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(b) (7)(E)

EXHIBIT 4

DEPARTMENT OF HOMELAND SECURITY
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OFFICE OF PROFESSIONAL RESPONSIBILITY
O F F I C I A L U S E O N L Y

Detention Notice and Custody Receipt for Detained Property

BLOCK DESCRIPTIONS (Fill in all sections that apply)

- | | |
|--|---|
| 1. Held for other agency | Enter an "X" in the appropriate box to indicate yes or no. If yes, provide agency name. |
| 2. Certified Mail No. | Enter number from Post Office receipt. |
| 3. Investigative Case No. | Enter OI Investigative Case Number or IA File Number Only. |
| 4. General Order No. | Enter the 15 digit General Order Number. |
| 5. Exodus Command Center | Enter an "X" on the appropriate box to indicate yes or no. If yes, provide date and time. (Export detentions only) |
| 6. Port Code | Enter the Port Code. |
| 7. Date of Detention | Enter date of detention in month/day/year. |
| 8. Time | Enter time of incident in 24-hour format (e.g. 1600). |
| 9. Entry No. | Enter the Entry Number. |
| 10. Detained from | Enter the name, address and telephone number of the person whose property has been detained. |
| 11. Seal or Other ID No. | Enter Baggage Claim Number, Evidence Bag Number, DHS seal, or any other identification attached to the property. |
| 12. Misc. Nos. | Enter other agency case number, for example. |
| 13. Remarks | Enter any remarks which may be relevant or which may be of assistance in storing or maintaining the property. Reference any previous DHS 6051D number. |
| 14. FPF No. | Enter the FPF Number. (For DHS Lab Use Only) |
| 15. Point of Contact Information | Enter the local CBP office, SAIC, Port, or FPF address and telephone number, as appropriate. |
| 16. Additional Information | Enter the information and/or action request from party-in-interest. |
| 17. Reason for Detention | Enter explanation of why the item(s) is/are being detained. |
| 18. Tests or Inquiries to be Conducted | Enter the process being conducted to determine if item(s) is/are in violation. |
| 19. Property | Enter information in items 19a through 19f. |
| 19a. Line Item No. | Enter group items by tariff number or SEACATS category code. Line item number corresponds to the line item number in SEACATS. |
| 19b. Description | Enter brief description of detained item. |
| 19c. Packages | Enter the number and type of packaging containing the property. (e.g. BX=box, BA=bale, EN=envelope) |
| 19d. Measurement | The block contains the quantity of the detained item given in the units of measure entered in the Unit of Measurement block. For NARCOTICS, the net weight is entered. |
| 19e. Estimated Domestic Value | Enter the estimated domestic value of the item seized. |
| 19f. Samples Sent to Lab | Enter an "X" in the box to determine if a sample was sent to the DHS Lab and list the date sent. |
| 20. Detaining Officer Name | Enter printed name of detaining officer, sign and date (first officer taking custody of the property). This initiates the Chain of Custody for all items described in Block 19. Signature is for ALL line items, including any DHS 6051A continuation sheet(s). |
| 21. Acceptance/Chain of Custody | |
| 21a. Line Item No. | Enter the line item number(s) from Block 19 being accepted. (e.g. 1,2,3 and 5; or 1-3, 5) |
| 21b. Description | Enter item(s) being accepted. The word "ALL" or equivalent is NOT acceptable. |
| 21c. Print Name | Enter the name/title/organization of the individual accepting custody of item(s). |
| 21d. Signature | Have individual accepting custody of item(s) sign in this block. |
| 21e. Date | Enter date custody is accepted. |

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(b) (7)(E)

EXHIBIT 5

DEPARTMENT OF HOMELAND SECURITY
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U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 3340-049A

DATE: January 4, 2018

ORIGINATING OFFICE: FO:TO

SUPERSEDES: Directive 3340-049

REVIEW DATE: January 2021

SUBJECT: BORDER SEARCH OF ELECTRONIC DEVICES

1 PURPOSE. To provide guidance and standard operating procedures for searching, reviewing, retaining, and sharing information contained in computers, tablets, removable media, disks, drives, tapes, mobile phones, cameras, music and other media players, and any other communication, electronic, or digital devices subject to inbound and outbound border searches by U.S. Customs and Border Protection (CBP). These searches are conducted in furtherance of CBP's customs, immigration, law enforcement, and homeland security responsibilities and to ensure compliance with customs, immigration, and other laws that CBP is authorized to enforce and administer.

These searches are part of CBP's longstanding practice and are essential to enforcing the law at the U.S. border and to protecting border security. They help detect evidence relating to terrorism and other national security matters, human and bulk cash smuggling, contraband, and child pornography. They can also reveal information about financial and commercial crimes, such as those relating to copyright, trademark, and export control violations. They can be vital to risk assessments that otherwise may be predicated on limited or no advance information about a given traveler or item, and they can enhance critical information sharing with, and feedback from, elements of the federal government responsible for analyzing terrorist threat information. Finally, searches at the border are often integral to a determination of an individual's intentions upon entry and provide additional information relevant to admissibility under the immigration laws.

2 POLICY

2.1 CBP will protect the rights of individuals against unreasonable search and seizure and ensure privacy protections while accomplishing its enforcement mission.

2.2 All CBP Officers, Border Patrol Agents, Air and Marine Agents, Office of Professional Responsibility Agents, and other officials authorized by CBP to perform border searches shall adhere to the policy described in this Directive and any implementing policy memoranda or musters.

2.3 This Directive governs border searches of electronic devices -- including any inbound or outbound search pursuant to longstanding border search authority and conducted at the physical border, the functional equivalent of the border, or the extended border, consistent with law and agency policy. For purposes of this Directive, this excludes actions taken to determine if a device functions (e.g., turning a device on and off); or actions taken to determine if physical contraband is concealed within the device itself; or the review of information voluntarily provided by an individual in an electronic format (e.g., when an individual shows an e-ticket on an electronic device to an Officer, or when an alien proffers information to establish admissibility). This Directive does not limit CBP's authority to conduct other lawful searches of electronic devices, such as those performed pursuant to a warrant, consent, or abandonment, or in response to exigent circumstances; it does not limit CBP's ability to record impressions relating to border encounters; it does not restrict the dissemination of information as required by applicable statutes and Executive Orders.

2.4 This Directive does not govern searches of shipments containing commercial quantities of electronic devices (e.g., an importation of hundreds of laptop computers transiting from the factory to the distributor).

2.5 This Directive does not supersede *Restrictions on Importation of Seditious Matter*, Directive 2210-001A. Seditious materials encountered through a border search should continue to be handled pursuant to Directive 2210-001A or any successor thereto.

2.6 This Directive does not supersede *Processing Foreign Diplomatic and Consular Officials*, Directive 3340-032. Diplomatic and consular officials encountered at the border, the functional equivalent of the border (FEB), or extended border should continue to be processed pursuant to Directive 3340-032 or any successor thereto.

2.7 This Directive applies to searches performed by or at the request of CBP. With respect to searches performed by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agents exercise concurrently-held border search authority that is covered by ICE's own policy and procedures. When CBP detains, seizes, or retains electronic devices, or copies of information therefrom, and conveys such to ICE for analysis, investigation, and disposition (with appropriate documentation), the conveyance to ICE is not limited by the terms of this Directive, and ICE policy will apply upon receipt by ICE.

3 DEFINITIONS

3.1 **Officer.** A Customs and Border Protection Officer, Border Patrol Agent, Air and Marine Agent, Office of Professional Responsibility Special Agent, or any other official of CBP authorized to conduct border searches.

3.2 **Electronic Device.** Any device that may contain information in an electronic or digital form, such as computers, tablets, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players.

3.3 **Destruction.** For electronic records, destruction is deleting, overwriting, or degaussing in compliance with CBP Information Systems Security Policies and Procedures Handbook, CIS HB 1400-05C.

4 **AUTHORITY/REFERENCES.** 6 U.S.C. §§ 122, 202, 211; 8 U.S.C. §§ 1225, 1357, and other pertinent provisions of the immigration laws and regulations; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a(d), and other pertinent provisions of customs laws and regulations; 31 U.S.C. § 5317 and other pertinent provisions relating to monetary instruments; 22 U.S.C. § 401 and other laws relating to exports; Guidelines for Detention and Seizures of Pornographic Materials, Directive 4410-001B; Disclosure of Business Confidential Information to Third Parties, Directive 1450-015; Accountability and Control of Custody Receipt for Detained and Seized Property (CF6051), Directive 5240-005.

The plenary authority of the Federal Government to conduct searches and inspections of persons and merchandise crossing our nation's borders is well-established and extensive; control of the border is a fundamental principle of sovereignty. "[T]he United States, as sovereign, has the inherent authority to protect, and a paramount interest in protecting, its territorial integrity." *United States v. Flores-Montano*, 541 U.S. 149, 153 (2004). "The Government's interest in preventing the entry of unwanted persons and effects is at its zenith at the international border. Time and again, [the Supreme Court has] stated that 'searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border.'" *Id.* at 152-53 (quoting *United States v. Ramsey*, 431 U.S. 606, 616 (1977)). "Routine searches of the persons and effects of entrants [into the United States] are not subject to any requirement of reasonable suspicion, probable cause, or warrant." *United States v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985). Additionally, the authority to conduct border searches extends not only to persons and merchandise entering the United States, but applies equally to those departing the country. *See, e.g., United States v. Boumelhem*, 339 F.3d 414, 422-23 (6th Cir. 2003); *United States v. Oduyayo*, 406 F.3d 386, 391-92 (5th Cir. 2005); *United States v. Oriakhi*, 57 F.3d 1290, 1296-97 (4th Cir. 1995); *United States v. Ezeiruaku*, 936 F.2d 136, 143 (3d Cir. 1991); *United States v. Cardona*, 769 F.2d 625, 629 (9th Cir. 1985); *United States v. Udofot*, 711 F.2d 831, 839-40 (8th Cir. 1983).

As a constitutional matter, border search authority is premised in part on a reduced expectation of privacy associated with international travel. *See Flores-Montano*, 541 U.S. at 154 (noting that "the expectation of privacy is less at the border than it is in the interior"). Persons and merchandise encountered by CBP at the international border are not only subject to inspection under U.S. law, they also have been or will be abroad and generally subject to the legal authorities of at least one other sovereign. *See Boumelhem*, 339 F.3d at 423.

In addition to longstanding federal court precedent recognizing the constitutional authority of the U.S. government to conduct border searches, numerous federal statutes and regulations also authorize CBP to inspect and examine all individuals and merchandise entering or departing the United States, including all types of personal property, such as electronic devices. *See, e.g.,* 8 U.S.C. §§ 1225, 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a; *see also* 19 C.F.R. § 162.6 ("All persons, baggage, and merchandise arriving in the Customs territory of

the United States from places outside thereof are liable to inspection and search by a Customs officer.”). These authorities support CBP’s enforcement and administration of federal law at the border and facilitate the inspection of merchandise and people to fulfill the immigration, customs, agriculture, and counterterrorism missions of the Department. This includes, among other things, the responsibility to “ensure the interdiction of persons and goods illegally entering or exiting the United States”; “detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States”; “safeguard the borders of the United States to protect against the entry of dangerous goods”; “enforce and administer all immigration laws”; “deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband”; and “conduct inspections at [] ports of entry to safeguard the United States from terrorism and illegal entry of persons.” 6 U.S.C. § 211.

CBP must conduct border searches of electronic devices in accordance with statutory and regulatory authorities and applicable judicial precedent. CBP’s broad authority to conduct border searches is well-established, and courts have rejected a categorical exception to the border search doctrine for electronic devices. Nevertheless, as a policy matter, this Directive imposes certain requirements, above and beyond prevailing constitutional and legal requirements, to ensure that the authority for border search of electronic devices is exercised judiciously, responsibly, and consistent with the public trust.

5 PROCEDURES

5.1 Border Searches

5.1.1 Border searches may be performed by an Officer or other individual authorized to perform or assist in such searches (e.g., under 19 U.S.C. § 507).

5.1.2 Border searches of electronic devices may include searches of the information stored on the device when it is presented for inspection or during its detention by CBP for an inbound or outbound border inspection. The border search will include an examination of only the information that is resident upon the device and accessible through the device’s operating system or through other software, tools, or applications. Officers may not intentionally use the device to access information that is solely stored remotely. 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.

5.1.3 **Basic Search.** Any border search of an electronic device that is not an advanced search, as described below, may be referred to as a basic search. In the course of a basic search, with or without suspicion, an Officer may examine an electronic device and may review and analyze information encountered at the border, subject to the requirements and limitations provided herein and applicable law.

5.1.4 Advanced Search. An advanced search is any search in which an Officer connects external equipment, through a wired or wireless connection, to an electronic device not merely to gain access to the device, but to review, copy, and/or analyze its contents. In instances in which there is reasonable suspicion of activity in violation of the laws enforced or administered by CBP, or in which there is a national security concern, and with supervisory approval at the Grade 14 level or higher (or a manager with comparable responsibilities), an Officer may perform an advanced search of an electronic device. Many factors may create reasonable suspicion or constitute a national security concern; examples include the existence of a relevant national security-related lookout in combination with other articulable factors as appropriate, or the presence of an individual on a government-operated and government-vetted terrorist watch list.

5.1.5 Searches of electronic devices will be documented in appropriate CBP systems, and advanced searches should be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire advanced search, or where supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.

5.1.6 Searches of electronic devices should be conducted in the presence of the individual whose information is being examined unless there are national security, law enforcement, officer safety, or other operational considerations that make it inappropriate to permit the individual to remain present. Permitting an individual to remain present during a search does not necessarily mean that the individual shall observe the search itself. If permitting an individual to observe the search could reveal law enforcement techniques or potentially compromise other operational considerations, the individual will not be permitted to observe the search itself.

5.2 Review and Handling of Privileged or Other Sensitive Material

5.2.1 Officers encountering information they identify as, or that is asserted to be, protected by the attorney-client privilege or attorney work product doctrine shall adhere to the following procedures.

5.2.1.1 The Officer shall 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 assist CBP in identifying privileged information.

5.2.1.2 Prior to any border search of files or other materials over which a privilege has been asserted, the Officer will contact the CBP Associate/Assistant Chief Counsel office. In coordination with the CBP Associate/Assistant Chief Counsel office, which will coordinate with the U.S. Attorney's Office as needed, Officers will ensure the segregation of any privileged material from other information examined during a border search to ensure that any privileged material is handled appropriately while also ensuring that CBP accomplishes its critical border security mission. This segregation process will occur through the establishment and employment of a Filter Team composed of legal and operational representatives, or through another appropriate measure with written concurrence of the CBP Associate/Assistant Chief Counsel office.

5.2.1.3 At the completion of the CBP review, unless any materials are identified that indicate an imminent threat to homeland security, copies of materials maintained by CBP and determined to be privileged will be destroyed, except for any copy maintained in coordination with the CBP Associate/Assistant Chief Counsel office solely for purposes of complying with a litigation hold or other requirement of law.

5.2.2 Other possibly sensitive information, such as medical records and work-related information carried by journalists, shall be handled in accordance with any applicable federal law and CBP policy. Questions regarding the review of these materials shall be directed to the CBP Associate/Assistant Chief Counsel office, and this consultation shall be noted in appropriate CBP systems.

5.2.3 Officers encountering business or commercial information in electronic devices shall treat such information as business confidential information and shall protect that information from unauthorized disclosure. Depending on the nature of the information presented, the Trade Secrets Act, the Privacy Act, and other laws, as well as CBP policies, may govern or restrict the handling of the information. Any questions regarding the handling of business or commercial information may be directed to the CBP Associate/Assistant Chief Counsel office or the CBP Privacy Officer, as appropriate.

5.2.4 Information that is determined to be protected by law as privileged or sensitive will only be shared with agencies or entities that have mechanisms in place to protect appropriately such information, and such information will only be shared in accordance with this Directive.

5.3 Review and Handling of Passcode-Protected or Encrypted Information

5.3.1 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 presented with an electronic device containing information that is protected by a passcode or encryption or other security mechanism, an Officer may request the individual's assistance in presenting the electronic device and the information contained therein in a condition that allows inspection of the device and its contents. Passcodes or other means of access may be requested and retained as needed to facilitate the examination of an electronic device or information contained on an electronic device, including information on the device that is accessible through software applications present on the device that is being inspected or has been detained, seized, or retained in accordance with this Directive.

5.3.2 Passcodes and other means of access obtained during the course of a border inspection will only be utilized to facilitate the inspection of devices and information subject to border search, will be deleted or destroyed when no longer needed to facilitate the search of a given device, and may not be utilized to access information that is only stored remotely.

5.3.3 If an Officer is unable to complete an inspection of an electronic device because it is protected by a passcode or encryption, the Officer may, in accordance with section 5.4 below, detain the device pending a determination as to its admissibility, exclusion, or other disposition.

5.3.4 Nothing in this Directive limits CBP's ability, with respect to any device presented in a manner that is not readily accessible for inspection, to seek technical assistance, or to use external equipment or take other reasonable measures, or in consultation with the CBP Associate/Assistant Chief Counsel office to pursue available legal remedies, to render a device in a condition that allows for inspection of the device and its contents.

5.4 Detention and Review in Continuation of Border Search of Information

5.4.1 Detention and Review by CBP

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. Devices must be presented in a manner that allows CBP to inspect their contents. Any device not presented in such a manner may be subject to exclusion, detention, seizure, or other appropriate action or disposition.

5.4.1.1 Approval of and Time Frames for Detention. Supervisory approval is required for detaining electronic devices, or copies of information contained therein, for continuation of a border search after an individual's departure from the port or other location of detention. Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent level manager approval is required to extend any such detention beyond five (5) days. Extensions of detentions exceeding fifteen (15) days must be approved by the Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent manager, and may be approved and re-approved in increments of no more than seven (7) days. Approvals for detention and any extension thereof shall be noted in appropriate CBP systems.

5.4.1.2 Destruction. Except as noted in section 5.5 or elsewhere in this Directive, if after reviewing the information pursuant to the time frames discussed in section 5.4, there is no probable cause to seize the device or the information contained therein, any copies of the information held by CBP must be destroyed, and any electronic device must be returned. Upon this determination, the copy of the information will be destroyed as expeditiously as possible, but no later than seven (7) days after such determination unless circumstances require additional time, which must be approved by a supervisor and documented in an appropriate CBP system and which must be no later than twenty-one (21) days after such determination. The destruction shall be noted in appropriate CBP systems.

5.4.1.3 Notification of Border Search. When a border search of information is conducted on an electronic device, the individual subject to search will be notified of the purpose and authority for such search, how the individual may obtain more information on reporting concerns about their search, and how the individual may seek redress from the agency if he or she feels aggrieved by a search. If the Officer or other appropriate CBP official determines that the fact of conducting this search cannot be disclosed to the individual transporting the device without

impairing national security, law enforcement, officer safety, or other operational interests, notification may be withheld.

5.4.1.4 Custody Receipt. If CBP determines it is necessary to detain temporarily an electronic device to continue the search, the Officer detaining the device shall issue a completed Form 6051D to the individual prior to the individual's departure.

5.4.2 Assistance

Officers may request assistance that may be needed to access and search an electronic device and the information stored therein. Except with respect to assistance sought within CBP or from ICE, the following subsections of 5.4.2 govern requests for assistance.

5.4.2.1 Technical Assistance. Officers may sometimes need technical assistance to render a device and its contents in a condition that allows for inspection. For example, Officers may encounter a device or information that is not readily accessible for inspection due to encryption or password protection. Officers may also require translation assistance to inspect information that is in a foreign language. In such situations, Officers may convey electronic devices or copies of information contained therein to seek technical assistance.

5.4.2.2 Subject Matter Assistance – With Reasonable Suspicion or National Security Concern. Officers may encounter information that requires referral to subject matter experts to determine the meaning, context, or value of information contained therein as it relates to the laws enforced or administered by CBP. Therefore, Officers may convey electronic devices or copies of information contained therein for the purpose of obtaining subject matter assistance when there is a national security concern or they have reasonable suspicion of activities in violation of the laws enforced or administered by CBP.

5.4.2.3 Approvals for Seeking Assistance. Requests for assistance require supervisory approval and shall be properly documented and recorded in CBP systems. If an electronic device is to be detained after the individual's departure, the Officer detaining the device shall execute a Form 6051D and provide a copy to the individual prior to the individual's departure. All transfers of the custody of the electronic device will be recorded on the Form 6051D.

5.4.2.4 Electronic devices should be transferred only when necessary to render the requested assistance. Otherwise, a copy of data from the device should be conveyed in lieu of the device in accordance with this Directive.

5.4.2.5 When an electronic device or information contained therein is conveyed for assistance, the individual subject to search will be notified of the conveyance unless the Officer or other appropriate CBP official determines, in consultation with the receiving agency or other entity as appropriate, that notification would impair national security, law enforcement, officer safety, or other operational interests. If CBP seeks assistance for counterterrorism purposes, if a relevant national security-related lookout applies, or if the individual is on a government-operated and government-vetted terrorist watch list, the individual will not be notified of the conveyance, the existence of a relevant national security-related lookout, or his or her presence on a watch list.

When notification is made to the individual, the Officer will annotate the notification in CBP systems and on the Form 6051D.

5.4.3 Responses and Time for Assistance

5.4.3.1 Responses Required. Agencies or entities receiving a request for assistance in conducting a border search are expected to provide such assistance as expeditiously as possible. Where subject matter assistance is requested, responses should include all appropriate findings, observations, and conclusions relating to the laws enforced or administered by CBP.

5.4.3.2 Time for Assistance. Responses from assisting agencies or entities are expected in an expeditious manner so that CBP may complete the border search in a reasonable period of time. Unless otherwise approved by the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager, responses should be received within fifteen (15) days. If the assisting agency or entity is unable to respond in that period of time, the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager may permit extensions in increments of seven (7) days.

5.4.3.3 Revocation of a Request for Assistance. If at any time a CBP supervisor involved in a request for assistance is not satisfied with the assistance provided, the timeliness of assistance, or any other articulable reason, the request for assistance may be revoked, and the CBP supervisor may require the assisting agency or entity to return to CBP all electronic devices provided, and any copies thereof, as expeditiously as possible, except as noted in 5.5.2.3. Any such revocation shall be documented in appropriate CBP systems. When CBP has revoked a request for assistance because of the lack of a timely response, CBP may initiate the request with another agency or entity pursuant to the procedures outlined in this Directive.

5.4.3.4 Destruction. Except as noted in section 5.5.1 below or elsewhere in this Directive, if after reviewing information, probable cause to seize the device or the information from the device does not exist, CBP will retain no copies of the information.

5.5 Retention and Sharing of Information Found in Border Searches

5.5.1 Retention and Sharing of Information Found in Border Searches

5.5.1.1 Retention with Probable Cause. Officers may seize and retain an electronic device, or copies of information from the device, when, based on a review of the electronic device encountered or on other facts and circumstances, they determine there is probable cause to believe that the device, or copy of the contents from the device, contains evidence of a violation of law that CBP is authorized to enforce or administer.

5.5.1.2 Retention of Information in CBP Privacy Act-Compliant Systems. Without probable cause to seize an electronic device or a copy of information contained therein, CBP may retain only information relating to immigration, customs, and other enforcement matters if such retention is consistent with the applicable system of records notice. For example, information

collected in the course of immigration processing for the purposes of present and future admissibility of an alien may be retained in the A-file, Central Index System, TECS, and/or E3 or other systems as may be appropriate and consistent with the policies governing such systems.

5.5.1.3 Sharing Generally. Nothing in this Directive limits the authority of CBP to share copies of information contained in electronic devices (or portions thereof), which are retained in accordance with this Directive, with federal, state, local, and foreign law enforcement agencies to the extent consistent with applicable law and policy.

5.5.1.4 Sharing of Terrorism Information. Nothing in this Directive is intended to limit the sharing of terrorism-related information to the extent the sharing of such information is authorized by statute, Presidential Directive, or DHS policy. Consistent with 6 U.S.C. § 122(d)(2) and other applicable law and policy, CBP, as a component of DHS, will promptly share any terrorism information encountered in the course of a border search with entities of the federal government responsible for analyzing terrorist threat information. In the case of such terrorism information sharing, the entity receiving the information will be responsible for providing CBP with all appropriate findings, observations, and conclusions relating to the laws enforced by CBP. The receiving entity will be responsible for managing retention and disposition of information it receives in accordance with its own legal authorities and responsibilities.

5.5.1.5 Safeguarding Data During Storage and Conveyance. CBP will appropriately safeguard information retained, copied, or seized under this Directive and during conveyance. Appropriate safeguards include keeping materials in locked cabinets or rooms, documenting and tracking copies to ensure appropriate disposition, and other safeguards during conveyance such as password protection or physical protections. Any suspected loss or compromise of information that contains personal data retained, copied, or seized under this Directive must be immediately reported to the CBP Office of Professional Responsibility and to the Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager.

5.5.1.6 Destruction. Except as noted in this section or elsewhere in this Directive, if after reviewing information, there exists no probable cause to seize the information, CBP will retain no copies of the information.

5.5.2 Retention by Agencies or Entities Providing Technical or Subject Matter Assistance

5.5.2.1 During Assistance. All electronic devices, or copies of information contained therein, provided to an assisting agency or entity may be retained for the period of time needed to provide the requested assistance to CBP or in accordance with section 5.5.2.3 below.

5.5.2.2 Return or Destruction. CBP will request that at the conclusion of the requested assistance, all information be returned to CBP as expeditiously as possible, and that the assisting agency or entity advise CBP in accordance with section 5.4.3 above. In addition, the assisting agency or entity should destroy all copies of the information conveyed unless section 5.5.2.3 below applies. In the event that any electronic devices are conveyed, they must not be destroyed;

they are to be returned to CBP unless seized by an assisting agency based on probable cause or retained per 5.5.2.3.

5.5.2.3 Retention with Independent Authority. If an assisting federal agency elects to continue to retain or seize an electronic device or information contained therein, that agency assumes responsibility for processing the retention or seizure. Copies may be retained by an assisting federal agency only if and to the extent that it has the independent legal authority to do so – for example, when the information relates to terrorism or national security and the assisting agency is authorized by law to receive and analyze such information. In such cases, the retaining agency should advise CBP of its decision to retain information under its own authority.

5.6 Reporting Requirements

5.6.1 The Officer performing the border search of information shall be responsible for completing all after-action reporting requirements. This responsibility includes ensuring the completion of all applicable documentation such as the Form 6051D when appropriate, and creation and/or updating records in CBP systems. Reports are to be created and updated in an accurate, thorough, and timely manner. Reports must include all information related to the search through the final disposition including supervisory approvals and extensions when appropriate.

5.6.2 In instances where an electronic device or copy of information contained therein is forwarded within CBP as noted in section 5.4.1, the receiving Officer is responsible for recording all information related to the search from the point of receipt forward through the final disposition.

5.6.3 Reporting requirements for this Directive are in addition to, and do not replace, any other applicable reporting requirements.

5.7 Management Requirements

5.7.1 The duty supervisor shall ensure that the Officer completes a thorough inspection and that all notification, documentation, and reporting requirements are accomplished.

5.7.2 The appropriate CBP second-line supervisor shall approve and monitor the status of the detention of all electronic devices or copies of information contained therein.

5.7.3 The appropriate CBP second-line supervisor shall approve and monitor the status of the transfer of any electronic device or copies of information contained therein for translation, decryption, or subject matter assistance from another agency or entity.

5.7.4 The Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager shall establish protocols to monitor the proper documentation and recording of searches conducted pursuant to this Directive and the detention, transfer, and final disposition of electronic devices or copies of

information contained therein in order to ensure compliance with the procedures outlined in this Directive.

5.7.5 Officers will ensure, in coordination with field management as appropriate, that upon receipt of any subpoena or other request for testimony or information regarding the border search of an electronic device in any litigation or proceeding, notification is made to the appropriate CBP Associate/Assistant Chief Counsel office.

6 MEASUREMENT. CBP Headquarters will continue to develop and maintain appropriate mechanisms to ensure that statistics regarding border searches of electronic devices, and the results thereof, can be generated from CBP systems using data elements entered by Officers pursuant to this Directive.

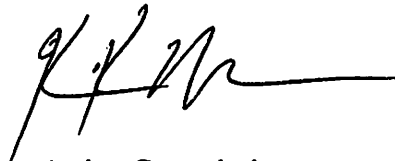
7 AUDIT. CBP Management Inspection will develop and periodically administer an auditing mechanism to review whether border searches of electronic devices are being conducted in conformity with this Directive.

8 NO PRIVATE RIGHT CREATED. This Directive is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.

9 REVIEW. This Directive shall be reviewed and updated, as necessary, at least every three years.

10 DISCLOSURE. This Directive may be shared with the public.

11 SUPERSEDES. Procedures for Border Search/Examination of Documents, Paper, and Electronic Information (July 5, 2007) and Policy Regarding Border Search of Information (July 16, 2008), to the extent they pertain to electronic devices; CBP Directive No. 3340-049, Border Searches of Electronic Devices Containing Information (August 20, 2009).



Acting Commissioner

O F F I C I A L U S E O N L Y
D E P A R T M E N T O F H O M E L A N D S E C U R I T Y
U . S . C U S T O M S A N D B O R D E R P R O T E C T I O N
O F F I C E O F P R O F E S S I O N A L R E S P O N S I B I L I T Y



(b) (7)(E)

EXHIBIT 6

D E P A R T M E N T O F H O M E L A N D S E C U R I T Y
U . S . C U S T O M S A N D B O R D E R P R O T E C T I O N
O F F I C E O F P R O F E S S I O N A L R E S P O N S I B I L I T Y
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)

December 17, 2018

Original DVD is in OPR SAC/ (b) (7)(E)

Case Folder # (b) (7)(E)

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 7

DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY
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)

December 19, 2018

Original DVD is in OPR SAC, (b) (7)(E)

Case Folder # (b) (7)(E)

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 PROFESSIONAL RESPONSIBILITY
O F F I C I A L U S E O N L Y

STAR WITNESS - AUDIO/VIDEO

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

December 19, 2018

Original DVD is in OPR SAC/(b) (7)(E)

Case Folder # (b) (7)(E)

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 PROFESSIONAL RESPONSIBILITY
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)


December 21, 2018

Original DVD is in OPR SAC/(b) (7)(E)

Case Folder # (b) (7)(E)

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		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/1610 General Misconduct-Other Non-criminal (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC CBPO, USC complaint regarding an electronic media inspection, (b) (7)(E)		
<p>9. SYNOPSIS</p> <p>On November 27, 2018, the Joint Intake Center (JIC), Washington, D.C., received an email and attachments from Supervisory U.S. Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E). SCBPO (b) (6), (b) (7)(C) reported on November 19, 2018, passenger (b) (6), (b) (7)(C) a U.S. citizen (USC), requested a supervisor following his CBP inspection. SCBPO (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) had been inspected by the Tactical Terrorism Response Team (TTRT) as the result of an (b) (6), (b) (7)(C), (b) (7)(E) inspection included electronic media, which in this case, was a cellular phone. (b) (6), (b) (7)(C) questioned CBP's authority to inspect electronic media and the reason for CBP's use of airplane mode while conducting the inspection. (b) (6), (b) (7)(C) was advised, use of airplane mode was to ensure only data contained on the device was inspected. During CBP inspection, CBPO (b) (6), (b) (7)(C) (b) (7)(E) momentarily turned the airplane mode off.</p>		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 27-NOV-2018	14. ORIGIN OFFICE Joint Intake Center
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	13. APPROVED DATE 28-NOV-2018	15. TELEPHONE NUMBER No Phone Number
<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>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>001</p>
<p>10. NARRATIVE</p> <p>DETAILS OF INVESTIGATION:</p> <p>On November 27, 2018, the Joint Intake Center (JIC), Washington, D.C., received an email and attachments from Supervisory U.S. Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E). SCBPO (b) (6), (b) (7)(C) reported on November 19, 2018, at (b) (7)(E) (b) (7)(E) passenger (b) (6), (b) (7)(C) a U.S. citizen (USC), requested a supervisor following his CBP inspection. SCBPO (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) had been inspected by the Tactical Terrorism Response Team (TTRT) as the result of an (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) inspection included electronic media, which in this case, was a cellular phone. (b) (6), (b) (7)(C) questioned CBP's authority to inspect electronic media and the reason for CBP's use of airplane mode while conducting the inspection. (b) (6), (b) (7)(C) was advised, use of airplane mode was to ensure only data contained on the device was inspected. (b) (6), (b) (7)(C) then showed SCBPO (b) (6), (b) (7)(C) a Snapchat notification on his phone, claiming it was received while CBP conducted the inspection and it should have been in airplane mode. (b) (6), (b) (7)(C) advised CBP will be hearing from his lawyer.</p> <p>During CBP inspection, CBPO (b) (6), (b) (7)(C), (b) (7)(E) momentarily turned the airplane mode off. CBPO (b) (6), (b) (7)(C) reported he did not conduct any of the inspection while airplane mode was off.</p> <p>The following is a re-creation of the email SCBPO (b) (6), (b) (7)(C) submitted to the JIC. No changes have been made to grammar, punctuation or spelling.</p> <p><BEGIN></p> <p>Good Morning,</p> <p>I am reporting an incident that occurred on November 19, 2018 at (b) (7)(E) (b) (7)(E)</p> <p>As the Supervisor on duty, I spoke with US citizen passenger (b) (6), (b) (7)(C) after he requested a Supervisor. The subject had been inspected by TTRT as the result of an (b) (7)(E) (b) (7)(E) Part of this inspection included an inspection of the electronic media, which in this case was a cellular phone.</p> <p>The subject asked questions about CBP's authority to inspect electronic media and the reason for the use of airplane mode when CBP conducts their inspection. I explained that this was to ensure that only the data contained on the device was inspected, so that information located remotely was</p>	

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

10. NARRATIVE

not inadvertently reviewed. The subject then proceeded to show me a notification on his phone from Snapchat that he claimed was received while the phone was with CBP and should have been in airplane mode. The subject claimed the only way this could have occurred was that the phone was taken out of airplane mode during the inspection. I indicated that this would be investigated further. I provided my full name and badge number, as well as the inspecting Officer's last names to the subject and he departed indicating that CBP would be "hearing from his lawyer".

I questioned the TTRT Officers that completed the inspection regarding the possibility of the phone being taken out of airplane mode. CBPO (b) (6), (b) (7)(C) had completed the interview on the subject, however CBPO (b) (6), (b) (7)(C) assisted and had completed the electronic media inspection. CBPO (b) (6), (b) (7)(C) indicated to me that the phone had been momentarily taken out of airplane mode. Upon realizing this mistake, airplane mode was immediately turned back on, and the inspection was completed. CBPO (b) (6), (b) (7)(C) indicated that the phone was not inspected while airplane mode was off.


I requested memos from both CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) regarding this incident. CCTV footage is not available for this as the electronic media was inspected outside of the interview rooms. I spoke with CBPO (b) (6), (b) (7)(C) reminding him of the need to strictly adhere to the policy regarding the inspection of electronic media. I also sent out a reminder to the TTRT about the use. I am notifying the Joint Intake Center as per Section 5.5.1.5 of CBP directive 3340-049A, Border Search of Electronic Devices (attached). This Section states:

Any suspected loss or compromised of information that contains personal data retained, copied, or seized under this Directive must be immediately reported the CBP Office of Professional Responsibility and to the Port Director...


Should you require anything further from me, please do not hesitate to ask.

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

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

10. NARRATIVE
<END>

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	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: JOINT INTAKE
Cc: (b) (6), (b) (7)(C)
Subject: Electronic Media Inspection - 11/19/2018
Date: Tuesday, November 27, 2018 4:36:38 AM
Attachments: SCBPO (b) (6), (b) (7)(C) Memo.pdf
(b) (6), (b) (7)(C) Memo.pdf
(b) (6), (b) (7)(C) Memo.pdf
image001.jpg
CBP Directive 3340-049A Border Search of Electronic Devices Jan 04 2018.pdf

Good Morning,

I am reporting an incident that occurred on November 19, 2018 at (b) (7)(E)
(b) (7)(E)

As the Supervisor on duty, I spoke with US citizen passenger (b) (6), (b) (7)(C) after he requested a Supervisor. The subject had been inspected by TTRT as the result of an (b) (7)(E) Part of this inspection included an inspection of the electronic media, which in this case was a cellular phone.

The subject asked questions about CBP's authority to inspect electronic media and the reason for the use of airplane mode when CBP conducts their inspection. I explained that this was to ensure that only the data contained on the device was inspected, so that information located remotely was not inadvertently reviewed. The subject then proceeded to show me a notification on his phone from Snapchat that he claimed was received while the phone was with CBP and should have been in airplane mode. The subject claimed the only way this could have occurred was that the phone was taken out of airplane mode during the inspection. I indicated that this would be investigated further. I provided my full name and badge number, as well as the inspecting Officer's last names to the subject and he departed indicating that CBP would be "hearing from his lawyer".

I questioned the TTRT Officers that completed the inspection regarding the possibility of the phone being taken out of airplane mode. CBPO (b) (6), (b) (7)(C) had completed the interview on the subject, however CBPO (b) (6), (b) (7)(C) assisted and had completed the electronic media inspection. CBPO (b) (6), (b) (7)(C) indicated to me that the phone had been momentarily taken out of airplane mode. Upon realizing this mistake, airplane mode was immediately turned back on, and the inspection was completed. CBPO (b) (6), (b) (7)(C) indicated that the phone was not inspected while airplane mode was off.

I requested memos from both CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) regarding this incident. CCTV footage is not available for this as the electronic media was inspected outside of the interview rooms. I spoke with CBPO (b) (6), (b) (7)(C) reminding him of the need to strictly adhere to the policy regarding the inspection of electronic media. I also sent out a reminder to the TTRT about the use. I am notifying the Joint Intake Center as per Section 5.5.1.5 of CBP directive 3340-049A, Border Search of Electronic Devices (attached). This Section states:

Any suspected loss or compromised of information that contains personal data retained, copied, or seized under this Directive must be immediately reported the CBP Office of Professional Responsibility and to the Port Director...

Should you require anything further from me, please do not hesitate to ask.

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)**
Class:

CBP_Badge





**U.S. Customs and Border Protection
U.S. Department of Homeland Security
TECS - Person Query - Detail**

11/27/2018 08:41 EST

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

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INCIDENT NUMBER: (b) (7)(E)

APPROVAL STATUS: Approved

INCIDENT TYPE: (b) (7)(E)

SUMMARY				
Incident Date		Incident Time		
11/19/2018		15:22		
Port Code	Site Code	Location		
(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	B - BLACK OR AFRICAN AMERICAN	N - NOT OF HISPANIC OR LATINO ORIGIN	
Height	Weight	Hair	Eyes	
(b) (6), (b) (7)(C)		BK - BLACK	BR - BROWN	
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
UA - UNITED AIRLINES, INC.	(b) (6), (b) (7)(C)	N - No	(b) (6), (b) (7)(C)	USA - UNITED STATES
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

Subject was previously inspected on 19 Nov 2018 regarding his brother (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E)

The subject was asked to clarify some information about his brother. (b) (6), (b) (7)(C) stated that his brother contacts him by calling from a payphone and through WhatsApp. When asked for contact information for his brother, the subject stated that he did not save it. The subject also stated he does not send his (b) (7)(E) brother money himself but that his parents are the ones who send his (b) (7)(E) brother money. In addition the subject stated that his (b) (7)(E) brother is possibly (b) (6), (b) (7)(C), (b) (7)(E) for his uncle but was not able to clarify his uncle's name or his brother's type of employment at the academy.

(b) (6), (b) (7)(C) stated he has been outside of the U.S. since Friday staying at his cousin, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) house at (b) (6), (b) (7)(C) near the (b) (7)(E) in (b) (7)(E) (Open research shows that the address is possibly (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Subject was not able to provide any contact information for his cousin but stated that he communicates with his cousin through Facebook messenger.



U.S. Customs and Border Protection
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11/27/2018 08:41 EST

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

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Baggage exam was conducted with negative results.

Phone exam was completed with (b) (7)(E) authorized by SCBPO (b) (6), (b) (7)(C) Phone examination revealed that (b) (6), (b) (7)(C) has deleted all phone numbers associated with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) since TTRT exam on 18 Nov 2018. Additional pictures were found on (b) (6), (b) (7)(C) phone of other (b) (7)(E)

Additionally there is evidence that the subject (b) (7)(E) overseas to the (b) (7)(E) along with other people in (b) (7)(E)

(b) (7)(E)

The subject was asked about a conversation he had with his brother in which his brother stated he was no longer speaking to any family. The subject stated that he was not aware of the conversation but that families have fights.

(b) (7)(E) was contacted prior to release, and authorized approval to board flight.

At the conclusion of the interview the subject appeared to be agitated and asked why Officers kept asking about (b) (6), (b) (7)(C) and not his other family. The subject also asked if it was a crime to travel to (b) (7)(E) and asked what his brother did. The subject also stated that his brother has done nothing wrong. Please note that the subject appeared to be (b) (7)(E)

(b) (7)(E) and mentioned at the beginning that he missed his flight the night before. Please see yesterday's inspection for more information on the subject.

(b) (6), (b) (7)(C) electronic media was searched and returned (b) (7)(E) Manual exam of (b) (7)(E) cell phone was conducted for (b) (7)(E) by (b) (7)(E) TTRT, approved by SCBPO (b) (6), (b) (7)(C) Device examined was an iPhone. Device was unlocked by (b) (6), (b) (7)(C) with cellular and data connection disabled by (b) (6), (b) (7)(C) prior to the exam commencing. Airplane mode was momentarily turned off during exam, but was quickly turned back on. No media search was conducted while Airplane mode was turned off. The iPhone was returned to the traveler at the conclusion of the exam. An "Inspection of Electronic Devices Tear sheet" and "Look at the CBP Inspection Process" pamphlet were not provided due to (b) (7)(E)

(b) (7)(E)

The subject then requested to speak with a Supervisor. SCBPO (b) (6), (b) (7)(C) spoke with the subject who was then released.

**Supervisor notes: Subject requested to speak with a Supervisor. SCBPO (b) (6), (b) (7)(C) spoke with the subject and it was brought to the attention of SCBPO (b) (6), (b) (7)(C) that a message was received on the phone while it was in airplane mode. The subject stated this could not have happened unless airplane mode was disabled. Subject was upset about the exam. SCBPO (b) (6), (b) (7)(C) provided his name and badge number, as well as the last names of the inspecting Officers.



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
TECS - Person Query - Detail**

11/27/2018 08:41 EST

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

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SCBPO (b) (6), (b) (7)(C) denied the subject's request for the inspecting Officers first names and badge numbers as the information was not pertinent to the inspection.

SCBPO (b) (6), (b) (7)(C) asked CBPO (b) (6), (b) (7)(C) about the airplane mode status. CBPO (b) (6), (b) (7)(C) indicated that airplane mode was momentarily turned off during exam, but was quickly turned back on, and that no media search was conducted while airplane mode was turned off. This situation is under review by CBP management in (b) (7)(E)



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

November 19, 2018

MEMORANDUM FOR: Supervisory CBPO (b) (6), (b) (7)(C)
FROM: (b) (6), (b) (7)(C)
Customs and Border Protection Officer
Tactical Terrorism Response Team.
SUBJECT: (b) (6), (b) (7)(C)

Subject (b) (6), (b) (7)(C) was encountered on 19 Nov 2018, as a (b) (7)(E) an (b) (7)(E) for association to (b) (7)(E) Subject has been confirmed as the brother of a (b) (7)(E)

Subject (b) (6), (b) (7)(C), (b) (7)(E) following any line of questioning regarding (b) (7)(E) brother.

A basic search of the iPhone was conducted in accordance with CBP Directive No. 3340-049A, device was placed into Airplane Mode and search was authorized by Secondary SCBPO.

Device was momentarily taken off Airplane Mode by myself on the Control Center Screen, but quickly reactivated while having never left the Control Center Screen. At no time was any type of media search conducted, images captured, or data taken with Airplane Mode turned off.

SCBPO was notified of incident, with (b) (7)(E) created stating above mentioned fact.

(b) (7)(E)



U.S. Customs and
Border Protection

DATE: November 19, 2018

FROM:

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

SUBJECT:

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

Today during the course of my duties as a member of TTRT, I encountered subject, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). The subject was previously inspected yesterday on November 18, 2018 by TTRT Officer (b) (6), (b) (7)(C) regarding his brother (b) (6), (b) (7)(C), (b) (7)(E). I verbally interviewed the subject today and clarified some of the questions that were asked yesterday. After completing the interview and baggage exam I asked the subject to unlock his phone and also place it in airplane mode. Officer (b) (6), (b) (7)(C) and I then conducted a manual phone examination. (b) (7)(E) (b) (6), (b) (7)(C) handed the phone to Officer (b) (6), (b) (7)(C) to complete the phone examination and contacted (b) (7)(E) to advise them of the findings. While the phone was in my possession it was only in airplane mode and airplane mode was never turned off. After (b) (7)(E) cleared the subject for release I handed the subject back his passport and cell phone and escorted him out of the TTRT area. While proceeding to the exit the subject requested to speak to a supervisor. SCBPO (b) (6), (b) (7)(C) was briefed on the subject by me. SCBPO (b) (6), (b) (7)(C) then talked to the subject prior to release.



U.S. Customs and
Border Protection

November 19, 2018

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief CBPO

FROM: (b) (6), (b) (7)(C)
Supervisory Customs and Border Protection officer

SUBJECT: Electronic Media Inspection – CBPO (b) (6), (b) (7)(C)

On November 19, 2018 at approximately 1330 hours, CBPO (b) (6), (b) (7)(C) notified me that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) the subject of a TTRT (b) (7)(E) had requested to speak with a Supervisor. I went to speak with (b) (6), (b) (7)(C) who was upset about the inspection process, most especially the electronic media inspection of his cell phone. (b) (6), (b) (7)(C) questioned me about the use of “airplane mode” and CBP’s requirement to utilize this to disable external communications to ensure that data held remotely is not viewed by CBP. I confirmed this process, at which time (b) (6), (b) (7)(C) produced his cell phone, still in “airplane mode”, and claimed that he has received a Snapchat message while the phone was with CBP. (b) (6), (b) (7)(C) stated that this message could have only come through to the phone if “airplane mode” was disabled. (b) (6), (b) (7)(C) claimed his rights had been violated and demanded the full names and badge numbers of myself, CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). I provided my full name and badge number, as well as the last names of CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) denied (b) (6), (b) (7)(C) request for the first names and badge numbers of CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) as it was not pertinent to the inspection or (b) (6), (b) (7)(C) statements about filing a complaint with CBP via his lawyer.

I immediately spoke with CBPO (b) (6), (b) (7)(C) regarding the incident. CBPO (b) (6), (b) (7)(C) stated that “airplane mode” was enabled prior to the inspection commencing. While conducting the inspection, “airplane mode” was momentarily disabled, however almost immediately enabled prior to the continuation of the inspection. CBPO (b) (6), (b) (7)(C) indicated that no data was reviewed on the phone while “airplane mode” was disabled. I requested an (b) (7)(E) as well as to state what had occurred in the (b) (7)(E)

I stressed the importance of electronic media inspection, as well as the importance of ensuring that “airplane mode” be on during the duration of the inspection. CBP Directive Number 3340-049A, Section 5.1.2 was also reviewed, as it appeared to be a violation of this policy.

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

U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 3340-049A

DATE: January 4, 2018

ORIGINATING OFFICE: FO:TO

SUPERSEDES: Directive 3340-049

REVIEW DATE: January 2021

SUBJECT: BORDER SEARCH OF ELECTRONIC DEVICES

1 PURPOSE. To provide guidance and standard operating procedures for searching, reviewing, retaining, and sharing information contained in computers, tablets, removable media, disks, drives, tapes, mobile phones, cameras, music and other media players, and any other communication, electronic, or digital devices subject to inbound and outbound border searches by U.S. Customs and Border Protection (CBP). These searches are conducted in furtherance of CBP's customs, immigration, law enforcement, and homeland security responsibilities and to ensure compliance with customs, immigration, and other laws that CBP is authorized to enforce and administer.

These searches are part of CBP's longstanding practice and are essential to enforcing the law at the U.S. border and to protecting border security. They help detect evidence relating to terrorism and other national security matters, human and bulk cash smuggling, contraband, and child pornography. They can also reveal information about financial and commercial crimes, such as those relating to copyright, trademark, and export control violations. They can be vital to risk assessments that otherwise may be predicated on limited or no advance information about a given traveler or item, and they can enhance critical information sharing with, and feedback from, elements of the federal government responsible for analyzing terrorist threat information. Finally, searches at the border are often integral to a determination of an individual's intentions upon entry and provide additional information relevant to admissibility under the immigration laws.

2 POLICY

2.1 CBP will protect the rights of individuals against unreasonable search and seizure and ensure privacy protections while accomplishing its enforcement mission.

2.2 All CBP Officers, Border Patrol Agents, Air and Marine Agents, Office of Professional Responsibility Agents, and other officials authorized by CBP to perform border searches shall adhere to the policy described in this Directive and any implementing policy memoranda or musters.

2.3 This Directive governs border searches of electronic devices – including any inbound or outbound search pursuant to longstanding border search authority and conducted at the physical border, the functional equivalent of the border, or the extended border, consistent with law and agency policy. For purposes of this Directive, this excludes actions taken to determine if a device functions (e.g., turning a device on and off); or actions taken to determine if physical contraband is concealed within the device itself; or the review of information voluntarily provided by an individual in an electronic format (e.g., when an individual shows an e-ticket on an electronic device to an Officer, or when an alien proffers information to establish admissibility). This Directive does not limit CBP’s authority to conduct other lawful searches of electronic devices, such as those performed pursuant to a warrant, consent, or abandonment, or in response to exigent circumstances; it does not limit CBP’s ability to record impressions relating to border encounters; it does not restrict the dissemination of information as required by applicable statutes and Executive Orders.

2.4 This Directive does not govern searches of shipments containing commercial quantities of electronic devices (e.g., an importation of hundreds of laptop computers transiting from the factory to the distributor).

2.5 This Directive does not supersede *Restrictions on Importation of Seditious Matter*, Directive 2210-001A. Seditious materials encountered through a border search should continue to be handled pursuant to Directive 2210-001A or any successor thereto.

2.6 This Directive does not supersede *Processing Foreign Diplomatic and Consular Officials*, Directive 3340-032. Diplomatic and consular officials encountered at the border, the functional equivalent of the border (FEB), or extended border should continue to be processed pursuant to Directive 3340-032 or any successor thereto.

2.7 This Directive applies to searches performed by or at the request of CBP. With respect to searches performed by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agents exercise concurrently-held border search authority that is covered by ICE’s own policy and procedures. When CBP detains, seizes, or retains electronic devices, or copies of information therefrom, and conveys such to ICE for analysis, investigation, and disposition (with appropriate documentation), the conveyance to ICE is not limited by the terms of this Directive, and ICE policy will apply upon receipt by ICE.

3 DEFINITIONS

3.1 **Officer.** A Customs and Border Protection Officer, Border Patrol Agent, Air and Marine Agent, Office of Professional Responsibility Special Agent, or any other official of CBP authorized to conduct border searches.

3.2 **Electronic Device.** Any device that may contain information in an electronic or digital form, such as computers, tablets, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players.

3.3 **Destruction.** For electronic records, destruction is deleting, overwriting, or degaussing in compliance with CBP Information Systems Security Policies and Procedures Handbook, CIS HB 1400-05C.

4 AUTHORITY/REFERENCES. 6 U.S.C. §§ 122, 202, 211; 8 U.S.C. §§ 1225, 1357, and other pertinent provisions of the immigration laws and regulations; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a(d), and other pertinent provisions of customs laws and regulations; 31 U.S.C. § 5317 and other pertinent provisions relating to monetary instruments; 22 U.S.C. § 401 and other laws relating to exports; Guidelines for Detention and Seizures of Pornographic Materials, Directive 4410-001B; Disclosure of Business Confidential Information to Third Parties, Directive 1450-015; Accountability and Control of Custody Receipt for Detained and Seized Property (CF6051), Directive 5240-005.

The plenary authority of the Federal Government to conduct searches and inspections of persons and merchandise crossing our nation's borders is well-established and extensive; control of the border is a fundamental principle of sovereignty. "[T]he United States, as sovereign, has the inherent authority to protect, and a paramount interest in protecting, its territorial integrity." *United States v. Flores-Montano*, 541 U.S. 149, 153 (2004). "The Government's interest in preventing the entry of unwanted persons and effects is at its zenith at the international border. Time and again, [the Supreme Court has] stated that 'searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border.'" *Id.* at 152-53 (quoting *United States v. Ramsey*, 431 U.S. 606, 616 (1977)). "Routine searches of the persons and effects of entrants [into the United States] are not subject to any requirement of reasonable suspicion, probable cause, or warrant." *United States v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985). Additionally, the authority to conduct border searches extends not only to persons and merchandise entering the United States, but applies equally to those departing the country. *See, e.g., United States v. Boumelhem*, 339 F.3d 414, 422-23 (6th Cir. 2003); *United States v. Odutayo*, 406 F.3d 386, 391-92 (5th Cir. 2005); *United States v. Oriakhi*, 57 F.3d 1290, 1296-97 (4th Cir. 1995); *United States v. Ezeiruaku*, 936 F.2d 136, 143 (3d Cir. 1991); *United States v. Cardona*, 769 F.2d 625, 629 (9th Cir. 1985); *United States v. Udofot*, 711 F.2d 831, 839-40 (8th Cir. 1983).

As a constitutional matter, border search authority is premised in part on a reduced expectation of privacy associated with international travel. *See Flores-Montano*, 541 U.S. at 154 (noting that "the expectation of privacy is less at the border than it is in the interior"). Persons and merchandise encountered by CBP at the international border are not only subject to inspection under U.S. law, they also have been or will be abroad and generally subject to the legal authorities of at least one other sovereign. *See Boumelhem*, 339 F.3d at 423.

In addition to longstanding federal court precedent recognizing the constitutional authority of the U.S. government to conduct border searches, numerous federal statutes and regulations also authorize CBP to inspect and examine all individuals and merchandise entering or departing the United States, including all types of personal property, such as electronic devices. *See, e.g.,* 8 U.S.C. §§ 1225, 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a; *see also* 19 C.F.R. § 162.6 ("All persons, baggage, and merchandise arriving in the Customs territory of

the United States from places outside thereof are liable to inspection and search by a Customs officer.”). These authorities support CBP’s enforcement and administration of federal law at the border and facilitate the inspection of merchandise and people to fulfill the immigration, customs, agriculture, and counterterrorism missions of the Department. This includes, among other things, the responsibility to “ensure the interdiction of persons and goods illegally entering or exiting the United States”; “detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States”; “safeguard the borders of the United States to protect against the entry of dangerous goods”; “enforce and administer all immigration laws”; “deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband”; and “conduct inspections at [] ports of entry to safeguard the United States from terrorism and illegal entry of persons.” 6 U.S.C. § 211.

CBP must conduct border searches of electronic devices in accordance with statutory and regulatory authorities and applicable judicial precedent. CBP’s broad authority to conduct border searches is well-established, and courts have rejected a categorical exception to the border search doctrine for electronic devices. Nevertheless, as a policy matter, this Directive imposes certain requirements, above and beyond prevailing constitutional and legal requirements, to ensure that the authority for border search of electronic devices is exercised judiciously, responsibly, and consistent with the public trust.

5 PROCEDURES

5.1 Border Searches

5.1.1 Border searches may be performed by an Officer or other individual authorized to perform or assist in such searches (e.g., under 19 U.S.C. § 507).

5.1.2 Border searches of electronic devices may include searches of the information stored on the device when it is presented for inspection or during its detention by CBP for an inbound or outbound border inspection. The border search will include an examination of only the information that is resident upon the device and accessible through the device’s operating system or through other software, tools, or applications. Officers may not intentionally use the device to access information that is solely stored remotely. 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.

5.1.3 Basic Search. Any border search of an electronic device that is not an advanced search, as described below, may be referred to as a basic search. In the course of a basic search, with or without suspicion, an Officer may examine an electronic device and may review and analyze information encountered at the border, subject to the requirements and limitations provided herein and applicable law.

5.1.4 **Advanced Search.** An advanced search is any search in which an Officer connects external equipment, through a wired or wireless connection, to an electronic device not merely to gain access to the device, but to review, copy, and/or analyze its contents. In instances in which there is reasonable suspicion of activity in violation of the laws enforced or administered by CBP, or in which there is a national security concern, and with supervisory approval at the Grade 14 level or higher (or a manager with comparable responsibilities), an Officer may perform an advanced search of an electronic device. Many factors may create reasonable suspicion or constitute a national security concern; examples include the existence of a relevant national security-related lookout in combination with other articulable factors as appropriate, or the presence of an individual on a government-operated and government-vetted terrorist watch list.

5.1.5 Searches of electronic devices will be documented in appropriate CBP systems, and advanced searches should be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire advanced search, or where supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.

5.1.6 Searches of electronic devices should be conducted in the presence of the individual whose information is being examined unless there are national security, law enforcement, officer safety, or other operational considerations that make it inappropriate to permit the individual to remain present. Permitting an individual to remain present during a search does not necessarily mean that the individual shall observe the search itself. If permitting an individual to observe the search could reveal law enforcement techniques or potentially compromise other operational considerations, the individual will not be permitted to observe the search itself.

5.2 Review and Handling of Privileged or Other Sensitive Material

5.2.1 Officers encountering information they identify as, or that is asserted to be, protected by the attorney-client privilege or attorney work product doctrine shall adhere to the following procedures.

5.2.1.1 The Officer shall 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 assist CBP in identifying privileged information.

5.2.1.2 Prior to any border search of files or other materials over which a privilege has been asserted, the Officer will contact the CBP Associate/Assistant Chief Counsel office. In coordination with the CBP Associate/Assistant Chief Counsel office, which will coordinate with the U.S. Attorney's Office as needed, Officers will ensure the segregation of any privileged material from other information examined during a border search to ensure that any privileged material is handled appropriately while also ensuring that CBP accomplishes its critical border security mission. This segregation process will occur through the establishment and employment of a Filter Team composed of legal and operational representatives, or through another appropriate measure with written concurrence of the CBP Associate/Assistant Chief Counsel office.

5.2.1.3 At the completion of the CBP review, unless any materials are identified that indicate an imminent threat to homeland security, copies of materials maintained by CBP and determined to be privileged will be destroyed, except for any copy maintained in coordination with the CBP Associate/Assistant Chief Counsel office solely for purposes of complying with a litigation hold or other requirement of law.

5.2.2 Other possibly sensitive information, such as medical records and work-related information carried by journalists, shall be handled in accordance with any applicable federal law and CBP policy. Questions regarding the review of these materials shall be directed to the CBP Associate/Assistant Chief Counsel office, and this consultation shall be noted in appropriate CBP systems.

5.2.3 Officers encountering business or commercial information in electronic devices shall treat such information as business confidential information and shall protect that information from unauthorized disclosure. Depending on the nature of the information presented, the Trade Secrets Act, the Privacy Act, and other laws, as well as CBP policies, may govern or restrict the handling of the information. Any questions regarding the handling of business or commercial information may be directed to the CBP Associate/Assistant Chief Counsel office or the CBP Privacy Officer, as appropriate.

5.2.4 Information that is determined to be protected by law as privileged or sensitive will only be shared with agencies or entities that have mechanisms in place to protect appropriately such information, and such information will only be shared in accordance with this Directive.

5.3 Review and Handling of Passcode-Protected or Encrypted Information

5.3.1 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 presented with an electronic device containing information that is protected by a passcode or encryption or other security mechanism, an Officer may request the individual's assistance in presenting the electronic device and the information contained therein in a condition that allows inspection of the device and its contents. Passcodes or other means of access may be requested and retained as needed to facilitate the examination of an electronic device or information contained on an electronic device, including information on the device that is accessible through software applications present on the device that is being inspected or has been detained, seized, or retained in accordance with this Directive.

5.3.2 Passcodes and other means of access obtained during the course of a border inspection will only be utilized to facilitate the inspection of devices and information subject to border search, will be deleted or destroyed when no longer needed to facilitate the search of a given device, and may not be utilized to access information that is only stored remotely.

5.3.3 If an Officer is unable to complete an inspection of an electronic device because it is protected by a passcode or encryption, the Officer may, in accordance with section 5.4 below, detain the device pending a determination as to its admissibility, exclusion, or other disposition.

5.3.4 Nothing in this Directive limits CBP's ability, with respect to any device presented in a manner that is not readily accessible for inspection, to seek technical assistance, or to use external equipment or take other reasonable measures, or in consultation with the CBP Associate/Assistant Chief Counsel office to pursue available legal remedies, to render a device in a condition that allows for inspection of the device and its contents.

5.4 Detention and Review in Continuation of Border Search of Information

5.4.1 Detention and Review by CBP

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. Devices must be presented in a manner that allows CBP to inspect their contents. Any device not presented in such a manner may be subject to exclusion, detention, seizure, or other appropriate action or disposition.

5.4.1.1 Approval of and Time Frames for Detention. Supervisory approval is required for detaining electronic devices, or copies of information contained therein, for continuation of a border search after an individual's departure from the port or other location of detention. Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent level manager approval is required to extend any such detention beyond five (5) days. Extensions of detentions exceeding fifteen (15) days must be approved by the Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent manager, and may be approved and re-approved in increments of no more than seven (7) days. Approvals for detention and any extension thereof shall be noted in appropriate CBP systems.

5.4.1.2 Destruction. Except as noted in section 5.5 or elsewhere in this Directive, if after reviewing the information pursuant to the time frames discussed in section 5.4, there is no probable cause to seize the device or the information contained therein, any copies of the information held by CBP must be destroyed, and any electronic device must be returned. Upon this determination, the copy of the information will be destroyed as expeditiously as possible, but no later than seven (7) days after such determination unless circumstances require additional time, which must be approved by a supervisor and documented in an appropriate CBP system and which must be no later than twenty-one (21) days after such determination. The destruction shall be noted in appropriate CBP systems.

5.4.1.3 Notification of Border Search. When a border search of information is conducted on an electronic device, the individual subject to search will be notified of the purpose and authority for such search, how the individual may obtain more information on reporting concerns about their search, and how the individual may seek redress from the agency if he or she feels aggrieved by a search. If the Officer or other appropriate CBP official determines that the fact of conducting this search cannot be disclosed to the individual transporting the device without

impairing national security, law enforcement, officer safety, or other operational interests, notification may be withheld.

5.4.1.4 Custody Receipt. If CBP determines it is necessary to detain temporarily an electronic device to continue the search, the Officer detaining the device shall issue a completed Form 6051D to the individual prior to the individual's departure.

5.4.2 Assistance

Officers may request assistance that may be needed to access and search an electronic device and the information stored therein. Except with respect to assistance sought within CBP or from ICE, the following subsections of 5.4.2 govern requests for assistance.

5.4.2.1 Technical Assistance. Officers may sometimes need technical assistance to render a device and its contents in a condition that allows for inspection. For example, Officers may encounter a device or information that is not readily accessible for inspection due to encryption or password protection. Officers may also require translation assistance to inspect information that is in a foreign language. In such situations, Officers may convey electronic devices or copies of information contained therein to seek technical assistance.

5.4.2.2 Subject Matter Assistance – With Reasonable Suspicion or National Security Concern. Officers may encounter information that requires referral to subject matter experts to determine the meaning, context, or value of information contained therein as it relates to the laws enforced or administered by CBP. Therefore, Officers may convey electronic devices or copies of information contained therein for the purpose of obtaining subject matter assistance when there is a national security concern or they have reasonable suspicion of activities in violation of the laws enforced or administered by CBP.

5.4.2.3 Approvals for Seeking Assistance. Requests for assistance require supervisory approval and shall be properly documented and recorded in CBP systems. If an electronic device is to be detained after the individual's departure, the Officer detaining the device shall execute a Form 6051D and provide a copy to the individual prior to the individual's departure. All transfers of the custody of the electronic device will be recorded on the Form 6051D.

5.4.2.4 Electronic devices should be transferred only when necessary to render the requested assistance. Otherwise, a copy of data from the device should be conveyed in lieu of the device in accordance with this Directive.

5.4.2.5 When an electronic device or information contained therein is conveyed for assistance, the individual subject to search will be notified of the conveyance unless the Officer or other appropriate CBP official determines, in consultation with the receiving agency or other entity as appropriate, that notification would impair national security, law enforcement, officer safety, or other operational interests. If CBP seeks assistance for counterterrorism purposes, if a relevant national security-related lookout applies, or if the individual is on a government-operated and government-vetted terrorist watch list, the individual will not be notified of the conveyance, the existence of a relevant national security-related lookout, or his or her presence on a watch list.

When notification is made to the individual, the Officer will annotate the notification in CBP systems and on the Form 6051D.

5.4.3 Responses and Time for Assistance

5.4.3.1 Responses Required. Agencies or entities receiving a request for assistance in conducting a border search are expected to provide such assistance as expeditiously as possible. Where subject matter assistance is requested, responses should include all appropriate findings, observations, and conclusions relating to the laws enforced or administered by CBP.

5.4.3.2 Time for Assistance. Responses from assisting agencies or entities are expected in an expeditious manner so that CBP may complete the border search in a reasonable period of time. Unless otherwise approved by the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager, responses should be received within fifteen (15) days. If the assisting agency or entity is unable to respond in that period of time, the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager may permit extensions in increments of seven (7) days.

5.4.3.3 Revocation of a Request for Assistance. If at any time a CBP supervisor involved in a request for assistance is not satisfied with the assistance provided, the timeliness of assistance, or any other articulable reason, the request for assistance may be revoked, and the CBP supervisor may require the assisting agency or entity to return to CBP all electronic devices provided, and any copies thereof, as expeditiously as possible, except as noted in 5.5.2.3. Any such revocation shall be documented in appropriate CBP systems. When CBP has revoked a request for assistance because of the lack of a timely response, CBP may initiate the request with another agency or entity pursuant to the procedures outlined in this Directive.

5.4.3.4 Destruction. Except as noted in section 5.5.1 below or elsewhere in this Directive, if after reviewing information, probable cause to seize the device or the information from the device does not exist, CBP will retain no copies of the information.

5.5 Retention and Sharing of Information Found in Border Searches

5.5.1 Retention and Sharing of Information Found in Border Searches

5.5.1.1 Retention with Probable Cause. Officers may seize and retain an electronic device, or copies of information from the device, when, based on a review of the electronic device encountered or on other facts and circumstances, they determine there is probable cause to believe that the device, or copy of the contents from the device, contains evidence of a violation of law that CBP is authorized to enforce or administer.

5.5.1.2 Retention of Information in CBP Privacy Act-Compliant Systems. Without probable cause to seize an electronic device or a copy of information contained therein, CBP may retain only information relating to immigration, customs, and other enforcement matters if such retention is consistent with the applicable system of records notice. For example, information

collected in the course of immigration processing for the purposes of present and future admissibility of an alien may be retained in the A-file, Central Index System, TECS, and/or E3 or other systems as may be appropriate and consistent with the policies governing such systems.

5.5.1.3 Sharing Generally. Nothing in this Directive limits the authority of CBP to share copies of information contained in electronic devices (or portions thereof), which are retained in accordance with this Directive, with federal, state, local, and foreign law enforcement agencies to the extent consistent with applicable law and policy.

5.5.1.4 Sharing of Terrorism Information. Nothing in this Directive is intended to limit the sharing of terrorism-related information to the extent the sharing of such information is authorized by statute, Presidential Directive, or DHS policy. Consistent with 6 U.S.C. § 122(d)(2) and other applicable law and policy, CBP, as a component of DHS, will promptly share any terrorism information encountered in the course of a border search with entities of the federal government responsible for analyzing terrorist threat information. In the case of such terrorism information sharing, the entity receiving the information will be responsible for providing CBP with all appropriate findings, observations, and conclusions relating to the laws enforced by CBP. The receiving entity will be responsible for managing retention and disposition of information it receives in accordance with its own legal authorities and responsibilities.

5.5.1.5 Safeguarding Data During Storage and Conveyance. CBP will appropriately safeguard information retained, copied, or seized under this Directive and during conveyance. Appropriate safeguards include keeping materials in locked cabinets or rooms, documenting and tracking copies to ensure appropriate disposition, and other safeguards during conveyance such as password protection or physical protections. Any suspected loss or compromise of information that contains personal data retained, copied, or seized under this Directive must be immediately reported to the CBP Office of Professional Responsibility and to the Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager.

5.5.1.6 Destruction. Except as noted in this section or elsewhere in this Directive, if after reviewing information, there exists no probable cause to seize the information, CBP will retain no copies of the information.

5.5.2 Retention by Agencies or Entities Providing Technical or Subject Matter Assistance

5.5.2.1 During Assistance. All electronic devices, or copies of information contained therein, provided to an assisting agency or entity may be retained for the period of time needed to provide the requested assistance to CBP or in accordance with section 5.5.2.3 below.

5.5.2.2 Return or Destruction. CBP will request that at the conclusion of the requested assistance, all information be returned to CBP as expeditiously as possible, and that the assisting agency or entity advise CBP in accordance with section 5.4.3 above. In addition, the assisting agency or entity should destroy all copies of the information conveyed unless section 5.5.2.3 below applies. In the event that any electronic devices are conveyed, they must not be destroyed;

they are to be returned to CBP unless seized by an assisting agency based on probable cause or retained per 5.5.2.3.

5.5.2.3 Retention with Independent Authority. If an assisting federal agency elects to continue to retain or seize an electronic device or information contained therein, that agency assumes responsibility for processing the retention or seizure. Copies may be retained by an assisting federal agency only if and to the extent that it has the independent legal authority to do so – for example, when the information relates to terrorism or national security and the assisting agency is authorized by law to receive and analyze such information. In such cases, the retaining agency should advise CBP of its decision to retain information under its own authority.

5.6 Reporting Requirements

5.6.1 The Officer performing the border search of information shall be responsible for completing all after-action reporting requirements. This responsibility includes ensuring the completion of all applicable documentation such as the Form 6051D when appropriate, and creation and/or updating records in CBP systems. Reports are to be created and updated in an accurate, thorough, and timely manner. Reports must include all information related to the search through the final disposition including supervisory approvals and extensions when appropriate.

5.6.2 In instances where an electronic device or copy of information contained therein is forwarded within CBP as noted in section 5.4.1, the receiving Officer is responsible for recording all information related to the search from the point of receipt forward through the final disposition.

5.6.3 Reporting requirements for this Directive are in addition to, and do not replace, any other applicable reporting requirements.

5.7 Management Requirements

5.7.1 The duty supervisor shall ensure that the Officer completes a thorough inspection and that all notification, documentation, and reporting requirements are accomplished.

5.7.2 The appropriate CBP second-line supervisor shall approve and monitor the status of the detention of all electronic devices or copies of information contained therein.

5.7.3 The appropriate CBP second-line supervisor shall approve and monitor the status of the transfer of any electronic device or copies of information contained therein for translation, decryption, or subject matter assistance from another agency or entity.

5.7.4 The Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager shall establish protocols to monitor the proper documentation and recording of searches conducted pursuant to this Directive and the detention, transfer, and final disposition of electronic devices or copies of

information contained therein in order to ensure compliance with the procedures outlined in this Directive.

5.7.5 Officers will ensure, in coordination with field management as appropriate, that upon receipt of any subpoena or other request for testimony or information regarding the border search of an electronic device in any litigation or proceeding, notification is made to the appropriate CBP Associate/Assistant Chief Counsel office.

6 MEASUREMENT. CBP Headquarters will continue to develop and maintain appropriate mechanisms to ensure that statistics regarding border searches of electronic devices, and the results thereof, can be generated from CBP systems using data elements entered by Officers pursuant to this Directive.

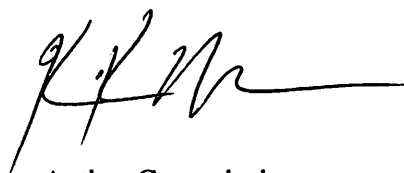
7 AUDIT. CBP Management Inspection will develop and periodically administer an auditing mechanism to review whether border searches of electronic devices are being conducted in conformity with this Directive.

8 NO PRIVATE RIGHT CREATED. This Directive is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.


9 REVIEW. This Directive shall be reviewed and updated, as necessary, at least every three years.


10 DISCLOSURE. This Directive may be shared with the public.


11 SUPERSEDES. Procedures for Border Search/Examination of Documents, Paper, and Electronic Information (July 5, 2007) and Policy Regarding Border Search of Information (July 16, 2008), to the extent they pertain to electronic devices; CBP Directive No. 3340-049, Border Searches of Electronic Devices Containing Information (August 20, 2009).



Acting Commissioner

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p>		<p>1. CASE NUMBER (b) (7)(E)</p>	
		<p>PREPARED BY (b) (6), (b) (7)(C)</p>	
<p style="text-align: center;">REPORT OF INVESTIGATION</p>		<p>2. REPORT NUMBER 001</p>	
		<p>3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1106 Harassment – Hostile Work Environment (b) (7)(E)</p>	
<p>4. FINAL RESOLUTION</p>			
<p>5. STATUS Initial Report</p>	<p>6. TYPE OF REPORT Allegation</p>	<p>7. RELATED CASES (b) (7)(E)</p>	
<p>8. TOPIC CBPO alleged he was subjected to harassment by CBPOs when returning from a (b) (6), (b) (7)(C) trip, (b) (7)(E)</p>			
<p>9. SYNOPSIS 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) (b) (7)(E). 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) (7)(E) MI. 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.</p>			
<p>10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>11. COMPLETION DATE 27-DEC-2018</p>	<p>14. ORIGIN OFFICE Joint Intake Center</p>	
<p>12. APPROVED BY (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>13. APPROVED DATE 28-DEC-2018</p>	<p>15. TELEPHONE NUMBER 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>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	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	

APPENDIX A-2

WEINGARTEN RIGHTS

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

Pursuant to 5 USC §7114(a)(2)(B) you have the right to be represented during the interview about to take place by a person designated by the exclusively recognized labor organization for the unit in which you work, if,

- (a) you reasonably believe that the results of this interview may result in disciplinary action against you; and
- (b) you request representation.

I acknowledge receipt of the aforementioned notification of my right to representation.

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

Signature of Employee

3/12/19
Date

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

Investigator's Name
(Agency representative)

3-12-19
Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

APPENDIX A-3

THIRD PARTY WITNESS INTERVIEW NOTIFICATION

You are not currently the subject of this investigation. However, you may be held responsible for any false statements you make or for any violation of the CBP Code of Conduct that you admit. Therefore, if at any time during the interview you reasonably believe that you may be subjected to discipline as a result of your statements, you may request representation by the exclusively recognized labor organization for the unit in which you work.

I acknowledge receipt of the aforementioned notification of my rights.

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

Signature of Employee

3/12/19

Date

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

Investigator's Name
(Agency representative)

3-12-19

Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

AFFIDAVIT

1. Place of Interview (City, State) (b) (7)(E)		2. Date 3/12/19	3. Time 10:00 a.m.	4. Case Number (b) (7)(E) and
Person Making Statement				
5. Name (b) (6), (b) (7)(C)				
6. Title CBP Officer	7. Series 1895	8. Grade (b) (6), (b) (7)(C)	9. Length of Employment EOD = (b) (6), (b) (7)(C)	10. Office Tel (b) (6), (b) (7)(C)
11. Component CBP/OFO	12. Office Address (b) (7)(E)			
Others Present When Statement is Given				
13. Name (b) (6), (b) (7)(C)		14. Title Fact Finder		
15. Name		16. Title		
17. Statement of Affiant:				

1 I, **(b) (6), (b) (7)(C)** have been notified that whoever knowingly and willfully, falsifies,
2 conceals, or covers up by any trick, scheme, or device a material fact, makes any
3 materially false, fictitious, or fraudulent statement or representation; or, makes or
4 uses any false writing or document knowing the same to contain any materially
5 false, fictitious, or fraudulent statement or entry, can be prosecuted under Title
6 18, United States Code, Section 1001.

7
8 I have been cautioned and understand that any discussion or disclosure of the
9 substance of this interview to unauthorized personnel is prohibited and may
10 result in disciplinary action being taken against me.

11
12 I, **(b) (6), (b) (7)(C)** being duly sworn, do hereby depose and say:

13
14 Q. What is your full name?

15 A. **(b) (6), (b) (7)(C)**

Affiant's Initials **(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

Page 2 of 6

16 Q. Please provide a brief description of your job responsibilities.

17 A. I'm a part of ATU, cargo unit. I started there the first week in October 2018.

18 Q. On December 10, 2018, did you encounter CBP Officers (CBPOs) (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) If yes,
20 please describe.

21 A. That is correct. It was a passenger, coming through the (b) (7)(E) I
22 was returning from personal travel to (b) (6), (b) (7)(C) I met them in pre-primary.
23 I was coming down the hallway, and I saw them. As I got closer, they came
24 toward me. They walked with me to the primary area. I was processed by
25 an officer on primary. As the officer was handing the passport with me,
26 they took it away. As we walked away from the primary booth toward the
27 baggage belt, they walked me toward the exit. As we got closer to the exit,
28 we stopped at an office on the right side. We get inside the office, they ask
29 me for all of my media—my phones, my iPad. At this point I asked what
30 was going on. They said, we've got to talk to you, ask you a few questions
31 about your trip. CBPO (b) (6), (b) (7)(C) said, "You're an affiliate." I responded,
32 "How come, I'm an affiliate? I've been traveling to this location many times
33 and have never had any problems." They said, "You're an affiliate", and
34 that's all they said. If they were processing a civilian, they would say,
35 "You're a person of interest," or something like that. At that point, they
36 asked me for my pass codes for my phones and for an iPad. I had two
37 phones, an iPad, a sim card, and my iWatch. I gave them the codes. Then
38 they, started questioning me. They asked me how long I was on the trip.
39 My answer was 14 days. They asked me why I went to (b) (6), (b) (7)(C) I told
40 them I visit my mom and sisters there. They asked me who I went to visit,
41 and I said my mom and sisters and nieces and nephews. I also met my
42 uncle there. They asked me which group is in charge of the village you are
43 from. I said the group is (b) (6), (b) (7)(C) They asked if anyone reached out to me to
44 recruit me to join their group. I said that if anyone had recruited me, I

Affiant's Initials (b) (6), (b) (7)(C)

O F F I C I A L U S E O N L Y

45 would have informed the U.S. embassy in (b) (6), (b) (7)(C) They asked, "Did you
46 join?" CBPO (b) (6), (b) (7)(C) was asking most of the questions. My answer was no.
47 I was disgusted with the last couple of questions. I took this personally.
48 They asked if anyone had asked me to donate money. I told them that I did
49 not. These are the questions that I remember. Toward the end of the
50 interview, they told me that I did not have to tell anyone at the port about
51 what has happened here. Keep it to yourself. The whole interview was
52 done without supervisors. There was no management there. CBPO
53 (b) (6), (b) (7)(C) opened my carryon bag and went through it completely. About an
54 hour and half later, my checked bag was on the carousel. They took the
55 bag and examined it. About 7:20 or 7:30, they told me they were done.
56 Then they came back and said they were going to detain all of my media for
57 further examination. They gave me a receipt for the items. I was released
58 at 7:30 or 7:35. From the time I landed, this took about 2 hours. I believe
59 the officers did not tell me the whole truth by saying this was (b) (7)(E)
60 (b) (7)(E)

61 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

62 A. Yes. We worked together on the same team—rovers—for a number of
63 years. I helped translate for him. I stopped translating for (b) (6), (b) (7)(C) and
64 (b) (6), (b) (7)(C) about a year ago, due to the methods they use to trap people and
65 the way they ask the questions. They ask passengers, (b) (7)(E)

66 (b) (7)(E)
67 (b) (7)(E) I've seen them refuse entry for a lot of people using this
68 questions. If the person is a U.S. citizen, they will elevate them to a (b) (7)(E) or
69 a (b) (6), (b) (7)(C), (b) (7)(E) will have a passenger for 3 to 4 hours, and 4
70 hours later the passenger is refused, and then they would call me to come
71 translate—after the passenger has been refused. This happened with a
72 lady that (b) (6), (b) (7)(C) had interviewed. (b) (6), (b) (7)(C) asked passengers if
73 they were (b) (7)(E) they associate with (b) (7)(E) and (b) (7)(E)

Affiant's Initials (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

Page 4 of 6

74 they associate with (b) (7)(E) A passenger, who they had asked this
75 question, had said (b) (7)(E) because of the soccer team he supported. This
76 team has 8 or 9 officer, and (b) (6), (b) (7)(C) are the only ones who use
77 these methods.

78 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

79 A. Yes. I worked with him on the rover team for 3 or 4 years. I trained him to
80 be a CTR officer. I was team lead there. And I translated with him multiple
81 times.

82 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

83 A. On December 10, yes. He asked me integrity questions. He hinted to an
84 accusation of affiliation to a terrorist organization. Him talking about my
85 affiliation, I took it as I am a Shia from southern (b) (6), (b) (7)(C) I took it as him
86 implying that I was associated or connected or sympathizing with
87 (b) (7)(E)

88 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

89 A. On December 10, yes. The same thing as above. His line of questioning,
90 Him trying to affiliate me with (b) (7)(E) because I am a Shia from
91 southern (b) (6), (b) (7)(C)

92 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
93 yes, please describe.

94 A. No.

95 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
96 yes, please describe.

97 A. No.

98 Q. Is there anything, in relation to this Administrative Inquiry, about which you
99 have not been asked, you feel is important for CBP to know?

100 A. I would like to add about things that happened afterwards, information I
101 received from officers who reached out to me. I checked CBPO (b) (6), (b) (7)(C)
102 schedule for that day. He was to leave at 1700 hours on December 10,

Affiant's Initials

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

O F F I C I A L U S E O N L Y

103 2018. I believe he stayed beyond the end of his shift to talk to me and to
104 backup (b) (6), (b) (7)(C) on that day. He and (b) (6), (b) (7)(C) do this for each other. They
105 back each other up. (b) (6), (b) (7)(C) bragged to CBPO (b) (6), (b) (7)(C) that he had detained
106 an officer's media. He said that in a joking way. She came to me and told
107 me that. The word has gotten out, the details about them taking my media.
108 Another (b) (6), (b) (7)(C) who talked to CBPO (b) (6), (b) (7)(C) on the TTR team,
109 said that (b) (6), (b) (7)(C) was going to dig deep into my media. I haven't gotten any
110 of my media back. I talked to a supervisor, SCBPO (b) (6), (b) (7)(C) who told me that
111 the interview on December 10 should have been conducted by two officers
112 outside the port with a supervisor present as well. From my experience,
113 when we have an (b) (7)(E)
114 media is not required to be checked. I believe my media was going to be
115 detained from the moment I walked into the room.

116 Q. Do you have anything further to add?

117 A. On January 9, 2019, I went across the border into Canada to have lunch. I
118 was by myself. I line coming back into the United States was long, so I just
119 decided to come back. On the Canadian side, I was shown a shortcut to
120 return to the U.S. I was sent to secondary inspection on the U.S. side for
121 (b) (7)(E) that they have in the system. I was inspected by them. They
122 did a 10 to 15 minute inspection. I was released. They didn't check my
123 phone or anything. They did a car exam and an interview with 2 officers
124 and a supervisor. I would like to recommend that you talk to (b) (6), (b) (7)(C)
125 (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) Also, Officer (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C)

END OF STATEMENT

126
127

128 I have read the foregoing statement consisting of 6 pages, each of which I have initialed
129 or signed. I fully understand this statement and it is true, accurate and complete to the best
130 of my knowledge and belief. I made the corrections shown and placed my initials opposite
131 each. Should I become aware of any additional information regarding the matter for
132 which I provided this statement, I will promptly contact the fact finder and provide such
133 information. I have made this statement freely and voluntarily without any threats,
134 reward or promise of reward having been made to me in return for it.

Affiant's Initials

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

DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

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Subscribed and sworn to before me this
12th day of March,
2019 at (b) (7)(E)

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

(Signature of Affiant)

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

(Signature of Administering Officer)

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

(Printed Name of Administering Officer)

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

(Signature of Witness)

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

(Printed Name of Witness)

Affiant's Initials

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

From: (b) (6), (b) (7)(C)
To:
Subject: Q&A update
Date: Friday, March 15, 2019 8:16:04 PM

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

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.


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) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as (b) (7)(E). This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)
2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about the (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.

There couple new names that might help answer any question about the questionable practices at the TTR team.

1. CBPO (b) (6), (b) (7)(C)
2. CBPO (b) (6), (b) (7)(C)

Thank you.

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

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
REPORT OF INVESTIGATION		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1106 Harassment – Hostile Work Environment (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Memo of Interview	7. RELATED CASES (b) (7)(E)
8. TOPIC Interview of CBPO (b) (6), (b) (7)(C) and subsequent information received.		
9. SYNOPSIS 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) This report documents a March 12, 2019, interview of CBPO (b) (6), (b) (7)(C) and subsequent information received.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR POC	11. COMPLETION DATE 03-APR-2019	14. ORIGIN OFFICE CBP OPR FACT FINDER POC
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) JIC Supervisor	13. APPROVED DATE 08-APR-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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.		
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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

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) at the (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) for 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) (7)(E)] 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) (7)(E) on his trip to (b) (6), (b) (7)(C)
- (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) 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) 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

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

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) they associate with (b) (7)(E) they associate with (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 "Shia from southern (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) with (b) (7)(E) because (b) (6), (b) (7)(C) was a "Shia from southern (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)

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

Sent: Friday, March 15, 2019 8:16 PM

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

Subject: Q&A update

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

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.

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) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as a (b) (7)(E). This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)

2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.

There couple new names that might help answer any question about the questionable practices at the TTR team.


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

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

Thank you.

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

<End>

<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p>  <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>None</p>	

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken

JICMS File # _____ JIC Log # _____

Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

Helpful Numbers

Community and Detainee Helpline (CDH) - (888) 351-4024 (M-F 0800 – 1700)
DOJ EOIR - (800) 898-7180 (immigration court dates, status of hearings)
CIS NCSC - (800) 375-5283 (M-F 0800 – 1800, Case Status, Benefits, etc)
LESC - (855) 448-6903
Detainee locator - www.ice.gov/locator

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from an a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken


JICMS File # _____ JIC Log # _____

Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

Helpful Numbers


Community and Detainee Helpline (CDH) - (888) 351-4024 (M-F 0800 – 1700)
DOJ EOIR - (800) 898-7180 (immigration court dates, status of hearings)
CIS NCSC - (800) 375-5283 (M-F 0800 – 1800, Case Status, Benefits, etc)
LESC - (855) 448-6903
Detainee locator - www.ice.gov/locator

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		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/1106 Harassment – Hostile Work Environment (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC CBPO alleged he was subjected to harassment by CBPOs when returning from a (b) (6), (b) (7)(C) trip, (b) (7)(E)		
9. SYNOPSIS 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) (b) (7)(E). 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) (7)(E) (b) (7)(E). 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.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 27-DEC-2018	14. ORIGIN OFFICE Joint Intake Center
12. APPROVED BY (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	13. APPROVED DATE 28-DEC-2018	15. TELEPHONE NUMBER No Phone Number
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 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001

10. NARRATIVE

None.

<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p>  <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 001</p>
<p>None</p>	

APPENDIX A-2

WEINGARTEN RIGHTS

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

Pursuant to 5 USC §7114(a)(2)(B) you have the right to be represented during the interview about to take place by a person designated by the exclusively recognized labor organization for the unit in which you work, if,

- (a) you reasonably believe that the results of this interview may result in disciplinary action against you; and
- (b) you request representation.

I acknowledge receipt of the aforementioned notification of my right to representation.

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

Signature of Employee

3/12/19
Date

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

Investigator's Name
(Agency representative)

3-12-19
Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

APPENDIX A-3

THIRD PARTY WITNESS INTERVIEW NOTIFICATION

You are not currently the subject of this investigation. However, you may be held responsible for any false statements you make or for any violation of the CBP Code of Conduct that you admit. Therefore, if at any time during the interview you reasonably believe that you may be subjected to discipline as a result of your statements, you may request representation by the exclusively recognized labor organization for the unit in which you work.

I acknowledge receipt of the aforementioned notification of my rights.

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

Signature of Employee

3/12/19

Date

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

Investigator's Name
(Agency representative)

3-12-19

Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

AFFIDAVIT

1. Place of Interview (City, State) (b) (7)(E)		2. Date 3/12/19	3. Time 10:00 a.m.	4. Case Number (b) (7)(E)
Person Making Statement				
5. Name (b) (6), (b) (7)(C)				
6. Title CBP Officer	7. Series 1895	8. Grade (b) (6), (b) (7)(C)	9. Length of Employment (b) (6), (b) (7)(C)	10. Office Tel (b) (6), (b) (7)(C)
11. Component CBP/OFO	12. Office Address (b) (7)(E)			
Others Present When Statement is Given				
13. Name (b) (6), (b) (7)(C)		14. Title Fact Finder		
15. Name		16. Title		
17. Statement of Affiant:				

1 I, **(b) (6), (b) (7)(C)** have been notified that whoever knowingly and willfully, falsifies,
2 conceals, or covers up by any trick, scheme, or device a material fact, makes any
3 materially false, fictitious, or fraudulent statement or representation; or, makes or
4 uses any false writing or document knowing the same to contain any materially
5 false, fictitious, or fraudulent statement or entry, can be prosecuted under Title
6 18, United States Code, Section 1001.

7
8 I have been cautioned and understand that any discussion or disclosure of the
9 substance of this interview to unauthorized personnel is prohibited and may
10 result in disciplinary action being taken against me.

11
12 I, **(b) (6), (b) (7)(C)** being duly sworn, do hereby depose and say:

13
14 Q. What is your full name?

15 A. **(b) (6), (b) (7)(C)**

Affiant's Initials **(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

Page 2 of 6

16 Q. Please provide a brief description of your job responsibilities.

17 A. I'm a part of ATU, cargo unit. I started there the first week in October 2018.

18 Q. On December 10, 2018, did you encounter CBP Officers (CBPOs) (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) at the (b) (7)(E) If yes,
20 please describe.

21 A. That is correct. It was a passenger, coming through the (b) (7)(E) I
22 was returning from personal travel to (b) (6), (b) (7)(C) I met them in pre-primary.
23 I was coming down the hallway, and I saw them. As I got closer, they came
24 toward me. They walked with me to the primary area. I was processed by
25 an officer on primary. As the officer was handing the passport with me,
26 they took it away. As we walked away from the primary booth toward the
27 baggage belt, they walked me toward the exit. As we got closer to the exit,
28 we stopped at an office on the right side. We get inside the office, they ask
29 me for all of my media—my phones, my iPad. At this point I asked what
30 was going on. They said, we've got to talk to you, ask you a few questions
31 about your trip. CBPO (b) (6), (b) (7)(C) said, "You're an affiliate." I responded,
32 "How come, I'm an affiliate? I've been traveling to this location many times
33 and have never had any problems." They said, "You're an affiliate", and
34 that's all they said. If they were processing a civilian, they would say,
35 "You're a person of interest," or something like that. At that point, they
36 asked me for my pass codes for my phones and for an iPad. I had two
37 phones, an iPad, a sim card, and my iWatch. I gave them the codes. Then
38 they, started questioning me. They asked me how long I was on the trip.
39 My answer was 14 days. They asked me why I went to (b) (6), (b) (7)(C) I told
40 them I visit my mom and sisters there. They asked me who I went to visit,
41 and I said my mom and sisters and nieces and nephews. I also met my
42 uncle there. They asked me which group is in charge of the village you are
43 from. I said the group is (b) (6), (b) (7)(C) They asked if anyone reached out to me to
44 recruit me to join their group. I said that if anyone had recruited me, I

Affiant's Initials

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

O F F I C I A L U S E O N L Y

45 would have informed the U.S. embassy in (b) (6), (b) (7)(C). They asked, "Did you
46 join?" CBPO (b) (6), (b) (7)(C) was asking most of the questions. My answer was no.
47 I was disgusted with the last couple of questions. I took this personally.
48 They asked if anyone had asked me to donate money. I told them that I did
49 not. These are the questions that I remember. Toward the end of the
50 interview, they told me that I did not have to tell anyone at the port about
51 what has happened here. Keep it to yourself. The whole interview was
52 done without supervisors. There was no management there. CBPO
53 (b) (6), (b) (7)(C) opened my carryon bag and went through it completely. About an
54 hour and half later, my checked bag was on the carousel. They took the
55 bag and examined it. About 7:20 or 7:30, they told me they were done.
56 Then they came back and said they were going to detain all of my media for
57 further examination. They gave me a receipt for the items. I was released
58 at 7:30 or 7:35. From the time I landed, this took about 2 hours. I believe
59 the officers did not tell me the whole truth by saying this was (b) (7)(E)
60 (b) (7)(E)

61 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

62 A. Yes. We worked together on the same team—rovers—for a number of
63 years. I helped translate for him. I stopped translating for (b) (6), (b) (7)(C) and
64 (b) (6), (b) (7)(C) about a year ago, due to the methods they use to trap people and
65 the way they ask the questions. They ask passengers, (b) (7)(E)

66 (b) (7)(E)

67 (b) (7)(E) I've seen them refuse entry for a lot of people using this
68 questions. If the person is a U.S. citizen, they will elevate them to a (b) (7)(E) or
69 a (b) (6), (b) (7)(C), (b) (7)(E) will have a passenger for 3 to 4 hours, and 4
70 hours later the passenger is refused, and then they would call me to come
71 translate—after the passenger has been refused. This happened with a
72 lady that (b) (6), (b) (7)(C) had interviewed. (b) (6), (b) (7)(C) asked passengers if
73 they were (b) (7)(E) they associate with (b) (7)(E) and (b) (7)(E)

Affiant's Initials (b) (6), (b) (7)(C)

O F F I C I A L U S E O N L Y
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OFFICE OF PROFESSIONAL RESPONSIBILITY

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74 they associate with (b) (7)(E). A passenger, who they had asked this
75 question, had said (b) (7)(E) because of the soccer team he supported. This
76 team has 8 or 9 officer, and (b) (6), (b) (7)(C) are the only ones who use
77 these methods.

78 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

79 A. Yes. I worked with him on the rover team for 3 or 4 years. I trained him to
80 be a CTR officer. I was team lead there. And I translated with him multiple
81 times.

82 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

83 A. On December 10, yes. He asked me integrity questions. He hinted to an
84 accusation of affiliation to a terrorist organization. Him talking about my
85 affiliation, I took it as I am a Shia from southern (b) (6), (b) (7)(C) I took it as him
86 implying that I was associated or connected or sympathizing with
87 (b) (7)(E)

88 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

89 A. On December 10, yes. The same thing as above. His line of questioning,
90 Him trying to affiliate me with (b) (7)(E) because I am a Shia from
91 southern (b) (6), (b) (7)(C)

92 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
93 yes, please describe.

94 A. No.

95 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
96 yes, please describe.

97 A. No.

98 Q. Is there anything, in relation to this Administrative Inquiry, about which you
99 have not been asked, you feel is important for CBP to know?

100 A. I would like to add about things that happened afterwards, information I
101 received from officers who reached out to me. I checked CBPO (b) (6), (b) (7)(C)
102 schedule for that day. He was to leave at 1700 hours on December 10,

Affiant's Initials

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

O F F I C I A L U S E O N L Y

103 2018. I believe he stayed beyond the end of his shift to talk to me and to
104 backup (b) (6), (b) (7)(C) on that day. He and (b) (6), (b) (7)(C) do this for each other. They
105 back each other up. (b) (6), (b) (7)(C) bragged to CBPO (b) (6), (b) (7)(C) that he had detained
106 an officer's media. He said that in a joking way. She came to me and told
107 me that. The word has gotten out, the details about them taking my media.
108 Another (b) (6), (b) (7)(C) who talked to CBPO (b) (6), (b) (7)(C) on the TTR team,
109 said that (b) (6), (b) (7)(C) was going to dig deep into my media. I haven't gotten any
110 of my media back. I talked to a supervisor, SCBPO (b) (6), (b) (7)(C) who told me that
111 the interview on December 10 should have been conducted by two officers
112 outside the port with a supervisor present as well. From my experience,
113 when we have an (b) (7)(E)
114 media is not required to be checked. I believe my media was going to be
115 detained from the moment I walked into the room.

116 Q. Do you have anything further to add?

117 A. On January 9, 2019, I went across the border into Canada to have lunch. I
118 was by myself. I line coming back into the United States was long, so I just
119 decided to come back. On the Canadian side, I was shown a shortcut to
120 return to the U.S. I was sent to secondary inspection on the U.S. side for
121 (b) (7)(E) that they have in the system. I was inspected by them. They
122 did a 10 to 15 minute inspection. I was released. They didn't check my
123 phone or anything. They did a car exam and an interview with 2 officers
124 and a supervisor. I would like to recommend that you talk to (b) (6), (b) (7)(C)
125 (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) Also, Officer (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C)

END OF STATEMENT

126
127
128 I have read the foregoing statement consisting of 6 pages, each of which I have initialed
129 or signed. I fully understand this statement and it is true, accurate and complete to the best
130 of my knowledge and belief. I made the corrections shown and placed my initials opposite
131 each. Should I become aware of any additional information regarding the matter for
132 which I provided this statement, I will promptly contact the fact finder and provide such
133 information. I have made this statement freely and voluntarily without any threats,
134 reward or promise of reward having been made to me in return for it.

Affiant's Initials (b) (6), (b) (7)(C)

DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

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

(Signature of Affiant)

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

(Signature of Administering Officer)

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

(Printed Name of Administering Officer)

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

(Signature of Witness)

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

(Printed Name of Witness)

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Subscribed and sworn to before me this
12th day of March,
2019 at (b) (7)(E)

Affiant's Initials

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

From: (b) (6), (b) (7)(C)
To:
Subject: Q&A update
Date: Friday, March 15, 2019 8:16:04 PM

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

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.


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 The (b) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as a (b) (7)(E). This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)
2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about the (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.

There couple new names that might help answer any question about the questionable practices at the TTR team.

1. CBPO (b) (6), (b) (7)(C)
2. CBPO (b) (6), (b) (7)(C)

Thank you.

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

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
REPORT OF INVESTIGATION		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1106 Harassment – Hostile Work Environment (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Memo of Interview	7. RELATED CASES (b) (7)(E)
8. TOPIC Interview of CBPO (b) (6), (b) (7)(C) and subsequent information received.		
9. SYNOPSIS 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) This report documents a March 12, 2019, interview of CBPO (b) (6), (b) (7)(C) and subsequent information received.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR POC	11. COMPLETION DATE 03-APR-2019	14. ORIGIN OFFICE CBP OPR FACT FINDER POC
12. APPROVED BY (Print Name & Title) (b) (6), (b) (7)(C) JIC Supervisor	13. APPROVED DATE 08-APR-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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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

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) at the (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) for all of his "media"—his phones and iPad. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) said to (b) (6), (b) (7)(C) "You're an affiliate." (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) asked if anyone [from the group (b) (7)(E)] 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) (7)(E) on his trip to (b) (6), (b) (7)(C)

- (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) 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) 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

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

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) they associate with (b) (7)(E) they associate with (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 "Shia from southern (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) with (b) (7)(E) because (b) (6), (b) (7)(C) was a "Shia from southern (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)

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

Sent: Friday, March 15, 2019 8:16 PM

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

Subject: Q&A update

Mr. (b) (6), (b) (7)(C)

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.

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 The (b) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as a (b) (7)(E) This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)

2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.


There couple new names that might help answer any question about the questionable practices at the TTR team.

- 1. CBPO (b) (6), (b) (7)(C)
- 2. CBPO (b) (6), (b) (7)(C)

Thank you.

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

<End>

<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p>  <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>None</p>	

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E). CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken

JICMS File # _____
 JIC Log # _____

Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

Helpful Numbers

Community and Detainee Helpline (CDH) - (888) 351-4024 (M-F 0800 – 1700)
DOJ EOIR - (800) 898-7180 (immigration court dates, status of hearings)
CIS NCSC - (800) 375-5283 (M-F 0800 – 1800, Case Status, Benefits, etc)
LESC - (855) 448-6903
Detainee locator - www.ice.gov/locator

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from an a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken

JICMS File # _____ JIC Log # _____


Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

Helpful Numbers


Community and Detainee Helpline (CDH) - (888) 351-4024 (M-F 0800 – 1700)
DOJ EOIR - (800) 898-7180 (immigration court dates, status of hearings)
CIS NCSC - (800) 375-5283 (M-F 0800 – 1800, Case Status, Benefits, etc)
LESC - (855) 448-6903
Detainee locator - www.ice.gov/locator

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		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/1106 Harassment – Hostile Work Environment (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC CBPO alleged he was subjected to harassment by CBPOs when returning from a (b) (6), (b) (7)(C) trip, (b) (7)(E)		
9. SYNOPSIS 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) (b) (7)(E). 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) (7)(E) (b) (7)(E). 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.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 27-DEC-2018	14. ORIGIN OFFICE Joint Intake Center
12. APPROVED BY (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	13. APPROVED DATE 28-DEC-2018	15. TELEPHONE NUMBER No Phone Number
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>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	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

APPENDIX A-2

WEINGARTEN RIGHTS

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

Pursuant to 5 USC §7114(a)(2)(B) you have the right to be represented during the interview about to take place by a person designated by the exclusively recognized labor organization for the unit in which you work, if,

- (a) you reasonably believe that the results of this interview may result in disciplinary action against you; and
- (b) you request representation.

I acknowledge receipt of the aforementioned notification of my right to representation.

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

Signature of Employee

3/12/19
Date

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

Investigator's Name
(Agency representative)

3-12-19
Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

APPENDIX A-3

THIRD PARTY WITNESS INTERVIEW NOTIFICATION

You are not currently the subject of this investigation. However, you may be held responsible for any false statements you make or for any violation of the CBP Code of Conduct that you admit. Therefore, if at any time during the interview you reasonably believe that you may be subjected to discipline as a result of your statements, you may request representation by the exclusively recognized labor organization for the unit in which you work.

I acknowledge receipt of the aforementioned notification of my rights.

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

Signature of Employee

3/12/19

Date

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

Investigator's Name
(Agency representative)

3-12-19

Date

FACT FINDER

Investigator's Position

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

Investigator's Signature

AFFIDAVIT

1. Place of Interview (City, State) (b) (7)(E)		2. Date 3/12/19	3. Time 10:00 a.m.	4. Case Number (b) (7)(E)
Person Making Statement				
5. Name (b) (6), (b) (7)(C)				
6. Title CBP Officer	7. Series 1895	8. Grade (b) (6), (b) (7)(C)	9. Length of Employment (b) (6), (b) (7)(C)	10. Office Tel (b) (6), (b) (7)(C)
11. Component CBP/OFO	12. Office Address (b) (7)(E)			
Others Present When Statement is Given				
13. Name (b) (6), (b) (7)(C)		14. Title Fact Finder		
15. Name		16. Title		
17. Statement of Affiant:				

1 I, **(b) (6), (b) (7)(C)** have been notified that whoever knowingly and willfully, falsifies,
2 conceals, or covers up by any trick, scheme, or device a material fact, makes any
3 materially false, fictitious, or fraudulent statement or representation; or, makes or
4 uses any false writing or document knowing the same to contain any materially
5 false, fictitious, or fraudulent statement or entry, can be prosecuted under Title
6 18, United States Code, Section 1001.

7
8 I have been cautioned and understand that any discussion or disclosure of the
9 substance of this interview to unauthorized personnel is prohibited and may
10 result in disciplinary action being taken against me.

11
12 I, **(b) (6), (b) (7)(C)** being duly sworn, do hereby depose and say:

13
14 Q. What is your full name?

15 A. **(b) (6), (b) (7)(C)**

Affiant's Initials **(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

Page 2 of 6

16 Q. Please provide a brief description of your job responsibilities.

17 A. I'm a part of ATU, cargo unit. I started there the first week in October 2018.

18 Q. On December 10, 2018, did you encounter CBP Officers (CBPOs) (b) (6), (b) (7)(C)
19 (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) If yes,
20 please describe.

21 A. That is correct. It was a passenger, coming through the (b) (7)(E) I
22 was returning from personal travel to (b) (6), (b) (7)(C) I met them in pre-primary.
23 I was coming down the hallway, and I saw them. As I got closer, they came
24 toward me. They walked with me to the primary area. I was processed by
25 an officer on primary. As the officer was handing the passport with me,
26 they took it away. As we walked away from the primary booth toward the
27 baggage belt, they walked me toward the exit. As we got closer to the exit,
28 we stopped at an office on the right side. We get inside the office, they ask
29 me for all of my media—my phones, my iPad. At this point I asked what
30 was going on. They said, we've got to talk to you, ask you a few questions
31 about your trip. CBPO (b) (6), (b) (7)(C) said, "You're an affiliate." I responded,
32 "How come, I'm an affiliate? I've been traveling to this location many times
33 and have never had any problems." They said, "You're an affiliate", and
34 that's all they said. If they were processing a civilian, they would say,
35 "You're a person of interest," or something like that. At that point, they
36 asked me for my pass codes for my phones and for an iPad. I had two
37 phones, an iPad, a sim card, and my iWatch. I gave them the codes. Then
38 they, started questioning me. They asked me how long I was on the trip.
39 My answer was 14 days. They asked me why I went to (b) (6), (b) (7)(C) I told
40 them I visit my mom and sisters there. They asked me who I went to visit,
41 and I said my mom and sisters and nieces and nephews. I also met my
42 uncle there. They asked me which group is in charge of the village you are
43 from. I said the group is (b) (7)(E) They asked if anyone reached out to me to
44 recruit me to join their group. I said that if anyone had recruited me, I

Affiant's Initials

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

O F F I C I A L U S E O N L Y

45 would have informed the U.S. embassy in (b) (6), (b) (7)(C) They asked, "Did you
46 join?" CBPO (b) (6), (b) (7)(C) was asking most of the questions. My answer was no.
47 I was disgusted with the last couple of questions. I took this personally.
48 They asked if anyone had asked me to donate money. I told them that I did
49 not. These are the questions that I remember. Toward the end of the
50 interview, they told me that I did not have to tell anyone at the port about
51 what has happened here. Keep it to yourself. The whole interview was
52 done without supervisors. There was no management there. CBPO
53 (b) (6), (b) (7)(C) opened my carryon bag and went through it completely. About an
54 hour and half later, my checked bag was on the carousel. They took the
55 bag and examined it. About 7:20 or 7:30, they told me they were done.
56 Then they came back and said they were going to detain all of my media for
57 further examination. They gave me a receipt for the items. I was released
58 at 7:30 or 7:35. From the time I landed, this took about 2 hours. I believe
59 the officers did not tell me the whole truth by saying this was an (b) (7)(E)
60 (b) (7)(E)

61 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

62 A. Yes. We worked together on the same team—rovers—for a number of
63 years. I helped translate for him. I stopped translating for (b) (6), (b) (7)(C) and
64 (b) (6), (b) (7)(C) about a year ago, due to the methods they use to trap people and
65 the way they ask the questions. They ask passengers. (b) (7)(E)

66 (b) (7)(E)
67 (b) (7)(E) I've seen them refuse entry for a lot of people using this
68 questions. If the person is a U.S. citizen, they will elevate them to a (b) (7)(E) or
69 a (b) (6), (b) (7)(C), (b) (7)(F) will have a passenger for 3 to 4 hours, and 4
70 hours later the passenger is refused, and then they would call me to come
71 translate—after the passenger has been refused. This happened with a
72 lady that (b) (6), (b) (7)(C) had interviewed. (b) (6), (b) (7)(C) asked passengers if
73 they were (b) (7)(E) they associate with (b) (7)(E) and (b) (7)(E)

Affiant's Initials (b) (6), (b) (7)(C)

O F F I C I A L U S E O N L Y
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74 they associate with (b) (7)(E) A passenger, who they had asked this
75 question, had said (b) (7)(E) because of the soccer team he supported. This
76 team has 8 or 9 officer, and (b) (6), (b) (7)(C) are the only ones who use
77 these methods.

78 Q. Did you know CBPO (b) (6), (b) (7)(C) prior to this incident? If yes, please describe.

79 A. Yes. I worked with him on the rover team for 3 or 4 years. I trained him to
80 be a CTR officer. I was team lead there. And I translated with him multiple
81 times.

82 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

83 A. On December 10, yes. He asked me integrity questions. He hinted to an
84 accusation of affiliation to a terrorist organization. Him talking about my
85 affiliation, I took it as I am a Shia from southern (b) (6), (b) (7)(C) I took it as him
86 implying that I was associated or connected or sympathizing with
87 (b) (7)(E)

88 Q. Did CBPO (b) (6), (b) (7)(C) harass you? If yes, please describe.

89 A. On December 10, yes. The same thing as above. His line of questioning,
90 Him trying to affiliate me with (b) (7)(E) because I am a Shia from
91 southern (b) (6), (b) (7)(C)

92 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
93 yes, please describe.

94 A. No.

95 Q. Previous to December 10, 2018, had CBPO (b) (6), (b) (7)(C) ever harassed you? If
96 yes, please describe.

97 A. No.

98 Q. Is there anything, in relation to this Administrative Inquiry, about which you
99 have not been asked, you feel is important for CBP to know?

100 A. I would like to add about things that happened afterwards, information I
101 received from officers who reached out to me. I checked CBPO (b) (6), (b) (7)(C)
102 schedule for that day. He was to leave at 1700 hours on December 10,

Affiant's Initials

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

O F F I C I A L U S E O N L Y

103 2018. I believe he stayed beyond the end of his shift to talk to me and to
104 backup (b) (6), (b) (7)(C) on that day. He and (b) (6), (b) (7)(C) do this for each other. They
105 back each other up (b) (6), (b) (7)(C) bragged to CBPO (b) (6), (b) (7)(C) that he had detained
106 an officer's media. He said that in a joking way. She came to me and told
107 me that. The word has gotten out, the details about them taking my media.
108 Another (b) (6), (b) (7)(C) who talked to CBPO (b) (6), (b) (7)(C) on the TTR team,
109 said that (b) (6), (b) (7)(C) was going to dig deep into my media. I haven't gotten any
110 of my media back. I talked to a supervisor, SCBPO (b) (6), (b) (7)(C) who told me that
111 the interview on December 10 should have been conducted by two officers
112 outside the port with a supervisor present as well. From my experience,
113 when we have an (b) (7)(E)
114 media is not required to be checked. I believe my media was going to be
115 detained from the moment I walked into the room.

116 Q. Do you have anything further to add?

117 A. On January 9, 2019, I went across the border into Canada to have lunch. I
118 was by myself. I line coming back into the United States was long, so I just
119 decided to come back. On the Canadian side, I was shown a shortcut to
120 return to the U.S. I was sent to secondary inspection on the U.S. side for
121 (b) (7)(E) that they have in the system. I was inspected by them. They
122 did a 10 to 15 minute inspection. I was released. They didn't check my
123 phone or anything. They did a car exam and an interview with 2 officers
124 and a supervisor. I would like to recommend that you talk to (b) (6), (b) (7)(C)
125 (b) (6), (b) (7)(C) and SCBPO (b) (6), (b) (7)(C) Also, Officer (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C)

END OF STATEMENT

126
127

128 I have read the foregoing statement consisting of 6 pages, each of which I have initialed
129 or signed. I fully understand this statement and it is true, accurate and complete to the best
130 of my knowledge and belief. I made the corrections shown and placed my initials opposite
131 each. Should I become aware of any additional information regarding the matter for
132 which I provided this statement, I will promptly contact the fact finder and provide such
133 information. I have made this statement freely and voluntarily without any threats,
134 reward or promise of reward having been made to me in return for it.

Affiant's Initials (b) (6), (b) (7)(C)

DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

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Subscribed and sworn to before me this
12th day of March,
2019 at (b) (7)(E)

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

(Signature of Affiant)

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

(Signature of Administering Officer)

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

(Printed Name of Administering Officer)

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

(Signature of Witness)

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

(Printed Name of Witness)

Affiant's Initials [Redacted]

From: (b) (6), (b) (7)(C)
To:
Subject: Q&A update
Date: Friday, March 15, 2019 8:16:04 PM

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

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.


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 The (b) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as a (b) (7)(E). This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)
2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about the (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.

There couple new names that might help answer any question about the questionable practices at the TTR team.

1. (b) (6), (b) (7)(C)
2. [REDACTED]

Thank you.

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

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
REPORT OF INVESTIGATION		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1106 Harassment – Hostile Work Environment (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Memo of Interview	7. RELATED CASES (b) (7)(E)
8. TOPIC Interview of CBPO (b) (6), (b) (7)(C) and subsequent information received.		
<p>9. SYNOPSIS</p> <p>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>		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR POC	11. COMPLETION DATE 03-APR-2019	14. ORIGIN OFFICE CBP OPR FACT FINDER POC
12. APPROVED BY (Print Name & Title) (b) (6), (b) (7)(C) JIC Supervisor	13. APPROVED DATE 08-APR-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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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

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) at the (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) for 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) and (b) (6), (b) (7)(C) asked if anyone [from the group (b) (7)(E)] 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) (7)(E) on his trip to (b) (6), (b) (7)(C) (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) 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) 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

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

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) they associate with (b) (7)(E) they associate with (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 "Shia from southern (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) with (b) (7)(E) because (b) (6), (b) (7)(C) was a "Shia from southern (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)

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

Sent: Friday, March 15, 2019 8:16 PM

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

Subject: Q&A update

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

I just wanted to add couple things to my statement. I am sorry after we finished the Q&A and I had more time to read the statement I remembered couple things.

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) (6), (b) (7)(C) earlier and there wasn't (b) (7)(E) on it. At 1600 hours about one an half hour before arrival, my name popped up as a (b) (7)(E). This means that the officers in (b) (7)(E) controlled the time the (b) (7)(E) was entered in the system. (Officer (b) (6), (b) (7)(C) is one of the officers in PAU that worked that day.)

2. On December 14, 2018 about three days after the arrival day, SCBPO (b) (6), (b) (7)(C) stopped me and told me that he did not know about (b) (7)(E) or about me been inspected on December 10, 2018. Supervisor (b) (6), (b) (7)(C) was the OIC at the (b) (7)(E) on December 10, 2018. OIC always makes sure that the (b) (7)(E) is printed and passed out to primary officers.


There couple new names that might help answer any question about the questionable practices at the TTR team.

- 1. CBPO (b) (6), (b) (7)(C)
- 2. CBPO (b) (6), (b) (7)(C)

Thank you.

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

<End>

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>None</p>	

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken

JICMS File # _____ JIC Log # _____

Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

Helpful Numbers

Community and Detainee Helpline (CDH) - (888) 351-4024 (M-F 0800 – 1700)
DOJ EOIR - (800) 898-7180 (immigration court dates, status of hearings)
CIS NCSC - (800) 375-5283 (M-F 0800 – 1800, Case Status, Benefits, etc)
LESC - (855) 448-6903
Detainee locator - www.ice.gov/locator

JOINT INTAKE CENTER – TELEPHONE WORKSHEET

Date 12/26/2018	Time 1000 hours EST	Duty Agent Carter Phone #
Time Sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Arrests, assaults (physical/sexual), bribes, death, discharge of weapon, medical, media, serious injuries, suicide, workplace violence, e.g.

Caller Data

Anonymous
 Detainee
 Source
 Subject
 Victim
 Witness

Name (b) (6), (b) (7)(C)	Phone Number (b) (6), (b) (7)(C)
Language Spoken English	City, State (b) (7)(E)
A#	Facility Name

Information

Allegation
 Management Issue
 Detainee Issue
 Incident
 Other

Briefly Describe (Who/What/Where/When/Why)

On December 26, 2018, at 1000 hours EST, Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) contacted the JIC. According to CBPO (b) (6), (b) (7)(C) on December 10, 2018, he returned from an a trip to (b) (6), (b) (7)(C) and was stopped by CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that the officers harassed him, inquired about his affiliations in (b) (6), (b) (7)(C) and questioned his integrity and loyalty.

CBP
 ERO
 HSI
 Other

Action Taken

JICMS File # _____ JIC Log # _____

Referred To

OIG Duty Agent
 OPR Duty Agent
 CBP IA Duty
 Local ERO
 ERO CDH
 ERO JIC Email
 Other Agency _____

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Detainee locator - www.ice.gov/locator


**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="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 006
3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFICER/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Closing Report	6. TYPE OF REPORT Blue Book	7. RELATED CASES (b) (7)(E)
8. TOPIC Traveler alleged he was abused by CBP because he is Muslim.		
9. SYNOPSIS On April 28, 2019, the Joint Intake Center (JIC), Washington DC, received information from Watch Commander (WC) (b) (6), (b) (7)(C), (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen. (b) (6), (b) (7)(C) alleged he was abused by Customs and Border Protection (CBP) because he is Muslim.		
(b) (6), (b) (7)(C)		11. COMPLETION DATE 23-JAN-2020
(b) (6), (b) (7)(C)		13. APPROVED DATE 23-JAN-2020
Special Agent Supervisor		14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
		15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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(b) (6), (b) (7)(C)



DECLARATION

DECLARATION

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DECLARATION

DECLARATION

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>NARRATIVE</p> <p>DETAILS OF INVESTIGATION</p> <p>ALLEGATION: CBPO (b) (6), (b) (7)(C) conducted a passport inspection of (b) (6), (b) (7)(C) because he is a Muslim; UNFOUNDED.</p> <p>PROSECUTORIAL ACTION: On August 12, 2019, Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C) of the Northern District of Illinois declined prosecution of this case based on insufficient evidence.</p> <p>On April 28, 2019, the JIC, Washington DC, received information from SCBPO (b) (6), (b) (7)(C) (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim. (EXHIBIT 1)</p> <p>On May 2, 2019, this case was assigned to Senior Special Agent (SSA) (b) (6), (b) (7)(C) CBP Office of Professional Responsibility (OPR) SAC (b) (7)(E) for investigation.</p> <p>On May 7, 2019, SSA (b) (6), (b) (7)(C) received a copy of the video surveillance of the incident between (b) (6), (b) (7)(C) and the CBP Officers (CBPOs) that occurred at (b) (7)(E) (b) (7)(C) on April 28, 2019, from WO (b) (6), (b) (7)(C) (EXHIBIT 2)</p> <p>On May 30, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C), (b) (7)(E) interview was audio/video recorded. (EXHIBIT 3)</p> <p>(b) (6), (b) (7)(C) provided the following statements regarding an incident with CBPOs during the deplaning from (b) (6), (b) (7)(C) on April 28, 2019:</p> <p>(b) (6), (b) (7)(C) stated during the deplaning process, he noticed several "immigration" officers, hereafter referred to as CBPOs, between the jet way and the gate. (b) (6), (b) (7)(C) said he could not recall the exact number of CBPOs that were in the area. (b) (6), (b) (7)(C) said the CBPOs yelled "loudly" not in a courteous manner, but "with an aggressive authoritarian approach in a threatening voice" for all of the passengers to open their passports to the picture page. (b) (6), (b) (7)(C) said the CBPO who approached him did not identify himself as a law enforcement officer (LEO) when he approached for passport inspection. (b) (6), (b) (7)(C) said he was confused by some of the CBPOs because they wore "civilian" clothing.</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>(b) (6), (b) (7)(C) said as he was about to provide his passport to one of the CBPOs, he heard another CBPO demand "very aggressively" that the passport should be open to the picture page. (b) (6), (b) (7)(C) reported that he heard the aforementioned command simultaneously as he provided the passport. (b) (6), (b) (7)(C) advised that, as he heard the instruction, he pulled his passport back a "little bit" and attempted to assist the CBPO open it to the appropriate page. (b) (6), (b) (7)(C) said the CBPO immediately claimed that he resisted providing the passport. (b) (6), (b) (7)(C) said he told the CBPO he did not resist, but that he tried to assist and open it to the instructed page. (b) (6), (b) (7)(C) stated that the CBPO insisted that he was resistant and noncompliant. (b) (6), (b) (7)(C) advised that the voices grew louder and "it went from a peaceful interaction into sudden aggression." (b) (6), (b) (7)(C) said the CBPO told him to stand "in the corner." (b) (6), (b) (7)(C) said he asked the CBPOs why he was told stand in the corner. (b) (6), (b) (7)(C) said the CBPOs again instructed him to stand in the corner and he told them, "No" and he asked, "Why is this becoming a big deal?" (b) (6), (b) (7)(C) said he was embarrassed because a number of passengers from the flight observed what happened. (b) (6), (b) (7)(C) described a male CBPO involved in the incident who appeared to be Hispanic as unprofessional, extremely aggressive, and likened him to a "gangster on the street." (b) (6), (b) (7)(C) said the female CBPO was "out of control" and described her behavior as "in your face" and verbally abusive.</p> <p>(b) (6), (b) (7)(C) denied that he told the CBPOs that they did not need to see his passport because he's a US citizen. (b) (6), (b) (7)(C) reported that he voiced his displeasure about the way he was treated, but he did not use foul language nor was he aggressive toward the CBPOs. (b) (6), (b) (7)(C) denied getting physical with the CBPOs during the incident.</p> <p>(b) (6), (b) (7)(C) said the situation escalated very quickly so he told the CBPOs that he wanted to capture what was happening with his cell phone. (b) (6), (b) (7)(C) said he explained to the CBPOs that the way they presented themselves to US citizens and travelers visiting the US was "very scary." (b) (6), (b) (7)(C) said the CBPO asked for his phone. (b) (6), (b) (7)(C) stated that he questioned the CBPO by saying, "You don't have a warrant to take my phone" and refused to give his phone. (b) (6), (b) (7)(C) said the CBPO's name was (b) (6), (b) (7)(C) later identified as CBPO (b) (6), (b) (7)(C) said he was unaware that he could not use his phone during an inspection by CBP.</p> <p>(b) (6), (b) (7)(C) reported one of the CBPOs instructed him to walk down to the end of the gate hallway to wait, but they still had his passport. (b) (6), (b) (7)(C) said as soon as he turned around, the CBPOs made physical contact. (b) (6), (b) (7)(C) said the CBPOs put him into the wall and one of them asked for his phone. (b) (6), (b) (7)(C) described that CBPO as a "chubby" white male who wore a uniform. (b) (6), (b) (7)(C) stated that he told the CBPO, "I don't want to give you my phone." (b) (6), (b) (7)(C) said the CBPO then instructed him not to raise his hands when he talks. (b) (6), (b) (7)(C) advised that this was unfamiliar to him because he's never been arrested and he did not know the protocols for that kind of situation.</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 006

10. NARRATIVE


(b) (6), (b) (7)(C) said he was asked to turn around and face the window **(b) (6), (b) (7)(C)** stated as that happened, he asked the CBPOs to explain what was going on. **(b) (6), (b) (7)(C)** reported that the CBPOs were very loud and he tried to "verbally defend his position."

(b) (6), (b) (7)(C) said the next thing he knew was that his arms were twisted and he had two or more people on his back. **(b) (6), (b) (7)(C)** said every time he tried to turn his head to see what was going on, the CBPOs told him not to move and he was handcuffed. At that point, **(b) (6), (b) (7)(C)** said he would do what they need him to do, but he advised the CBPOs to be careful how they handle him because he has heart disease, a stent, and is on blood thinning medication. **(b) (6), (b) (7)(C)** said he heard one of the CBPOs say that they should take him down and then **(b) (6), (b) (7)(C)** said he was thrown to the ground with multiple people on top of him. **(b) (6), (b) (7)(C)** said while he was on the ground he begged the CBPOs to be careful with him because of his heart condition. **(b) (6), (b) (7)(C)** said the CBPOs were still "yelling and screaming." **(b) (6), (b) (7)(C)** advised that he experienced shortness of breath after being taken to the ground. **(b) (6), (b) (7)(C)** said that the CBPOs began to raise his arms while he was on the ground and **(b) (6), (b) (7)(C)** asked the CBPOs to slow down so he could catch his breath. **(b) (6), (b) (7)(C)** reported that the CBPOs "yielded a little bit", but as they tried to pull him up he told them that he had shortness of breath.

(b) (6), (b) (7)(C) said prior to exiting the gate area he told the CBPOs that he would do whatever they wanted peacefully, but he asked if they could remove the handcuffs to spare humiliation **(b) (6), (b) (7)(C)** said the Hispanic CBPO, the CBPO in uniform and another CBPO who he could not remember escorted him to the CBP holding area. **(b) (6), (b) (7)(C)** said as they made their way through the terminal, he had to stop and ask the CBPOs to slow down because they moved at a pace he described as "running." **(b) (6), (b) (7)(C)** said he asked the CBPOs to "stop running" because they were hurting his shoulders, his wrists, he had shortness of breath, chest pains, and he could feel pain in his joints. **(b) (6), (b) (7)(C)** said he told them that he would comply. **(b) (6), (b) (7)(C)** said he also explained to the CBPOs that he is a surgeon and what was happening could be detrimental to his profession. **(b) (6), (b) (7)(C)** reported that the CBPOs said, "Don't resist!" **(b) (6), (b) (7)(C)** continued and said every time he would say something the CBPO would pull up on his arms which caused more pain.

(b) (6), (b) (7)(C) said he told other passengers in the terminal to take pictures of what was happening to him.

(b) (6), (b) (7)(C) said as they continued through the terminal, he asked the CBPOs if they could stop because he was short of breath, experiencing chest pain, and his wrists were hurting. **(b) (6), (b) (7)(C)** said the CBPOs did not listen.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>006</p>
<p>10. NARRATIVE</p> <p>(b) (6), (b) (7)(C) said they eventually ended up in an "isolated" area and he was "thrown" into a small room where he was patted down. (b) (6), (b) (7)(C) said he was scared because of his concern that his heart would "go out" or he would start to bleed. (b) (6), (b) (7)(C) stated that when he tried to turn his head or orient himself during the patdown search, the CBPOs forced him back to the wall.</p> <p>(b) (6), (b) (7)(C) said when the CBPOs "looked through" his belongings, a female CBPO entered the room. (b) (6), (b) (7)(C) stated that she was "more rude then the men." (b) (6), (b) (7)(C) added that the female CBPO "exerted a lot of power and a lot of force, mentally and psychologically." (b) (6), (b) (7)(C) reported that every time he raised his hand, the female CBPO instructed him not to that because he might be armed, despite having been patted down multiple times. (b) (6), (b) (7)(C) said he advised her that he's a physician and he would not do anything stupid.</p> <p>(b) (6), (b) (7)(C) said he asked for an attorney, but the CBPOs refused his request. (b) (6), (b) (7)(C) stated that he also requested the media and said he "would not leave until the media sees this." (b) (6), (b) (7)(C) said he was fearful for his life and humiliated by what happened. (b) (6), (b) (7)(C) explained that he's traveled internationally and he's never experienced this kind of treatment anywhere else. (b) (6), (b) (7)(C) said he told the CBPOs that he thought he received this kind of treatment because he is an Arab Muslim American. (b) (6), (b) (7)(C) said the CBPOs told him to "shut up" and said, "You can't talk." (b) (6), (b) (7)(C) reported that the CBPOs provided him water when he asked.</p> <p>(b) (6), (b) (7)(C) stated that he while he was in the room the CBPOs removed the handcuffs, but he felt some pain in his wrists. (b) (6), (b) (7)(C) reported that there was blood on both of his wrists where the handcuffs were, also blood on his knee and elbow from being taken to the ground. (b) (6), (b) (7)(C) stated that one of the CBPOs standing at the entrance of the room said, "You are intentionally bleeding yourself" and "you're making yourself bleed so you have a case."</p> <p>(b) (6), (b) (7)(C) said the CBPOs offered him medical attention and he accepted because he wanted evidence to document his injuries. (b) (6), (b) (7)(C) advised that a female Emergency Medical Services (EMS) technician said he was not bleeding and classified the injuries sustained to his wrist as abrasions. (b) (6), (b) (7)(C) said that a male EMS technician took his vital signs, but he declined to go to the hospital. (b) (6), (b) (7)(C) reported that the EMS personnel were hostile towards him and told him that once they leave, they are not coming back.</p> <p>(b) (6), (b) (7)(C) stated that a female CBPO approached him and said she needed to take pictures of his injuries. (b) (6), (b) (7)(C) said he told her that he wanted to take the pictures with his phone. (b) (6), (b) (7)(C) stated that the CBPO told him she would not use his camera and if he refused to allow her to take the pictures, he would be arrested. (b) (6), (b) (7)(C) explained that he was afraid and agreed to let the</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

006

10. NARRATIVE

CBPO take the pictures. (b) (6), (b) (7)(C) said after the pictures were taken, the CBPOs released him. (b) (6), (b) (7)(C) provided pictures he took of the injuries he sustained with his personal cell phone in the car on his way home from the airport. (EXHIBIT 4)

(b) (6), (b) (7)(C) reported that he refused to leave and requested to speak with a supervisory officer to discuss how he was treated during the inspection process. (b) (6), (b) (7)(C) said shortly thereafter, he spoke to WC (b) (6), (b) (7)(C) said WC (b) (6), (b) (7)(C) was the most "polite" and "professional" of all the CBPOs he encountered that day. (b) (6), (b) (7)(C) said he explained what happened from his point of view and described what the CBPOs did to him as "terrorism" because he feared for his life in addition to having his civil rights violated. (b) (6), (b) (7)(C) advised that he refused to leave before speaking to the media and his attorney. (b) (6), (b) (7)(C) indicated he was being stubborn, but he wanted his rights addressed. (b) (6), (b) (7)(C) said the CBPOs threatened to arrest him if he did not leave the area.


(b) (6), (b) (7)(C) said an officer from the (b) (7)(E) arrived. (b) (6), (b) (7)(C) said the (b) (7)(E) officer was Muslim, very polite and spoke to him in Arabic. (b) (6), (b) (7)(C) said he felt the fact that the CBPOs called for a Muslim officer was an extreme bias and the behavior toward him was racially discriminating. (b) (6), (b) (7)(C) advised that the (b) (7)(E) officer instructed him to leave the area, but he wanted to speak with his attorney first. (b) (6), (b) (7)(C) said the CBPOs allowed him to contact his attorney. (b) (6), (b) (7)(C) said while he spoke to his lawyer, the CBPOs kept the door of the room open and "listened" to the conversation despite asserting his attorney/client privacy privilege. (b) (6), (b) (7)(C) stated that his attorney advised him to leave the area and they could discuss what took place another time.

(b) (6), (b) (7)(C) said he has physically recovered, but from a mental and psychological point of view he is scared from what he experienced.

Continuing on May 30, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (6), (b) (7)(C), (b) (7)(E) interview was audio/video recorded. (EXHIBIT 5)

(b) (6), (b) (7)(C) provided the following statements regarding an incident with CBPOs during the deplaning from (b) (6), (b) (7)(C) on April 28, 2019:

(b) (6), (b) (7)(C) said as she exited the plane, she heard approximately four CBPOs yelling, "Open your passport to the picture!" (b) (6), (b) (7)(C) said the CBPOs were standing in the middle of the gate and some of them wore "regular" clothes. (b) (6), (b) (7)(C) stated that she's traveled a lot, but she had never seen anything like that before this trip. (b) (6), (b) (7)(C) reported that all of the CBPOs were "screaming"

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>006</p>
<p>10. NARRATIVE</p> <p>and she said she was "scared." (b) (6), (b) (7)(C) advised that she provided her passport to the CBPO and proceeded through the area without incident.</p> <p>(b) (6), (b) (7)(C) explained that there was some confusion with her husband, (b) (6), (b) (7)(C) as they tried to locate his passport. (b) (6), (b) (7)(C) advised while they searched for (b) (6), (b) (7)(C) passport, he didn't realize it was supposed to be open to the picture page. (b) (6), (b) (7)(C) said by the time (b) (6), (b) (7)(C) approached the CBPO, he provided the officer with his passport, but it was not opened to the instructed page. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) simultaneously heard the announcement and tried to take his passport back from the CBPO so he could open it to the picture page. (b) (6), (b) (7)(C) said the CBPO told (b) (6), (b) (7)(C) "Don't take the passport!" (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) explained to the CBPO that he was just trying to help. (b) (6), (b) (7)(C) said that the CBPO told (b) (6), (b) (7)(C) "I don't need your help." (b) (6), (b) (7)(C) said the CBPO told (b) (6), (b) (7)(C) that he was "resistant." (b) (6), (b) (7)(C) advised that the CBPO advised the other CBPOs that (b) (6), (b) (7)(C) tried to resist by not providing his passport.</p> <p>(b) (6), (b) (7)(C) said the CBPO instructed (b) (6), (b) (7)(C) to stand off to the side. (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) asked the CBPOs, "What is going on?", "What did I do?" and "Why are you taking my passport?" (b) (6), (b) (7)(C) said the CBPOs told (b) (6), (b) (7)(C) not to talk or say anything. (b) (6), (b) (7)(C) said there were four CBPOs "yelling and screaming" at (b) (6), (b) (7)(C)</p> <p>(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) tried to ask the CBPOs why they took his passport. (b) (6), (b) (7)(C) stated that the CBPOs then pushed (b) (6), (b) (7)(C) to the wall. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) was very upset and questioned the CBPO's course of action. (b) (6), (b) (7)(C) stated shortly thereafter, the CBPOs pushed (b) (6), (b) (7)(C) down to the floor. (b) (6), (b) (7)(C) demonstrated the movement the CBPOs used by swinging her arms around her body in a takedown motion.</p> <p>(b) (6), (b) (7)(C) stated that when (b) (6), (b) (7)(C) went to the ground, she approached the CBPOs and informed them that he has a medical condition. (b) (6), (b) (7)(C) said the female CBPO pushed her back, instructed her to "Stay where you are!" and told her not to say anything to (b) (6), (b) (7)(C) denied that she jumped on any of the CBPOs. (b) (6), (b) (7)(C) said the CBPO continued to tell her not to worry and "We know what we're doing." (b) (6), (b) (7)(C) stated that she attempted to use her phone, but the female CBPO instructed her not to use it because it's not allowed. (b) (6), (b) (7)(C) said the female CBPO told her if she used her phone, she would "Take you with him", and referred to (b) (6), (b) (7)(C)</p> <p>According to (b) (6), (b) (7)(C) prior to leaving the gate area, (b) (6), (b) (7)(C) reiterated that he is a physician and asked the CBPOs why they had to escort him in front of his friends through the terminal. (b) (6), (b) (7)(C) said the female CBPO told (b) (6), (b) (7)(C) that he should not have said what he said and then she instructed him to put his head down if he's embarrassed.</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

006

10. NARRATIVE


(b) (6), (b) (7)(C) said two male CBPOs and the female CBPO escorted (b) (6), (b) (7)(C) through the terminal. (b) (6), (b) (7)(C) explained that the one male CBPO was on each side of (b) (6), (b) (7)(C) and the female CBPO "pushed" him from behind to keep him moving forward. (b) (6), (b) (7)(C) said one of the male CBPOs appeared to be Hispanic and the other male CBPO wore a uniform. (b) (6), (b) (7)(C) stated that, when the CBPOs escorted (b) (6), (b) (7)(C) they moved very quickly. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) asked the CBPOs if they could walk slower because he had a medical issue and he could not breathe. (b) (6), (b) (7)(C) said as they proceeded through the terminal, (b) (6), (b) (7)(C) told people to record how he was being treated by the CBPOs. (b) (6), (b) (7)(C) said the CBPOs instructed (b) (6), (b) (7)(C) not to talk.


(b) (6), (b) (7)(C) reported that when they arrived to CBP space, she was not permitted to enter initially so she went to retrieve their luggage. (b) (6), (b) (7)(C) said after approximately a half hour, the same female CBPO approached her. (b) (6), (b) (7)(C) said the female CBPO told her that (b) (6), (b) (7)(C) had a great record and informed her that he is free to go. (b) (6), (b) (7)(C) said the female CBPO requested that she talk to her supervisor because (b) (6), (b) (7)(C) refused to leave the area. (b) (6), (b) (7)(C) reported that the female CBPO's attitude changed completely and she was "extra nice" to her at that point.


(b) (6), (b) (7)(C) reported that the supervisor she spoke to was female, but she could not remember her name. (b) (6), (b) (7)(C) said the supervisor told her that (b) (6), (b) (7)(C) was "rude", "resistant" and he cannot act like this at the airport. (b) (6), (b) (7)(C) said she explained that (b) (6), (b) (7)(C) tried to assist the CBPOs with his passport, but they were "yelling and screaming" at him. (b) (6), (b) (7)(C) stated that the supervisor asked her to talk to (b) (6), (b) (7)(C) because he refused to leave. (b) (6), (b) (7)(C) said she agreed to speak to (b) (6), (b) (7)(C) in order to try and convince him to leave the area. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was really upset, tired from the long flight and his hands were red from the handcuffs. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) has fragile skin as a result of his medical condition.

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) told her that he was not going to leave because of how he was treated and he said he wanted to contact their lawyer. (b) (6), (b) (7)(C) said during this time, a "very nice" male supervisory CBPO named (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) and tried to calm him down. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was given his phone and permitted to contact their attorney. (b) (6), (b) (7)(C) stated that the attorney advised them to leave the area and they could discuss what happened afterwards. (b) (6), (b) (7)(C) reported that a male police officer who spoke Arabic arrived and advised (b) (6), (b) (7)(C) that they had to exit the area. (b) (6), (b) (7)(C) said she did not know if the officer was a CBPO. (b) (6), (b) (7)(C) said this upset (b) (6), (b) (7)(C) because he said, "I speak good English" and did not need a translator. (b) (6), (b) (7)(C) said they ultimately left the area without further incident.

On June 3, 2019, CBP OPR SSA (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) and requested crew information for inbound (b) (6), (b) (7)(C) that departed from (b) (6), (b) (7)(C) and arrived in (b) (7)(E)

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<p>10. NARRATIVE</p> <p>(b) (7)(E) on April 28, 2019. The purpose of the request for (b) (6), (b) (7)(C) crew information was an attempt to identify an individual from the (b) (6), (b) (7)(C) crew who may have witnessed an altercation between an (b) (6), (b) (7)(C) passenger and CBPOs when it deplaned at (b) (7)(E) on April 28, 2019. (EXHIBIT 6)</p> <p>On June 4, 2019, SSA (b) (6), (b) (7)(C) obtained the crew manifest through investigative means.</p> <p>On June 12, 2019, SSA (b) (6), (b) (7)(C) obtained seat assignment log from the (b) (6), (b) (7)(C) corporate office for (b) (6), (b) (7)(C) (EXHIBIT 7)</p> <p>On June 13, 2019, SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in row (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)</p> <p>(b) (6), (b) (7)(C) said she was one of the first individuals to exit the plane and immediately proceeded to the baggage claim area. (b) (6), (b) (7)(C) stated that she did not witness an incident between CBP and any passengers during the deplaning process.</p> <p>(b) (6), (b) (7)(C) said she noticed that she was one of the only individuals from her flight that was at the baggage carousel for an extended period of time, which made her wonder if something was going on.</p> <p>Continuing on June 13, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said that he did not witness an incident between CBP and any passengers during the deplaning process. (b) (6), (b) (7)(C) provided no further statements.</p> <p>On June 14, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)</p> <p>(b) (6), (b) (7)(C) said that as she deplaned she heard CBP make a loud announcement that instructed passengers to have their passports out for inspection. (b) (6), (b) (7)(C) used a stern voice when she described the CBPOs instructions to the passengers and recalled them saying: "</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>201906551</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>006</p>
<p>10. NARRATIVE</p> <p>Passports out!", "Passports out!", "Get your passports out!"</p> <p>(b) (6), (b) (7)(C) stated that while standing in line during the deplaning process, she heard a male passenger in front of her say to the CBPOs, "Why are you being so rude?" (b) (6), (b) (7)(C) reported that the CBPOs responded to the male passenger and said, "Be quiet!" and "Don't ask any questions!" in a very authoritative tone. (b) (6), (b) (7)(C) stated that the male passenger told the CBPOs, "I'm a US citizen and I'm not doing anything wrong."</p> <p>(b) (6), (b) (7)(C) said she thought that the CBPOs were "overly aggressive" with the male passenger and some of the other passengers because of the tone of voice they used while giving the instructions to present passports by saying, "Get it out!", "Get it out!", "Get it out!"</p> <p>(b) (6), (b) (7)(C) reported that a female CBPO told the male passenger in a loud tone, "He's just trying to do his job, why are you giving him such a hard time?" (b) (6), (b) (7)(C) said the female CBPO had dark hair in a "pony tail", and was slightly curly.</p> <p>(b) (6), (b) (7)(C) said a male CBPO told the male passenger, "You better be quiet now before I detain you." (b) (6), (b) (7)(C) said she was unsure of the CBPOs height, but described him as white with a tan, medium build with dark hair (crew cut) and he wore a navy blue shirt. (b) (6), (b) (7)(C) said he might have been wearing a uniform.</p> <p>(b) (6), (b) (7)(C) said that the male passenger appeared to be of Middle Eastern descent based on his accent. (b) (6), (b) (7)(C) further described the male passenger as approximately 5'10" tall, in his sixties, gray hair and he wore tan (khaki) pants with a cream color long sleeve jacket. (b) (6), (b) (7)(C) said he was also traveling with a female companion, but she could not provide a description.</p> <p>(b) (6), (b) (7)(C) said that she did not think the CBPOs tried to de-escalate the situation because they continued to argue with the male passenger.</p> <p>(b) (6), (b) (7)(C) said she did not think the male passenger was disrespectful toward the CBPOs or that he did anything wrong other than being a little argumentative. (b) (6), (b) (7)(C) said she thought he was just pointing out to the CBPOs that they were being rude.</p> <p>(b) (6), (b) (7)(C) said she felt "unsettled" when she witnessed the situation between the male passenger and the CBPOs. (b) (6), (b) (7)(C) said she has experience traveling abroad and she cited that the customs agents with other countries were very welcoming. (b) (6), (b) (7)(C) said she thought</p>	

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this instance was a poor example to guests entering the US. (b) (6), (b) (7)(C) said she understands the importance of keeping a secured border to protect people from harm, but at the same time, " you can be courteous."

(b) (6), (b) (7)(C) said she did not observe a physical altercation between the CBPOs and any of the passengers.

(b) (6), (b) (7)(C) said she presented her passport to the CBPOs as she deplaned without any incident.

On June 17, 2019, SSA (b) (6), (b) (7)(C) obtained an additional seat assignment log from the (b) (6), (b) (7)(C) corporate office for (b) (6), (b) (7)(C) (EXHIBIT 7)

On June 24, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)

(b) (6), (b) (7)(C) stated that during the deplaning process she heard an announcement made by officers, "shouting" instructions to the passengers to have their passports open to the picture page.

(b) (6), (b) (7)(C) said she had her passport open to the picture page and presented it to the CBPO without incident. (b) (6), (b) (7)(C) noted that the CBPO was "firm" when inspecting the passports. (b) (6), (b) (7)(C) said the CBPO did not greet the passengers, say hello or thank you, but just did his job. (b) (6), (b) (7)(C) explained that she had a connecting flight so she exited the plane and left the area very quickly.

(b) (6), (b) (7)(C) said she did not witness a verbal or physical incident between CBPOs and any passengers during the deplaning process. However, (b) (6), (b) (7)(C) reported that she saw some CBPOs escorting a male passenger from her flight in the global entry area of the airport after she exited the plane. (b) (6), (b) (7)(C) said she recognized the man being escorted because he sat next to her on the flight. (b) (6), (b) (7)(C) said he appeared to be in his fifties or sixties, with gray hair, and he wore a dark color (navy blue or black) t-shirt. (b) (6), (b) (7)(C) said that she thought the male was a physician because she overheard his conversations with other passengers on the flight about the profession. (b) (6), (b) (7)(C) said the male was traveling with a female who she assumed was his wife. (b) (6), (b) (7)(C) described her as short, with dark skin, dark hair and brown eyes.

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(b) (6), (b) (7)(C) said she did not hear what was said between the CBPOs and the male passenger when they escorted him through the terminal. **(b) (6), (b) (7)(C)** said she saw that the man was handcuffed and that there was an officer walking behind him. **(b) (6), (b) (7)(C)** said the officer behind him had one hand on the handcuffs and the other hand was in between his shoulder blades. **(b) (6), (b) (7)(C)** said that the man appeared to be cooperating with the CBPOs.

On June 26, 2019, SSA **(b) (6), (b) (7)(C)** interviewed **(b) (6), (b) (7)(C)** telephonically. **(b) (6), (b) (7)(C)** was a passenger seated in seat **(b) (6), (b) (7)(C)** that traveled from **(b) (6), (b) (7)(C), (b) (7)(E)** on April 28, 2019. (EXHIBIT 8)

(b) (6), (b) (7)(C) said that he did not witness an incident between CBP and any passengers during the deplaning process. **(b) (6), (b) (7)(C)** stated that his mother might have witnessed something and he provided her name and phone number: **(b) (6), (b) (7)(C)**. **(b) (6), (b) (7)(C)** provided no further statements.

On June 27, 2019, SSA **(b) (6), (b) (7)(C)** interviewed **(b) (6), (b) (7)(C)** telephonically. **(b) (6), (b) (7)(C)** was a passenger seated in seat **(b) (6), (b) (7)(C)** that traveled from **(b) (6), (b) (7)(C), (b) (7)(E)** on April 28, 2019. (EXHIBIT 8)

(b) (6), (b) (7)(C) stated that he heard some arguing after he exited the aircraft between a male passenger and three CBPOs. **(b) (6), (b) (7)(C)** said he was standing approximately 5-10 feet away from where the incident occurred. **(b) (6), (b) (7)(C)** stated that he did not see how or when the incident between the passenger and the CBPOs started. **(b) (6), (b) (7)(C)** reported that by the time he encountered the incident, the male passenger appeared to be "aggressive."

(b) (6), (b) (7)(C) described the passenger as a Caucasian male, approximately sixty years old, 6' - 6' 3" tall with a large build. **(b) (6), (b) (7)(C)** said that he noticed a female who appeared to be the passenger's wife with him. **(b) (6), (b) (7)(C)** said she was approximately 5' 4" and in her mid-fifties. **(b) (6), (b) (7)(C)** said he did not know the male passenger or the female.

(b) (6), (b) (7)(C) described the CBPOs involved in the incident as a Caucasian female, a Caucasian male and a "Hispanic looking" male.

(b) (6), (b) (7)(C) said the male passenger was arguing with the "Hispanic" CBPO because he requested to see the male passenger's passport. **(b) (6), (b) (7)(C)** described the CBPOs attitude toward the passenger as "very respectful" and "courteous." **(b) (6), (b) (7)(C)** said he heard the passenger say, "Why do I need to show you the passport? I'm an American citizen." **(b) (6), (b) (7)(C)** explained that as the

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situation escalated he heard more shouting because the passenger did not cooperate with the CBPOs requests. (b) (6), (b) (7)(C) reported that he heard the passenger tell the CBPOs, "I don't have to show you my passport." (b) (6), (b) (7)(C) said he thought that the passenger was offended because the CBPOs asked questions about his citizenship. (b) (6), (b) (7)(C) said the passenger did not listen the instructions given by the CBPOs and started walking away from them. (b) (6), (b) (7)(C) reported that the CBPOs stopped him, "took him down and put the handcuffs on." (b) (6), (b) (7)(C) said he heard the female CBPO tell the passenger's wife that if she did not listen she would be arrested.

On a scale of 1-10 (10 being the loudest and 1 being the softest), (b) (6), (b) (7)(C) described the passenger's tone of voice toward the CBPOs between six and eight during the incident. (b) (6), (b) (7)(C) said the number seven on the scale represented yelling and anything above five is arguing. (b) (6), (b) (7)(C) described the CBPOs tone of voice toward the passenger as a four. (b) (6), (b) (7)(C) reported that the passenger did not listen to the CBPOs. (b) (6), (b) (7)(C) said he did not believe that the CBPOs were overbearing, abusing their authority, or unprofessional. (b) (6), (b) (7)(C) said he did not see any issues with the CBPOs.

(b) (6), (b) (7)(C) said his passport was not inspected by CBP during the deplaning process, nor did he have an interaction with any CBPOs at that point.


Continuing on June 27, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. It is noted that (b) (6), (b) (7)(C) is a juvenile and was given permission to speak with SSA (b) (6), (b) (7)(C) by her father. (EXHIBIT 8)

(b) (6), (b) (7)(C) said she heard yelling as she exited the plane. (b) (6), (b) (7)(C) said she saw a male passenger who refused to show his passport to the CBPOs. (b) (6), (b) (7)(C) said she heard the passenger say, "I don't have to show you my passport" and noted that he was "uncooperative." (b) (6), (b) (7)(C) said she saw two CBPOs handcuff the passenger because he was yelling. (b) (6), (b) (7)(C) reported that the passenger was in his mid to late fifties with some gray hair.

(b) (6), (b) (7)(C) stated that the CBPOs tried to calm the passenger down in a "stern" tone of voice. (b) (6), (b) (7)(C) said the CBPOs voices were loud, but they were not yelling.

(b) (6), (b) (7)(C) stated that she saw a female traveling with the male similar in age, but she could not remember anything else about her.

Continuing on June 27, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER
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	PREPARED BY
	(b) (6), (b) (7)(C)
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telephonically, (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)

(b) (6), (b) (7)(C) stated neither he nor his wife, (b) (6), (b) (7)(C) witnessed an incident between CBP and any passengers during the deplaning process. (b) (6), (b) (7)(C) said they did see CBPOs at the gate, but they did not have any interaction with them.

On June 28, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically (b) (6), (b) (7)(C) was the pilot for (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)


(b) (6), (b) (7)(C) said during the deplaning process he heard an announcement for the passengers of the flight to get their passports ready for inspection. (b) (6), (b) (7)(C) advised that the passport inspection is a common procedure.


(b) (6), (b) (7)(C) stated that while deplaning, he saw a male passenger and his wife arguing with some CBPOs. (b) (6), (b) (7)(C) indicated that there were three or four male CBPOs and one female CBPO involved. (b) (6), (b) (7)(C) reported that the argument started before he arrived and he said he did not see how it began.


(b) (6), (b) (7)(C) said the argument pertained to a passport. (b) (6), (b) (7)(C) said he knew it was an argument because the male passenger spoke in a "very loud" voice and was "irritated with a bit of anger." (b) (6), (b) (7)(C) added that he thought the male passenger was "rude."

(b) (6), (b) (7)(C) reported that the CBPOs were not loud or rude, but "firm." (b) (6), (b) (7)(C) said the CBPOs did not try to calm the passenger down. (b) (6), (b) (7)(C) stated that a female CBPO was the officer who issued the instructions to the male passenger. (b) (6), (b) (7)(C) described the situation as very "tense" and added that even though the CBPOs instructed the male passenger to calm down, he felt that they "compounded" the situation. (b) (6), (b) (7)(C) said he knew something was going to happen.

(b) (6), (b) (7)(C) said the male passenger told the female CBPO, "I already gave you the passport, what do you want from me?" (b) (6), (b) (7)(C) said the passenger told the CBPOs, "You can keep my passport, I'm leaving." (b) (6), (b) (7)(C) said the female CBPO instructed the male passenger to "Stop!" (b) (6), (b) (7)(C) referenced the CBPOs instruction of the word stop, meant that the male passenger was not permitted to leave. (b) (6), (b) (7)(C) said something else happened that he did not see and then he heard two or three of the CBPOs say "Stop...don't do this!" (b) (6), (b) (7)(C) said shortly

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<p>10. NARRATIVE</p> <p>thereafter, the CBPOs took the male passenger to the ground aggressively. (b) (6), (b) (7)(C) said he did not see what the male passenger did to initiate being taken to the ground and handcuffed. (b) (6), (b) (7)(C) stated that he did not see any "unnecessary action" on behalf of the CBPOs. (b) (6), (b) (7)(C) stated that prior to the take down, the male passenger was "acting superior and shouting", but once he was on the ground, his demeanor changed and his voice was softer. (b) (6), (b) (7)(C) stated after the male passenger was taken to the ground, he heard him tell the CBPOs that he had a medical issue.</p> <p>(b) (6), (b) (7)(C) said the male passenger's wife was trying to tell him to calm down. (b) (6), (b) (7)(C) reported that he also heard her tell her husband in Arabic to "Take it easy." (b) (6), (b) (7)(C) stated that she did not jump on any of the CBPOs or get physical with them at any point. (b) (6), (b) (7)(C) said he thought the male passenger's wife looked embarrassed during the incident.</p> <p>(b) (6), (b) (7)(C) said the male passenger was of Middle-Eastern descent, tall, large build, approximately 54-55 years of age with white hair. (b) (6), (b) (7)(C) said the male passenger's wife was also of Middle-Eastern descent, appeared to be 5-6 years younger than her husband and average height.</p> <p>(b) (6), (b) (7)(C) said he did not have any interaction with the CBPOs during the deplaning process. (b) (6), (b) (7)(C) advised that the CBPOs don't usually ask to see the passports for the flight crew members at the gate.</p> <p>(b) (6), (b) (7)(C) said he does not know the male passenger who was involved in the incident or his wife.</p> <p>On July 2, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)</p> <p>(b) (6), (b) (7)(C) said as he exited the plane, he recalled that an announcement was made for the passengers to have their passports open to the picture page. (b) (6), (b) (7)(C) advised that during the deplaning process, he heard shouting between a male passenger and the CBPOs, but he did not know what it was about. (b) (6), (b) (7)(C) said he was in a hurry and left the area right away because he did not want to miss his connecting flight. (b) (6), (b) (7)(C) reported that he provided his passport to the CBPO for inspection without incident.</p> <p>(b) (6), (b) (7)(C) said the only other thing he remembered was, as he proceeded through the terminal,</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>he saw the same male passenger that was involved in the incident, handcuffed and being escorted by the CBPOs.</p> <p>(b) (6), (b) (7)(C) described the passenger as a Middle-Eastern male in his fifties, with a beard. (b) (6), (b) (7)(C) stated that he does not know him.</p> <p>On July 3, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in seat (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019. (EXHIBIT 8)</p> <p>(b) (6), (b) (7)(C) said as he exited the plane, he recalled that an announcement was made for the passengers to have their passports available. (b) (6), (b) (7)(C) said he heard an argument during the deplaning process, but it began before he arrived to the area where it occurred so he did not know what the argument was about.</p> <p>(b) (6), (b) (7)(C) stated that he heard a male passenger tell the CBPOs, "You are discriminating because I am an Arab" and "You should not treat me this way because I am an American citizen." (b) (6), (b) (7)(C) said he did not hear the CBPOs make any statements about the male passenger's nationality.</p> <p>(b) (6), (b) (7)(C) said there were two male CBPOs and one female CBPO at the gate. (b) (6), (b) (7)(C) said one of the CBPOs tried to calm the male passenger, but he could not describe him. (b) (6), (b) (7)(C) said the female CBPO spoke to the passenger's wife. (b) (6), (b) (7)(C) said one of the CBPOs told the male passenger, "I'm going to take you to jail." (b) (6), (b) (7)(C) indicated that the CBPO who made that statement was a male who wore a uniform, but he could not further identify him.</p> <p>(b) (6), (b) (7)(C) said at one point the male passenger repeatedly told the CBPOs, "Don't touch me!" (b) (6), (b) (7)(C) said the male passenger resisted the CBPOs by moving his hands away from them and then the CBPOs took him to the ground. (b) (6), (b) (7)(C) said after the male passenger was on the ground he heard him tell the CBPOs that he had a medical issue. (b) (6), (b) (7)(C) stated that the CBPOs put the passenger in handcuffs and removed him from the area. (b) (6), (b) (7)(C) said he thought the CBPO in uniform used "a little bit more force." (b) (6), (b) (7)(C) clarified and said when the CBPO put the male passenger's arm behind his back, the CBPO pushed it up and it appeared to hurt him.</p> <p>(b) (6), (b) (7)(C) described the passenger as a Caucasian/Mediterranean male in his late forties or early fifties approximately 5'6" or 5'7", gray or light colored hair and heavy set. (b) (6), (b) (7)(C) said the male</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>appeared to be traveling with his wife (b) (6), (b) (7)(C) stated that he does not know the male passenger or his wife.</p> <p>(b) (6), (b) (7)(C) reported that he provided his passport to the CBPO at the gate without incident.</p> <p>SSA (b) (6), (b) (7)(C) attempted to contact the following passengers numerous times from June 13, 2019 through July 17, 2019, but was unsuccessful: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)</p> <p>On August 7, 2019, SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (7)(E) (b) (7)(E) Officer (b) (6), (b) (7)(C) telephonically. Officer (b) (6), (b) (7)(C) was the (b) (7)(E) officer who responded to the CBP holding area where (b) (6), (b) (7)(C) was held on April 28, 2019. (EXHIBIT 9)</p> <p>Officer (b) (6), (b) (7)(C) stated that he did not witness the incident that took place between (b) (6), (b) (7)(C) and the CBPOs at the gate during the deplaning process of (b) (6), (b) (7)(C)</p> <p>Officer (b) (6), (b) (7)(C) said he was contacted by another (b) (7)(E) officer who advised him that there was a situation between CBP and a traveler located in the CBP holding area. Officer (b) (6), (b) (7)(C) stated that the (b) (7)(E) officer requested him to respond to the CBP area because he is fluent in Arabic and he might have the ability to better identify with the traveler who was of Middle Eastern descent.</p> <p>Officer (b) (6), (b) (7)(C) said none of the CBPOs were interacting with (b) (6), (b) (7)(C) who was alone in a room by the time he arrived to the CBP holding area. Officer (b) (6), (b) (7)(C) said the CBPOs advised him that (b) (6), (b) (7)(C) was not cooperating with them and he was upset so they were letting him "cool off." Officer (b) (6), (b) (7)(C) reported that initially (b) (6), (b) (7)(C) was "highly irate" and said, "You couldn't even speak to the guy." Officer (b) (6), (b) (7)(C) continued and said that (b) (6), (b) (7)(C) was verbally upset with the CBPOs. Officer (b) (6), (b) (7)(C) said when he entered the room, (b) (6), (b) (7)(C) yelled at him. Officer (b) (6), (b) (7)(C) said he told (b) (6), (b) (7)(C) that if he didn't calm down, he could be arrested for disorderly conduct. Officer (b) (6), (b) (7)(C) said shortly thereafter, (b) (6), (b) (7)(C) calmed down. Officer (b) (6), (b) (7)(C) advised that he could not recall all of the specific things that were said while he was there, but he remembered that (b) (6), (b) (7)(C) complained to him that the handcuffs were on too tight. Officer (b) (6), (b) (7)(C) said when he arrived, (b) (6), (b) (7)(C) was not in handcuffs, but he noticed marks on his hands where the handcuffs would have been. Officer (b) (6), (b) (7)(C) reported that he was able to calm (b) (6), (b) (7)(C) and peacefully escort him and his wife out of the CBP holding area without incident.</p> <p>Officer (b) (6), (b) (7)(C) stated that he did not observe any verbal or physical mistreatment of (b) (6), (b) (7)(C) by</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

006

10. NARRATIVE

the CBPOs during his time in the CBP holding area. Officer (b) (6), (b) (7)(C) also advised that he did not hear any of the CBPOs say any racially or ethnically insensitive comments to (b) (6), (b) (7)(C)

On August 12, 2019, AUSA (b) (6), (b) (7)(C) of the Northern District of Illinois declined prosecution of this case citing insufficient evidence that a crime was committed by any CBPO.

Continuing on August 12, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed Chief CBPO (CCBPO) (b) (6), (b) (7)(C) at the CBP OFO (b) (7)(E) (b) (7)(E) CCBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees. (EXHIBIT 10)

CCBPO (b) (6), (b) (7)(C) stated that Supervisory CBPO (SCBPO) (b) (6), (b) (7)(C) advised him some of the CBPOs assigned to process the (b) (6), (b) (7)(C) flight encountered a passenger, identified as (b) (6), (b) (7)(C) who would not cooperate, would not provide his passport, and interfered with their inspection. CCBPO (b) (6), (b) (7)(C) said the CBPOs handcuffed (b) (6), (b) (7)(C) and brought him to the secondary inspection area. According to CCBPO (b) (6), (b) (7)(C) requested SCBPO (b) (6), (b) (7)(C) to speak with her supervisor in order to file a complaint because he was bleeding as a result of the handcuffs being too tight. CCBPO (b) (6), (b) (7)(C) stated that he did not witness (b) (6), (b) (7)(C) patdown search or the removal of handcuffs. CCBPO (b) (6), (b) (7)(C) said he did not observe any physical aggression by (b) (6), (b) (7)(C) toward any of the CBPOs when he arrived on scene. CCBPO (b) (6), (b) (7)(C) said he did not hear any verbal mistreatment or ethnically insensitive comments made toward (b) (6), (b) (7)(C) by any of the CBPOs.

CCBPO (b) (6), (b) (7)(C) reported that when he arrived to the secondary inspection area, (b) (6), (b) (7)(C) was seated in one of the rooms and he was not in handcuffs. CCBPO (b) (6), (b) (7)(C) said he immediately asked (b) (6), (b) (7)(C) if he wanted medical attention or water, but he declined. CCBPO (b) (6), (b) (7)(C) said he looked at (b) (6), (b) (7)(C) wrists and did not observe any visible cuts or bleeding. CCBPO (b) (6), (b) (7)(C) continued and said the room was still sanitary and there was no visible blood anywhere. CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) said he repeated that he is a physician and insisted that he was cut and bleeding. CCBPO (b) (6), (b) (7)(C) said he advised SCBPO (b) (6), (b) (7)(C) to take pictures of (b) (6), (b) (7)(C) wrists to document the injuries in order to file a formal complaint. CCBPO (b) (6), (b) (7)(C) said he left the area to locate (b) (6), (b) (7)(C) wife to expedite their release.

CCBPO (b) (6), (b) (7)(C) stated that SCBPO (b) (6), (b) (7)(C) contacted him and advised that (b) (6), (b) (7)(C) refused to leave the area. CCBPO (b) (6), (b) (7)(C) said he returned to the secondary inspection area and (b) (6), (b) (7)(C) asked if they could talk in his office. CCBPO (b) (6), (b) (7)(C) said he told (b) (6), (b) (7)(C) based on his behavior and because he does not know him, the current room they were in was sufficient. CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) refused to speak with him any longer and requested to speak with his supervisor.

 DEPARTMENT OF HOMELAND SECURITY REPORT OF INVESTIGATION CONTINUATION	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 006

10. NARRATIVE

CCBPO (b) (6), (b) (7)(C) said he contacted Watch Commander (b) (6), (b) (7)(C) and requested him to respond to the secondary inspection area.

CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) insisted that he was bleeding and agreed to receive medical attention.


CCBPO (b) (6), (b) (7)(C) said the (b) (7)(E) heard the call for EMS and also responded to the secondary inspection area. CCBPO (b) (6), (b) (7)(C), (b) (7)(E) suggested the use of one of their Arabic speaking officers to try and calm him down. CCBPO (b) (6), (b) (7)(C) added that he thought (b) (6), (b) (7)(C) spoke perfect English. CCBPO (b) (6), (b) (7)(C) stated (b) (7)(E) considered arresting (b) (6), (b) (7)(C) for his refusal to leave the secondary inspection area and continuing to argue with CBP and EMS.

CCBPO (b) (6), (b) (7)(C) explained that he did not have much of a conversation with (b) (6), (b) (7)(C) because he was argumentative throughout his interaction with him. CCBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) demeanor as verbally uncooperative and loud. CCBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) referred to the CBPOs as "monsters" and said he is a US citizen and CBP does not have the right to inspect him. CCBPO (b) (6), (b) (7)(C) also advised that (b) (6), (b) (7)(C) requested to speak to his attorney.

CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was not arrested by CBP because they characterized what happened as a "misunderstanding." CCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) misunderstood CBP's purpose and his obligations as an international traveler. CCBPO (b) (6), (b) (7)(C) said they did not pursue charges against (b) (6), (b) (7)(C) because they did not view her as a threat and they determined she was just emotional and trying to help her husband.

On August 13, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E). CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees. (EXHIBIT 11)

CBPO (b) (6), (b) (7)(C) indicated that there were certain passengers on the (b) (6), (b) (7)(C) flight that the CBPOs needed to inspect. CBPO (b) (6), (b) (7)(C) advised that the airline was notified to make an announcement for the passengers to have their passports available for inspection. CBPO (b) (6), (b) (7)(C) stated that the passport inspection is a common procedure. CBPO (b) (6), (b) (7)(C) said the CBPOs also make an announcement as the passengers deplane and make their way to the gate. CBPO (b) (6), (b) (7)(C) said the majority of the passenger's passports are inspected. CBPO (b) (6), (b) (7)(C) stated that it's normal for four or five CBPOs to conduct passport inspections of incoming flights in the gate area.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>CBPO (b) (6), (b) (7)(C) said during the passport inspection process, (b) (6), (b) (7)(C) approached and did not want to show his passport to the CBPOs. CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) said he is a US citizen and told the CBPOs that they don't need to see his passport. CBPO (b) (6), (b) (7)(C) said that CBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) that reviewing his passport was part of the inspection process. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) did not have a chance to fully look at the passport before (b) (6), (b) (7)(C) pulled the passport back. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) took the passport from (b) (6), (b) (7)(C) and handed it to CBPO (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) said in that moment, he wondered why (b) (6), (b) (7)(C) was being "secretive" or did he not want the CBPOs to know his identity. CBPO (b) (6), (b) (7)(C) said at that point he was unsure. CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as "overconfident" and said (b) (6), (b) (7)(C) acted as if he was "above" the inspection process. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to stand off to the side and advised that they would talk to him after they check the remaining passenger's passports. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) raised his voice, began throwing his hands around and, at one point, he tried to record what was happening with his phone. CBPO (b) (6), (b) (7)(C) said the CBPOs tried to explain the process to (b) (6), (b) (7)(C) but he continued to talk over the officers.</p> <p>CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) attempted to record what was happening with his cell phone, but CBPO (b) (6), (b) (7)(C) grabbed his hand and instructed him to put the phone away. CBPO (b) (6), (b) (7)(C) advised that the use of cell phones in that area is prohibited. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) stored his phone, but he was still upset. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) spoke to CBPO (b) (6), (b) (7)(C) and pointed his finger in her face. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) grabbed (b) (6), (b) (7)(C) hand, put it down and told him not to put his hands in her face. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) tried to explain the inspection process to (b) (6), (b) (7)(C).</p> <p>CBPO (b) (6), (b) (7)(C) stated that he observed most of the interaction with (b) (6), (b) (7)(C) because there were enough CBPOs present and no need for all of them to give him instructions. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) told the CBPOs that he was going to walk away. CBPO (b) (6), (b) (7)(C) said the CBPOs instructed him not to leave because they were not done talking to him and they still had his passport. CBPO (b) (6), (b) (7)(C) indicated that the CBPOs physically restrained (b) (6), (b) (7)(C) to stop him from leaving the area.</p> <p>CBPO (b) (6), (b) (7)(C) said it took four CBPOs to restrain (b) (6), (b) (7)(C) because he is a big man and it appeared that he was "pulling away" from them. CBPO (b) (6), (b) (7)(C) reported that as the CBPOs tried to restrain (b) (6), (b) (7)(C) they fell to the floor. CBPO (b) (6), (b) (7)(C) said once the interaction became physical he responded and placed the handcuffs on (b) (6), (b) (7)(C) after he was on the ground. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was trying to pull his arms away from the CBPOs and rolling while he was on the ground. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) jumped on CBPO (b) (6), (b) (7)(C) and tried to pull him</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

006

10. NARRATIVE

off of (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) intervened and pulled (b) (6), (b) (7)(C) off of CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) told the officers that (b) (6), (b) (7)(C) had a heart condition. CBPO (b) (6), (b) (7)(C) said he told (b) (6), (b) (7)(C) that they would provide any medical treatment needed if he stopped resisting. CBPO (b) (6), (b) (7)(C) said the CBPOs picked him up off the ground immediately and they escorted him out of the area. CBPO (b) (6), (b) (7)(C) reported that he did not observe any external bleeding coming from (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C) said he did not hear any of the CBPOs make any ethnically offensive statements about (b) (6), (b) (7)(C) or his wife.

Continuing on August 13, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed WC (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E) WC (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees. (EXHIBIT 12)

WC (b) (6), (b) (7)(C) briefly discussed the standard protocol for traveler passport inspections that occur at the boarding gate. WC (b) (6), (b) (7)(C) said that a CBPO will instruct the airline to make an announcement for the passengers to have their passports open. WC (b) (6), (b) (7)(C) stated that as the passengers deplane, CBPOs standing on the jet bridge of the gate area inspect the passports for identity verification. WC (b) (6), (b) (7)(C) advised that it is common for those CBPOs to wear civilian clothes while on duty because of their assignment. WC (b) (6), (b) (7)(C) said the number of CBPOs assigned to the gate inspections depends on a few factors that include staffing and the severity of what they are looking for. WC (b) (6), (b) (7)(C) added an ideal situation consists of approximately four to six CBPOs conducting passport inspections. WC explained that it is common procedure for a passenger to be pulled aside for additional inspection.

WC (b) (6), (b) (7)(C) stated that he was the WC on duty when (b) (6), (b) (7)(C) was in the CBP holding area on April 28, 2019. WC (b) (6), (b) (7)(C) reported that CCBPO (b) (6), (b) (7)(C) contacted him and said there was an issue with a passenger that required his assistance. WC (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) behavior as "extremely aggressive", "very agitated," and loud when he encountered him. WC (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was "very animated" and said he was leaning forward in addition to moving around when he was talking. WC (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was yelling and claimed that the CBPOs were abusive and referred to the officers as "terrorists." WC (b) (6), (b) (7)(C) also said that (b) (6), (b) (7)(C) claimed that the CBPOs targeted him because he is a Muslim. WC (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not like SCBPO (b) (6), (b) (7)(C) but he did not follow up with him about why he felt that way. WC (b) (6), (b) (7)(C) said he listened to (b) (6), (b) (7)(C) until he eventually calmed down. WC (b) (6), (b) (7)(C) stated that he did not hear any of the CBPOs make any ethnically offensive statement about (b) (6), (b) (7)(C) or his wife.

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

006

10. NARRATIVE

WC (b) (6), (b) (7)(C) stated that he did not notice any external bleeding coming from (b) (6), (b) (7)(C) WC (b) (6), (b) (7)(C) reported that he observed some "redness" on (b) (6), (b) (7)(C) wrists from the handcuffs. WC (b) (6), (b) (7)(C) indicated that EMS was contacted and arrived not long after he did. WC (b) (6), (b) (7)(C) said he witnessed the EMS evaluation and when they attempted to question (b) (6), (b) (7)(C) he became agitated. WC (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) claimed that he was a physician and he knew best. WC (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) declined transport to the hospital. According to WC (b) (6), (b) (7)(C) EMS documented (b) (6), (b) (7)(C) vital signs, but did not treat him for anything.

WC (b) (6), (b) (7)(C) said after EMS departed, (b) (6), (b) (7)(C) requested to contact his attorney and he was permitted to do so. WC (b) (6), (b) (7)(C) said at this point, CPD officers arrived to the holding area. WC (b) (6), (b) (7)(C) said it was his idea to have (b) (7)(E) Officer (b) (6), (b) (7)(C) talk to (b) (6), (b) (7)(C) WC (b) (6), (b) (7)(C) said that he has worked with Officer (b) (6), (b) (7)(C) on a daily basis and advised that he has a very "calming" demeanor. WC (b) (6), (b) (7)(C) also advised that the fact that Officer (b) (6), (b) (7)(C) speaks Arabic could help in this situation if there was something the CBPOs misunderstood, that information could have been relayed back to them.

WC (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) inspection was completed and advised him that he was released. WC (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) refused to leave the area until he received an apology from everybody. WC (b) (6), (b) (7)(C) said he informed (b) (6), (b) (7)(C) that the incident would be reported and processed accordingly. WC (b) (6), (b) (7)(C) reported that (b) (7)(E) informed (b) (6), (b) (7)(C) that if he refused to leave, they would arrest him.

On August 22, 2019, SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (7)(E) Fire Department (b) (7)(E) Paramedic (PMD) (b) (6), (b) (7)(C) telephonically. PMD (b) (6), (b) (7)(C) was the PMD who responded to the CBP holding area where (b) (6), (b) (7)(C) was held on April 28, 2019. (EXHIBIT 13)

PMD (b) (6), (b) (7)(C) stated that when she encountered (b) (6), (b) (7)(C) she described him as "not very friendly" and she said (b) (6), (b) (7)(C) thought EMS was in "cahoots" with the CBPOs. PMD (b) (6), (b) (7)(C) said she explained to (b) (6), (b) (7)(C) that EMS responded at his request. PMD (b) (6), (b) (7)(C) said she asked (b) (6), (b) (7)(C) if he wanted to be transported to the hospital and after he initially agreed to go, he ultimately declined.

PMD (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) claimed that he had cuts on his arms. PMD (b) (6), (b) (7)(C) said EMS conducted their assessment and determined that (b) (6), (b) (7)(C) did not have any cuts or external bleeding. PMD (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) insisted that the CBPOs grabbed him really hard and cut him when they placed him in handcuffs. PMD (b) (6), (b) (7)(C) said she informed him that she did not see any cuts or bleeding. PMD (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) had some scratches on his wrists where the

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handcuffs would have been, but she characterized them as "minor" and said "you could barely see them." PMD (b) (6), (b) (7)(C) reported that they did not apply any bandages or wraps to (b) (6), (b) (7)(C) skin because there was not any bleeding. PMD (b) (6), (b) (7)(C) stated that they offered (b) (6), (b) (7)(C) a band aid for the scratch, but she said didn't recall if the band aid was even applied. PMD (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said he had a scratch on his forearm, but she could not see anything. PMD (b) (6), (b) (7)(C) also advised that there was no blood emanating from the scratches. PMD (b) (6), (b) (7)(C) stated that they took (b) (6), (b) (7)(C) vitals, but they did not treat him for any injuries. PMD (b) (6), (b) (7)(C) reiterated that there were not any cuts, bleeding or other injuries to treat.

PMD (b) (6), (b) (7)(C) stated that there were two CBPOs who offered assistance during the medical assessment. PMD (b) (6), (b) (7)(C) said the CBPOs did not make any ethnically offensive statements about (b) (6), (b) (7)(C)

On September 9, 2019, SSA (b) (6), (b) (7)(C) and Special Agent (SA) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed SCBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E) (b) (7)(E) SCBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees. (EXHIBIT 14)

SCBPO (b) (6), (b) (7)(C) is a supervisory officer for the Tactical Terrorism Response Team (TTRT) Passenger Analysis Unit (PAU) and she provided the following statements regarding her interaction with Dr. Dairi on April 28, 2019.

SCBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) contacted her and advised that the CBPOs were escorting a noncompliant individual, identified as (b) (6), (b) (7)(C) to the baggage area. SCBPO (b) (6), (b) (7)(C) stated that she exited her office and met the CBPOs who escorted (b) (6), (b) (7)(C) as they made their way to the baggage area. SCBPO (b) (6), (b) (7)(C) advised that she did not observe any physical abuse or mistreatment of (b) (6), (b) (7)(C) by the CBPOs as they approached and she added that the CBPOs used the "appropriate" escort hold. SCBPO (b) (6), (b) (7)(C) advised that the CBPOs continued and escorted (b) (6), (b) (7)(C) into a holding room. SCBPO (b) (6), (b) (7)(C) stated that, once they were in the holding area, she attempted to speak to (b) (6), (b) (7)(C) and explain CBP's process to him. SCBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was upset and he complained that his wrists hurt. SCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) also informed her that he was on blood thinner medication. SCBPO (b) (6), (b) (7)(C) stated that she did not see any external bleeding emanating from (b) (6), (b) (7)(C) SCBPO (b) (6), (b) (7)(C) advised that she specifically checked (b) (6), (b) (7)(C) wrists to make sure that he was not bleeding. SCBPO (b) (6), (b) (7)(C) stated that she instructed CBPO (b) (6), (b) (7)(C) to verify the tightness of the handcuffs. SCBPO (b) (6), (b) (7)(C) explained the protocol to ensure that the handcuffs are properly applied consists of placing and moving a pinky finger between the wrist and single strand of the handcuff. SCBPO (b) (6), (b) (7)(C) stated that she advised



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(b) (6), (b) (7)(C) that the handcuffs were applied correctly. SCBPO (b) (6), (b) (7)(C) said she advised (b) (6), (b) (7)(C) as soon as he is compliant, the CBPOs would conduct a pat-down search.


SCBPO (b) (6), (b) (7)(C) stated that she exited the room for privacy so that the CBPOs could begin the pat-down search. SCBPO (b) (6), (b) (7)(C) said shortly after she left the room, she heard loud verbal commands being given and she re-entered to see what was happening. SCBPO (b) (6), (b) (7)(C) stated that when she entered the room, she saw (b) (6), (b) (7)(C) up against the wall "struggling" and moving his arms. SCBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) gesture by moving her arms behind her back. SCBPO (b) (6), (b) (7)(C) stated that she gave (b) (6), (b) (7)(C) verbal commands and instructed him to "stop moving." SCBPO (b) (6), (b) (7)(C) reported that the result of the pat-down search was negative. SCBPO (b) (6), (b) (7)(C) said she could not remember if (b) (6), (b) (7)(C) was handcuffed during the search. SCBPO (b) (6), (b) (7)(C) stated after the search concluded, (b) (6), (b) (7)(C) sat down and she tried to explain to him what was happening, but he was very upset. SCBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) voice as "loud" and at one point after the handcuffs were removed, he was pointing at her. SCBPO (b) (6), (b) (7)(C) said she had to advise (b) (6), (b) (7)(C) to lower his voice and not to point at her.

SCBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said, "You have no right to arrest me." SCBPO (b) (6), (b) (7)(C) reported that she explained to (b) (6), (b) (7)(C) that he was not under arrest. SCBPO (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) asked to speak to her supervisor and she contacted CCBPO (b) (6), (b) (7)(C). SCBPO (b) (6), (b) (7)(C) stated that she advised CCBPO (b) (6), (b) (7)(C) of the situation and she left the immediate area to go speak with CBPO (b) (6), (b) (7)(C). SCBPO (b) (6), (b) (7)(C) reported that she overheard (b) (6), (b) (7)(C) initially say that he did not want any medical attention. SCBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) informed her that (b) (6), (b) (7)(C) was escorted back to the holding area because he refused to present his passport and he because he wanted to record the interview process. SCBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) also informed her that (b) (6), (b) (7)(C) became assaultive toward the CBPOs, but she was able to get control of her so she did not need to be escorted the holding area.

SCBPO (b) (6), (b) (7)(C) reported that she spoke to (b) (6), (b) (7)(C) and explained what was happening. SCBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) acknowledged and apologized for interfering with the CBPOs during the incident with her husband. (b) (6), (b) (7)(C) attributed (b) (6), (b) (7)(C) behavior to being tired as a result of the long flight.

SCBPO (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) was not arrested because he was not a person of interest in the system and there was no derogatory information pertaining to him. SCBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was advised was free to go, but he refused, and instead, wanted to speak to an attorney.

SCBPO (b) (6), (b) (7)(C) stated that she did not observe or hear any of the CBPOs make any derogatory

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remarks about (b) (6), (b) (7)(C)


Continuing on September 9, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E). (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees and Appendix A-6 Kalkines Rights. (EXHIBIT 15)

CBPO (b) (6), (b) (7)(C) is a TTRT officer who was assigned to conduct passenger passport checks for (b) (6), (b) (7)(C) on April 28, 2019. CBPO (b) (6), (b) (7)(C) stated that he has been a CBPO for (b) (6), (b) (7)(C) years. It's noted that CBPO (b) (6), (b) (7)(C) was shown the video recording of the incident during his interview.

CBPO (b) (6), (b) (7)(C) reported that the CBPOs conducted passport checks for (b) (6), (b) (7)(C) on that day because one of the passengers was identified as a person of interest. CBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) informed the airline to advise the passengers on the flight to make their passports available for inspection during the deplaning process. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) also made announcements instructing the passengers to have their passports open to the "picture page" in order to present them for inspection as they exited the jet way. CBPO (b) (6), (b) (7)(C) stated that each passenger's passport is checked (b) (7)(E). (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that he was not wearing a uniform, but he had his CBP badge displayed around his neck when he conducted the passport checks.

CBPO (b) (6), (b) (7)(C) said as Mr. and Mrs. (b) (6), (b) (7)(C) approached him for the passport check (b) (6), (b) (7)(C) seemed upset with his wife because they were trying to locate his passport in their belongings. CBPO (b) (6), (b) (7)(C) said he identified himself as a CBPO and (b) (6), (b) (7)(C) presented his passport, but as he attempted to take it from (b) (6), (b) (7)(C) pulled it back before he could check it. CBPO (b) (6), (b) (7)(C) said he advised (b) (6), (b) (7)(C) that he needed to check his passport. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said, "I am a US citizen, I have rights" and questioned CBPO (b) (6), (b) (7)(C) request for his passport. CBPO (b) (6), (b) (7)(C) stated that he told (b) (6), (b) (7)(C) that he understood, but he still had to check his passport. According to CBPO (b) (6), (b) (7)(C) he attempted to take (b) (6), (b) (7)(C) passport in order to check it and he pulled it away again. CBPO (b) (6), (b) (7)(C) reported that he was able to take the passport from (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) described the interaction as "odd" because most people do not have an issue providing their passports. CBPO (b) (6), (b) (7)(C) said it appeared that (b) (6), (b) (7)(C) felt as if he was not subject to inspection because of the statements he made about being a US citizen.

CBPO (b) (6), (b) (7)(C) stated that when he finally checked (b) (6), (b) (7)(C) passport, he wanted to know if there was a reason for (b) (6), (b) (7)(C) reluctance to provide it. CBPO (b) (6), (b) (7)(C) indicated that's not typical behavior for a US citizen. CBPO (b) (6), (b) (7)(C) said that as he checked the passport, (b) (6), (b) (7)(C) continued

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to argue and say that the CBPOs had no right to take his passport. CBPO (b) (6), (b) (7)(C) stated that he checked (b) (6), (b) (7)(C) passport and determined that he was not the person of interest. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) passport was not immediately returned to him because there was concern over his unwillingness to provide it at the outset of the inspection. CBPO (b) (6), (b) (7)(C) said because there were still a lot of passengers in line to have their passports checked, he handed (b) (6), (b) (7)(C) passport to CBPO (b) (6), (b) (7)(C) for further inspection. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to stand off to the side. CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) ethnicity was the reason why his passport was checked. CBPO (b) (6), (b) (7)(C) also denied making any ethnically insensitive comments toward (b) (6), (b) (7)(C) or his wife. CBPO (b) (6), (b) (7)(C) stated that he continued to check passports, but he heard (b) (6), (b) (7)(C) arguing with CBPO (b) (6), (b) (7)(C) and the other CBPOs. CBPO (b) (6), (b) (7)(C) described the arguing as "loud" and he indicated that it diverted his attention from checking passports because he had to repeatedly look over his shoulder to see what was happening. CBPO (b) (6), (b) (7)(C) denied telling (b) (6), (b) (7)(C) to be quiet or he would take him to jail.

CBPO (b) (6), (b) (7)(C) reported that the voices and arguing continued to escalate to the point where it was impeding his ability to check passports. CBPO (b) (6), (b) (7)(C) said he stopped what he was doing and saw CBPOs (b) (6), (b) (7)(C) struggling to handcuff (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) stated that he responded to assist the CBPOs handcuff (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) advised that he tried to put (b) (6), (b) (7)(C) in an escort hold by placing his hand behind his back. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was struggling by elbowing, pulling, pushing away and swinging his arms. CBPO (b) (6), (b) (7)(C) demonstrated (b) (6), (b) (7)(C) movements with his arms in front of him, bent at approximately 45 degrees and rotating his body from left to right. CBPO (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) was moving a lot. CBPO (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) repeated that he was a US citizen and that that CBPOs were hurting him. According to CBPO (b) (6), (b) (7)(C) during the struggle to restrain (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) fell to the floor at which point CBPO (b) (6), (b) (7)(C) placed handcuffs on (b) (6), (b) (7)(C).

When asked why it took four CBPOs to restrain (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as a "bigger guy", "bigger than me", "strong" and he said the CBPOs were struggling which attributed to him responding to assist them. CBPO (b) (6), (b) (7)(C) added that when he responded to assist, the CBPOs still had a hard time restraining (b) (6), (b) (7)(C) because he was moving so much. CBPO (b) (6), (b) (7)(C) stated that after they fell to the ground, (b) (6), (b) (7)(C) continued to push and pull away. While on the floor (b) (6), (b) (7)(C) stated that he was on blood thinning medication. CBPO (b) (6), (b) (7)(C) said the CBPOs told (b) (6), (b) (7)(C) that they would get him his medication, but they told him he needed to stop resisting.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) made physical contact with him during the restraining of her husband. CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) physical contact with him by lunging forward with his hands open and gestured that she placed her hands on his back. CBPO (b) (6), (b) (7)(C) advised that



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everything happened very fast. CBPO (b) (6), (b) (7)(C) admitted that he made a mistake by not citing that (b) (6), (b) (7)(C) made physical contact with him in his report. CBPO (b) (6), (b) (7)(C) advised that when he wrote his report at the end of his shift, he documented what he remembered at that time.


CBPO (b) (6), (b) (7)(C) stated that he and CBPO (b) (6), (b) (7)(C) assisted (b) (6), (b) (7)(C) off the floor. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) asked the CBPOs if they would remove the handcuffs prior to leaving the gate, but they denied his request because he continued to pull away from them. According to CBPO (b) (6), (b) (7)(C) he, along with CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) escorted (b) (6), (b) (7)(C) to the holding area. CBPO (b) (6), (b) (7)(C) said as they were walking (b) (6), (b) (7)(C) was yelling at people passing by to take out their phones and record what was happening to him. CBPO (b) (6), (b) (7)(C) stated that he was holding (b) (6), (b) (7)(C) left arm and CBPO (b) (6), (b) (7)(C) was holding his right arm. CBPO (b) (6), (b) (7)(C) denied that he pushed up on (b) (6), (b) (7)(C) arm and shoulders during the escort process. CBPO (b) (6), (b) (7)(C) indicated (b) (6), (b) (7)(C) walked in front and they "leaned" him forward. CBPO (b) (6), (b) (7)(C) characterized the pace at which they made their way through the terminal as "high speed walking." CBPO (b) (6), (b) (7)(C) said he did not recall if (b) (6), (b) (7)(C) requested that they slow down.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was told to stop resisting a couple of times as CBPOs escorted him through the terminal. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was pushing away, "going backwards" and not stepping forward. CBPO (b) (6), (b) (7)(C) said he did not recall that (b) (6), (b) (7)(C) complained of having shortness of breath or experiencing chest pains. According to CBPO (b) (6), (b) (7)(C) advised that he was on "blood thinners" and that he was a physician.

CBPO (b) (6), (b) (7)(C) reported that when they reached the holding area, (b) (6), (b) (7)(C) sat down and they offered him water. CBPO (b) (6), (b) (7)(C) denied that the CBPOs threw (b) (6), (b) (7)(C) into the holding room. CBPO (b) (6), (b) (7)(C) added that SCBPO (b) (6), (b) (7)(C) was with them when (b) (6), (b) (7)(C) was escorted into the holding room. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) continued to move around, "elbowing" and arguing before he eventually calmed down and the handcuffs were removed. CBPO (b) (6), (b) (7)(C) stated that he could not remember if he removed the handcuffs from (b) (6), (b) (7)(C) or if it was CBPO (b) (6), (b) (7)(C).

CBPO (b) (6), (b) (7)(C) advised that he and CBPO (b) (6), (b) (7)(C) conducted (b) (6), (b) (7)(C) pat-down search. CBPO (b) (6), (b) (7)(C) reported that they instructed (b) (6), (b) (7)(C) to place his hands on the wall, but he didn't want to and he continued to move around during the search. CBPO (b) (6), (b) (7)(C) stated that he nor did any other CBPO tell (b) (6), (b) (7)(C) to "Shut up" or "Don't talk."

CBPO (b) (6), (b) (7)(C) reported that he did not see any external bleeding emanating from (b) (6), (b) (7)(C) body. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) complained that his wrists were bleeding. CBPO (b) (6), (b) (7)(C) advised that

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there was no blood, but (b) (6), (b) (7)(C) skin was red. CBPO (b) (6), (b) (7)(C) stated that he checked (b) (6), (b) (7)(C) handcuffs for tightness before he was escorted to the holding area. CBPO (b) (6), (b) (7)(C) stated that he inserted his finger between the handcuff and (b) (6), (b) (7)(C) wrist to ensure that there was enough room. CBPO (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) complained about the handcuffs and CBPO (b) (6), (b) (7)(C) checked them again before the search.


On September 10, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office. (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees and Appendix A-6 Kalkines Rights. (EXHIBIT 16)

CBPO (b) (6), (b) (7)(C) is a TTRT officer who was assigned to conduct passenger passport checks for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) on April 28, 2019. CBPO (b) (6), (b) (7)(C) has been a CBPO for approximately (b) (6), (b) (7)(C) years. It's noted that CBPO (b) (6), (b) (7)(C) was shown the video recording of the incident during his interview.

CBPO (b) (6), (b) (7)(C) reported that the CBPOs conducted passport checks for (b) (6), (b) (7)(C) on that day because one of the passengers was identified as a person of interest. CBPO (b) (6), (b) (7)(C) characterized the passport checks as a routine procedure. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) made announcements at the gate instructing the passengers to have their passports open to the "picture page" for inspection as they exited the jet way. CBPO (b) (6), (b) (7)(C) said some of the CBPOs wear civilian clothes with their CBP badges displayed and some are in uniform. CBPO (b) (6), (b) (7)(C) advised that CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were the CBPOs who conducted the passport checks for that flight. CBPO (b) (6), (b) (7)(C) indicated that her responsibility at the gate was to provide assistance to the CBPOs who conducted the passport checks if necessary.

CBPO (b) (6), (b) (7)(C) reported that the CBPOs had just begun to check the passenger's passports, but they had managed to check a few prior to encountering Mr. and Mrs. (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not want to show his passport because he is a US citizen and he thought his rights were being violated. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was not the person of interest. However, CBPO (b) (6), (b) (7)(C) stated that (b) (7)(E) CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) passport was checked based on his ethnicity. CBPO (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) passport was checked because it is a standard procedure to check every passenger's passport.

CBPO (b) (6), (b) (7)(C) stated that she could not remember the initial exchange that took place between (b) (6), (b) (7)(C) and the CBPOs as it pertained to checking his passport. CBPO (b) (6), (b) (7)(C) referenced her report and advised that she witnessed CBPO (b) (6), (b) (7)(C) ask (b) (6), (b) (7)(C) to comply with identification

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 006</p>
<p>10. NARRATIVE</p> <p>request.</p> <p>CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was upset with the CBPO who initially checked his passport and he was moved off to the side so another CBPO could check his passport. According to CBPO (b) (6), (b) (7)(C) used a loud tone of voice, claimed that he did not have to comply and he said the CBPOs violated his rights. CBPO (b) (6), (b) (7)(C) advised that she tried to de-escalate the situation and informed (b) (6), (b) (7)(C) that the CBPOs were just trying to do their jobs. CBPO (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) was pointing and his attention was toward CBPO (b) (6), (b) (7)(C) backside and she was concerned that he might attack him. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) hands were in the air and he pointed his finger in her face, but she pushed his hand away and asked him to stop pointing. CBPO (b) (6), (b) (7)(C) again described (b) (6), (b) (7)(C) tone of voice as "loud" and said he was "upset." CBPO (b) (6), (b) (7)(C) said after that she heard (b) (6), (b) (7)(C) say that he was going to leave the area.</p> <p>CBPO (b) (6), (b) (7)(C) reported that at one point during his interaction with the CBPOs, (b) (6), (b) (7)(C) gestured in a manner as if he was going to remove his backpack. CBPO (b) (6), (b) (7)(C) described the gesture and said (b) (6), (b) (7)(C) started to take off the straps. CBPO (b) (6), (b) (7)(C) said based on her training, (b) (6), (b) (7)(C) gesture led her to believe that a physical altercation might occur. According to the video, it appeared that (b) (6), (b) (7)(C) adjusted his backpack. CBPO (b) (6), (b) (7)(C) stated despite what the video showed, when she stood in front of (b) (6), (b) (7)(C) she said it looked like he was removing it.</p> <p>CBPO (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) attempted to video record the interaction with his cell phone and one of the CBPOs informed him that it is prohibited in that area.</p> <p>While some of the other CBPOs spoke to (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said she walked over to the line of passengers and continued to check their passports because she thought the situation had started to calm down.</p> <p>CBPO (b) (6), (b) (7)(C) indicated that once the other CBPOs tried to restrain (b) (6), (b) (7)(C) she responded to assist them. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was "fighting the officers" by using his elbows and his body weight to "not comply." CBPO (b) (6), (b) (7)(C) attributed the fact that multiple CBPOs responded to restrain (b) (6), (b) (7)(C) to their training. CBPO (b) (6), (b) (7)(C) stated that CBPOs are taught, "safety in numbers" in response to an incident because they might not know the background of an unknown individual.</p> <p>CBPO (b) (6), (b) (7)(C) reported that after (b) (6), (b) (7)(C) was on the ground and the situation seemed under control, she happened to notice an airline representative with what she described as an expression like something was wrong. CBPO (b) (6), (b) (7)(C) stated that she turned around she saw (b) (6), (b) (7)(C)</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

006

10. NARRATIVE

(b) (6), (b) (7)(C) on top of a CBPO (b) (6), (b) (7)(C) and swinging her arms. CBPO (b) (6), (b) (7)(C) stated that she responded by pulling (b) (6), (b) (7)(C) off of CBPO (b) (6), (b) (7)(C) and gaining control of her hands. CBPO (b) (6), (b) (7)(C) stated after that, she released (b) (6), (b) (7)(C) and she described her as scared, but said she calmed down. CBPO (b) (6), (b) (7)(C) said she informed (b) (6), (b) (7)(C) that she could not interfere with the CBPOs. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) stated that the man on the floor is her husband and she said she didn't know what to do. CBPO (b) (6), (b) (7)(C) stated that she did not believe it was necessary to place (b) (6), (b) (7)(C) in handcuffs because she had calmed down. CBPO (b) (6), (b) (7)(C) also explained her thought process and advised that (b) (6), (b) (7)(C) could be used to handle the luggage as the CBPOs escorted (b) (6), (b) (7)(C) to the holding area if she wasn't in handcuffs.

CBPO (b) (6), (b) (7)(C) said as soon as the CBPOs placed (b) (6), (b) (7)(C) in handcuffs, they gave him instructions on how to get up off of the floor. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) advised that he was on blood thinning medication.

CBPO (b) (6), (b) (7)(C) said she did not recall hearing if (b) (6), (b) (7)(C) made comments about the handcuffs being too tight, experiencing chest pains and shortness of breath, or asking the CBPOs to slow down the pace at which they made their way through the terminal to the holding area. CBPO (b) (6), (b) (7)(C) advised that standard protocol dictates if someone complains that they need medical attention it is addressed immediately. CBPO (b) (6), (b) (7)(C) stated that when they approached the escalators, (b) (6), (b) (7)(C) said he was "well known" and he did not want anyone to see him in handcuffs. CBPO (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) began shouting for people to video record what happening to him. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) leaned into an escalator "used his weight" and refused to walk any further. CBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) utilized the escort hold on (b) (6), (b) (7)(C) and they continued through the terminal. CBPO (b) (6), (b) (7)(C) explained that the escort hold consists of placing one hand on the subject's elbow and the other hand is placed on the subject's wrist where pressure can be applied.

CBPO (b) (6), (b) (7)(C) advised that she did not observe any external bleeding emanating from (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C) reported that once (b) (6), (b) (7)(C) was in the holding area, she was tasked with locating his wife. CBPO (b) (6), (b) (7)(C) stated that she located (b) (6), (b) (7)(C) near the baggage carousels and advised her that (b) (6), (b) (7)(C) was in the holding area. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) apologized for (b) (6), (b) (7)(C) behavior and explained that he was upset because they were unable to sit in first class on their return flight. CBPO (b) (6), (b) (7)(C) referred to her report and stated that (b) (6), (b) (7)(C) told her that her husband "can go from zero to one hundred."

CBPO (b) (6), (b) (7)(C) denied that she made any ethnically insensitive comments to Mr. or Mrs. (b) (6), (b) (7)(C)



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

006

10. NARRATIVE

On September 11, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) conducted a follow up interview of CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office. (b) (7)(E) (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees. (EXHIBIT 17)

CBPO (b) (6), (b) (7)(C) was asked to describe how he placed the handcuffs on (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) explained that after (b) (6), (b) (7)(C) was on the ground, he approached from behind and placed the handcuffs on at the "notch" of (b) (6), (b) (7)(C) wrists.

[AGENT NOTE]: Notch refers to the pisiform bone which is defined as the small bone found in the proximal row of the wrist.

CBPO (b) (6), (b) (7)(C) stated that he double locked the left and right side of the handcuffs. CBPO (b) (6), (b) (7)(C) added that he checked the handcuffs for "tightness" which consisted of placing and moving a finger between the wrist and the handcuff to ensure that there was enough space so the handcuffs would not hurt him.

CBPO (b) (6), (b) (7)(C) was asked to discuss what took place with (b) (6), (b) (7)(C) while her husband was restrained. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had initially walked away from the gate area toward the terminal. CBPO (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) eventually returned while (b) (6), (b) (7)(C) was being restrained and advised the CBPOs that he has a medical condition. CBPO (b) (6), (b) (7)(C) said while they were in the process of handcuffing (b) (6), (b) (7)(C) jumped on CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) pulled (b) (6), (b) (7)(C) off of CBPO (b) (6), (b) (7)(C) and informed her that she had to stay back. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) left with the CBPOs when they escorted (b) (6), (b) (7)(C) to the holding area. CBPO (b) (6), (b) (7)(C) advised that he remained at the gate with CBPO (b) (6), (b) (7)(C) and they continued to check the passenger's passports as they deplaned.

On September 12, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office. (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees and Appendix A-6 Kalkines Rights. (EXHIBIT 18)

CBPO (b) (6), (b) (7)(C) is a TTRT officer who was assigned to conduct passenger passport checks for (b) (6), (b) (7)(C) on April 28, 2019. It's noted that CBPO (b) (6), (b) (7)(C) was shown the video recording of the incident during his interview.

CBPO (b) (6), (b) (7)(C) stated that he assisted other CBPOs to conduct passenger passport checks for



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

006

10. NARRATIVE

(b) (6), (b) (7)(C) on April 28, 2019. According to CBPO (b) (6), (b) (7)(C) there were two persons of interest on that particular flight. CBPO (b) (6), (b) (7)(C) said once a person of interest is identified, the CBPOs escort that person to the holding area. CBPO (b) (6), (b) (7)(C) stated that they check every passenger's identification in order to avoid targeting. CBPO (b) (6), (b) (7)(C) advised that they will request the airline to make an announcement to the passengers and instruct them to make their passports available for inspection during the deplaning process. CBPO (b) (6), (b) (7)(C) stated that one of the CBPOs will also make an announcement as the passengers approach them at the end of the jet way. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) made the announcements for (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) reported that the CBPOs assigned to the TTRT team have the option to wear civilian clothes, as opposed to their uniforms. CBPO (b) (6), (b) (7)(C) advised that he was in his CBP uniform on the aforementioned date.

For the purpose of checking the passports, CBPO (b) (6), (b) (7)(C) advised that he was positioned on the right side of the jet bridge ramp and CBPO (b) (6), (b) (7)(C) was on the left side as the passengers deplaned. CBPO (b) (6), (b) (7)(C) said as the passengers approached, he asked each one for his or her passport. CBPO (b) (6), (b) (7)(C) stated after each passenger handed him their passport, he opened it to verify their identity and determine if that particular person was a person of interest.

CBPO (b) (6), (b) (7)(C) said as Mr. and Mrs. (b) (6), (b) (7)(C) made their way toward the CBPOs, he noticed that (b) (6), (b) (7)(C) was looking through his belongings for his passport. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) encountered (b) (6), (b) (7)(C) but when he asked him for his passport, (b) (6), (b) (7)(C) was still searching for it and he did not respond to CBPO (b) (6), (b) (7)(C) initial request. CBPO (b) (6), (b) (7)(C) said at that point, Mrs. (b) (6), (b) (7)(C) approached and (b) (6), (b) (7)(C) appeared to be upset before he eventually located it among his belongings.

According to CBPO (b) (6), (b) (7)(C) displayed his passport to CBPO (b) (6), (b) (7)(C) but he did not provide it to him. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) told CBPO (b) (6), (b) (7)(C) that he just showed his passport to him. (b) (6), (b) (7)(C) added that he is a US citizen with a US passport and "You don't have to look at it." CBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) tried to explain the procedure to (b) (6), (b) (7)(C) and informed him that he still needed to see his passport because he was not able to review its contents. CBPO (b) (6), (b) (7)(C) indicated that just because a person holds a US passport does not mean that it belongs to that person. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said he is a US citizen and claimed that the CBPOs had no right to inspect him. CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as being hesitant to provide his passport to CBPO (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) stated that he heard CBPO (b) (6), (b) (7)(C) inform (b) (6), (b) (7)(C) not to pull the passport away from his hands. CBPO (b) (6), (b) (7)(C) stated that he did not directly see the passport exchange between CBPO (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) but he demonstrated a pulling motion with his hands to describe what he saw with his peripheral

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

006

10. NARRATIVE

vision. CBPO (b) (6), (b) (7)(C) said that CBPO (b) (6), (b) (7)(C) looked at (b) (6), (b) (7)(C) passport and then he handed it to CBPO (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) said either CBPO (b) (6), (b) (7)(C) or CBPO (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to stand off to the side. CBPO (b) (6), (b) (7)(C) advised once (b) (6), (b) (7)(C) passport was given to CBPO (b) (6), (b) (7)(C) he and CBPO (b) (6), (b) (7)(C) continued to process the flight. CBPO (b) (6), (b) (7)(C) reported that he had checked passenger's passports before (b) (6), (b) (7)(C) approached CBPO (b) (6), (b) (7)(C) and he continued to check passports after (b) (6), (b) (7)(C) was instructed to speak to CBPO (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) passport was checked because he is Muslim. (audio/video recording timestamp: 17:49) CBPO (b) (6), (b) (7)(C) denied that he made any racially insensitive comments to (b) (6), (b) (7)(C) (audio/video timestamp: 35:06)

CBPO (b) (6), (b) (7)(C) stated that as he checked passports, he described the tone of (b) (6), (b) (7)(C) voice as "loud, but he was not screaming." CBPO (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) talked over the CBPOs. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was so loud that he had a difficult time talking to the passengers in front of him. CBPO (b) (6), (b) (7)(C) said as he checked passports he would periodically look behind him to ensure everything was under control, but at one point he heard (b) (6), (b) (7)(C) arguing with the other CBPOs stating that he showed his passport, he is a US citizen and he did not need to be inspected. CBPO (b) (6), (b) (7)(C) said he noticed that (b) (6), (b) (7)(C) pulled out his cellular phone to record what was happening and he informed (b) (6), (b) (7)(C) that the use of cell phones is prohibited while pointing to associated signage. CBPO (b) (6), (b) (7)(C) stated that he used a loud tone of voice, but he did not yell at (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) stated that he asked (b) (6), (b) (7)(C) for his cell phone. (b) (6), (b) (7)(C) did not provide it, but he put it away. CBPO (b) (6), (b) (7)(C) said during the interaction (b) (6), (b) (7)(C) had pointed his finger close to CBPO (b) (6), (b) (7)(C) face and continued to argue. CBPO (b) (6), (b) (7)(C) claimed that (b) (6), (b) (7)(C) removed his backpack, but a review of the video recording of the incident does not show that (b) (6), (b) (7)(C) removed his backpack. CBPO (b) (6), (b) (7)(C) reported throughout the exchange with (b) (6), (b) (7)(C) the CBPOs tried to explain the CBP process.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said, "I'm not staying here." And "I'm leaving." CBPO (b) (6), (b) (7)(C) said he heard CBPO (b) (6), (b) (7)(C) give (b) (6), (b) (7)(C) the command to stop. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) was holding (b) (6), (b) (7)(C) left wrist and he responded to the immediate area and assisted CBPO (b) (6), (b) (7)(C). CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) tried to pull away when he had hold of his hand by "elbowing," and he characterized (b) (6), (b) (7)(C) movements as "resistant." CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as a strong individual. Based on a review of the video, it appeared that (b) (6), (b) (7)(C) was taken to the ground during the restraining process. When shown the video, CBPO (b) (6), (b) (7)(C) stated that he and (b) (6), (b) (7)(C) "went" to the floor. It is noted that CBPO (b) (6), (b) (7)(C) cited in his written report that he and (b) (6), (b) (7)(C) "fell to the ground." CBPO (b) (6), (b) (7)(C) denied that he made any statements about taking (b) (6), (b) (7)(C) to the ground during the incident. (audio/video recording timestamp: 50:02)



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

006

10. NARRATIVE

CBPO (b) (6), (b) (7)(C) said that he scrapped his knees when he hit the floor as the CBPOs tried to restrain (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) provided pictures of the injuries he sustained to his knees taken after the incident. (EXHIBIT 19) CBPO (b) (6), (b) (7)(C) reported that when they were on the floor, (b) (6), (b) (7)(C) jumped on CBPO (b) (6), (b) (7)(C) and tried to pull him away from (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) responded and told (b) (6), (b) (7)(C) stop what she was doing. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was on medication.

CBPO (b) (6), (b) (7)(C) stated that the CBPOs had a difficulty during the handcuffing process because he said (b) (6), (b) (7)(C) was strong. CBPO (b) (6), (b) (7)(C) said he had trouble pulling (b) (6), (b) (7)(C) left arm up, around to the small of his back and CBPO (b) (6), (b) (7)(C) also experienced difficulty pulling (b) (6), (b) (7)(C) right arm up. CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) assisted and placed the handcuffs on (b) (6), (b) (7)(C) wrists. CBPO (b) (6), (b) (7)(C) advised that CBPO (b) (6), (b) (7)(C) checked the handcuffs for the appropriate tightness and ensured they were double locked. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was not on the floor for more than 30 seconds after he was restrained.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said he was on blood thinning medication. CBPO (b) (6), (b) (7)(C) stated that CBPO (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) that the CBPOs would provide (b) (6), (b) (7)(C) with his medication as soon as he was compliant. CBPO (b) (6), (b) (7)(C) said the CBPOs gave (b) (6), (b) (7)(C) commands and assisted him to his feet. CBPO (b) (6), (b) (7)(C) stated that as (b) (6), (b) (7)(C) stood up, he shifted his hands in the handcuffs. CBPO described the gesture by moving his up and down in a quick manner.

CBPO (b) (6), (b) (7)(C) reported that he requested that CBPO (b) (6), (b) (7)(C) check the handcuffs for the appropriate tightness and ensure they were double locked despite CBPO (b) (6), (b) (7)(C) advising that CBPO (b) (6), (b) (7)(C) had already checked. CBPO (b) (6), (b) (7)(C) stated that he and CBPO (b) (6), (b) (7)(C) utilized the escort hold technique and escorted (b) (6), (b) (7)(C) through the terminal to the CBP holding area. CBPO (b) (6), (b) (7)(C) stated that the escort hold is a technique learned in training that consists of placing one hand on a subject's hand and the other hand on the subject's arm. CBPO (b) (6), (b) (7)(C) stated that because of (b) (6), (b) (7)(C) size, he could not fit either hand around (b) (6), (b) (7)(C) hand or arm and instead used one hand to hold (b) (6), (b) (7)(C) wrist and used the other to hold his shirt. CBPO (b) (6), (b) (7)(C) said that he opted to use the elevator instead of the escalator because he did not want to risk an injury to (b) (6), (b) (7)(C) and the potential for (b) (6), (b) (7)(C) to blame the CBPOs.

CBPO (b) (6), (b) (7)(C) stated as they exited the elevator, (b) (6), (b) (7)(C) stopped, pulling the CBPOs to the left and said he did not want to be seen by the general public. CBPO (b) (6), (b) (7)(C) said he instructed (b) (6), (b) (7)(C) to keep walking; they reapplied the escort hold and continued through the terminal. CBPO (b) (6), (b) (7)(C) advised that when they passed the public, (b) (6), (b) (7)(C) told them to



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record what was happening to him. CBPO (b) (6), (b) (7)(C) said as they approached the CBP area, they met SCBPO (b) (6), (b) (7)(C) and she instructed them to take (b) (6), (b) (7)(C) to the baggage side B holding room. CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) complained of having chest pains, shortness of breath or shoulder pain. CBPO (b) (6), (b) (7)(C) denied that the CBPOs ran (b) (6), (b) (7)(C) through the terminal during the escort process. CBPO (b) (6), (b) (7)(C) stated that it is not possible to run an individual of (b) (6), (b) (7)(C) size under escort through the terminal because they would likely fall.

CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) sat in the holding room, continued to argue and insult them. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) complained that the handcuffs were too tight. CBPO (b) (6), (b) (7)(C) reported that he checked the handcuffs and verified that they were applied appropriately. CBPO (b) (6), (b) (7)(C) added that when he checked the handcuffs, (b) (6), (b) (7)(C) continued to move around. CBPO (b) (6), (b) (7)(C) stated that SCBPO (b) (6), (b) (7)(C) explained the process to (b) (6), (b) (7)(C) and informed him that the handcuffs would be removed as soon as he complied. CBPO (b) (6), (b) (7)(C) said before the patdown search procedure they removed (b) (6), (b) (7)(C) handcuffs. CBPO (b) (6), (b) (7)(C) advised that as they were removing the handcuffs, (b) (6), (b) (7)(C) continued to move his hands and wrists. CBPO (b) (6), (b) (7)(C) added that it appeared that (b) (6), (b) (7)(C) tried to cause abrasions to his wrists by how much he moved and how hard he pulled down on the handcuffs. CBPO (b) (6), (b) (7)(C) admitted that he told (b) (6), (b) (7)(C) that he was intentionally trying to make himself bleed. (audio/video timestamp: 1:08:56) CBPO (b) (6), (b) (7)(C) said that because he observed (b) (6), (b) (7)(C) "picking" at the area with his finger nails while making a pinching gesture where the handcuffs were placed and he advised him to stop. CBPO (b) (6), (b) (7)(C) stated that he did not observe any external bleeding emanating from (b) (6), (b) (7)(C) wrists. CBPO (b) (6), (b) (7)(C) added that he took pictures of (b) (6), (b) (7)(C) wrists. CBPO (b) (6), (b) (7)(C) denied that he told (b) (6), (b) (7)(C) to be quiet or he would be taken to jail. (audio/video timestamp: 1:08:22) CBPO (b) (6), (b) (7)(C) denied that he told (b) (6), (b) (7)(C) to shut up nor did he instruct him not to talk. (audio/video timestamp: 1:08:37)

CBPO (b) (6), (b) (7)(C) said when things appeared to calm down in an attempt to start a conversation with (b) (6), (b) (7)(C) he asked him at which hospital does he work because he stated that he is a physician. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) responded to his question and stated the nature in which it was asked was threatening. CBPO (b) (6), (b) (7)(C) said he discontinued the conversation.

CBPO (b) (6), (b) (7)(C) stated that EMS responded to the holding area, but he was outside the room when they conducted their evaluation of (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) reported that he overheard the paramedic advise (b) (6), (b) (7)(C) that he was not bleeding and the marks on his wrists were characterized as abrasions. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) refused to go to the hospital.



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CBPO (b) (6), (b) (7)(C) stated that (b) (7)(E) responded to the holding area at approximately the same time as EMS. CBPO (b) (6), (b) (7)(C) stated that an Arabic speaking (b) (7)(E) officer attempted to speak to (b) (6), (b) (7)(C) because he refused to leave the area. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was initially upset that the (b) (7)(E) officer spoke to him in Arabic. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not want to leave until he spoke to his lawyer and senior CBP management.

On December 5, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E). CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees and Appendix A-6 Kalkines Rights. (EXHIBIT 20)

CBPO (b) (6), (b) (7)(C) is a TTRT officer who was assigned to conduct passenger passport checks for (b) (6), (b) (7)(C) on April 28, 2019. CBPO (b) (6), (b) (7)(C) said he has been assigned to TTRT since, 2015. It's noted that CBPO (b) (6), (b) (7)(C) was shown the video recording of the incident during his interview.

CBPO (b) (6), (b) (7)(C) stated that he was the primary CBPO assigned to conduct passport checks for (b) (6), (b) (7)(C) on April 28, 2019. According to CBPO (b) (6), (b) (7)(C) there was one person of interest on (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) advised that any passenger identified as a person of interest is (b) (7)(E). CBPO (b) (6), (b) (7)(C) stated that the method used to verify a passenger's identity is to visually check their passports. CBPO (b) (6), (b) (7)(C) advised that the CBPOs are also tasked with the identification of anything suspicious which could dictate additional inspection.

CBPO (b) (6), (b) (7)(C) stated that he requested the airline to make an announcement to the passengers and instruct them to make their passports available for inspection during the deplaning process. CBPO (b) (6), (b) (7)(C) stated that the ramp from the jet way to where they were stationed extended two levels and is a long distance from one end to the other. CBPO (b) (6), (b) (7)(C) stated that he also made frequent announcements for the passengers to present their passports as they approached the CBPOs at the end of the gate area. CBPO (b) (6), (b) (7)(C) advised that he uses a loud projected voice to make the announcements because it is a large area. CBPO (b) (6), (b) (7)(C) described his tone of voice as "loud, but not aggressive." CBPO (b) (6), (b) (7)(C) said that he did not include US Customs in his announcements, but the CBPOs had their CBP badges displayed around their necks and CBPO (b) (6), (b) (7)(C) wore his CBP uniform. CBPO (b) (6), (b) (7)(C) advised that CBPO (b) (6), (b) (7)(C) and CBPO (b) (6), (b) (7)(C) were the CBPOs who checked the passports. CBPO (b) (6), (b) (7)(C) said he and the other CBPOs stood behind CBPOs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to provide additional assistance if necessary. CBPO (b) (6), (b) (7)(C) reported that the CBPOs checked other



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passengers' passports prior to their encounter with Mr. and Mrs. (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C) said he did not see Mr. and Mrs. (b) (6), (b) (7)(C) approach CBPO (b) (6), (b) (7)(C) but he indicated that he heard a commotion between them. CBPO (b) (6), (b) (7)(C) said he heard CBPO (b) (6), (b) (7)(C) explain to (b) (6), (b) (7)(C) that the CBPOs needed to check everyone's passport. CBPO (b) (6), (b) (7)(C) said he also heard CBPO (b) (6), (b) (7)(C) say that (b) (6), (b) (7)(C) "snatched" his passport away from him. CBPO (b) (6), (b) (7)(C) said because of this, he asked CBPO (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) passport and he instructed (b) (6), (b) (7)(C) to stand off to the side. CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) was told to step aside because of his ethnicity. CBPO (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) was directed to stand off to the side because he did not present his passport in the manner he was instructed by the CBPOs. CBPO (b) (6), (b) (7)(C) added that the majority of the flight consisted of people of the same ethnicity as (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C) stated that he told (b) (6), (b) (7)(C) to stand off to the side to explain the process to him and so the other passengers could proceed through the line without further delay. CBPO (b) (6), (b) (7)(C) said he explained the passport check procedure to (b) (6), (b) (7)(C) and informed him that no one is exempt from the process. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said, "I'm a US citizen." CBPO (b) (6), (b) (7)(C) said he advised (b) (6), (b) (7)(C) that his citizenship did not matter because everyone had to provide their passport. CBPO (b) (6), (b) (7)(C) reported that as he spoke to (b) (6), (b) (7)(C) he gestured to the line and indicated that the CBPOs were checking passports of other passengers from the same flight. CBPO (b) (6), (b) (7)(C) stated that he checked (b) (6), (b) (7)(C) passport and indicated that he was not the person of interest. CBPO (b) (6), (b) (7)(C) said that he did not return (b) (6), (b) (7)(C) passport to him because CBPO (b) (6), (b) (7)(C) characterized (b) (6), (b) (7)(C) behavior as "irate" and "not normal" which he cited as a cause for further inspection to determine if (b) (6), (b) (7)(C) was hiding something. CBPO (b) (6), (b) (7)(C) added another reason he instructed (b) (6), (b) (7)(C) to stand off to the side was an attempt for (b) (6), (b) (7)(C) to calm down. CBPO (b) (6), (b) (7)(C) advised that as they tried to explain the process to him, (b) (6), (b) (7)(C) became "loud" and described his tone as more "aggressive." CBPO (b) (6), (b) (7)(C) said there is a difference between loud for the purpose of making an announcement and loud in terms of being mad. CBPO (b) (6), (b) (7)(C) continued and described (b) (6), (b) (7)(C) tone of voice as loud because he was angry. CBPO (b) (6), (b) (7)(C) stated that during the verbal exchange with CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) pointed his finger in her face. CBPO (b) (6), (b) (7)(C) stated that as (b) (6), (b) (7)(C) voice became louder the CBPOs stopped checking passports and they did not allow any more passengers to proceed through the line.

(b) (6), (b) (7)(C) retrieved his cell phone in an attempt to record what was happening. CBPO (b) (6), (b) (7)(C) stated that the CBPOs informed (b) (6), (b) (7)(C) that he was in an inspection area and the use of cell phones is prohibited. According to CBPO (b) (6), (b) (7)(C) the CBPOs also referenced a sign in the area that advised travelers about the cell phone policy. (b) (6), (b) (7)(C) placed the phone in his pocket



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and the passport checks of passengers continued.

CBPO (b) (6), (b) (7)(C) said he instructed (b) (6), (b) (7)(C) to stand off to the side again and (b) (6), (b) (7)(C) said "I'm not waiting, I'm leaving without my passport." CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) started walking toward the gate. CBPO stated that he told (b) (6), (b) (7)(C) to stop and (b) (6), (b) (7)(C) told him, "I'm leaving" and he continued to walk away. CBPO (b) (6), (b) (7)(C) disputed (b) (6), (b) (7)(C) claim that CBPO (b) (6), (b) (7)(C) instead instructed him to wait at the end of the hallway. (b) (6), (b) (7)(C) stated that was the reason why he turned around to walk away before CBPO (b) (6), (b) (7)(C) grabbed him. CBPO (b) (6), (b) (7)(C) denied that he instructed (b) (6), (b) (7)(C) to wait at the end of the hallway. CBPO (b) (6), (b) (7)(C) said he approached (b) (6), (b) (7)(C) from behind and attempted to grab his hand in order to stop him. CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) initially pulled his hand away before he was able to grab it and the other CBPOs responded to assist.

CBPO (b) (6), (b) (7)(C) stated that multiple CBPOs responded to restrain (b) (6), (b) (7)(C) because he was "shuffling" and "pulling away." CBPO (b) (6), (b) (7)(C) demonstrated (b) (6), (b) (7)(C) movements by rotating his upper torso from left to right. CBPO (b) (6), (b) (7)(C) stated that after (b) (6), (b) (7)(C) was on the floor he was handcuffed. CBPO (b) (6), (b) (7)(C) reported while (b) (6), (b) (7)(C) was handcuffed he heard him advise that his medication was in his bag, but he did not request medical attention. CBPO (b) (6), (b) (7)(C) advised that as shortly after (b) (6), (b) (7)(C) was handcuffed he had no further interaction with him and CBPOs (b) (6), (b) (7)(C) escorted him out of the area. CBPO (b) (6), (b) (7)(C) stated that he did not observe any blood on the floor as a result of (b) (6), (b) (7)(C) being restrained. CBPO (b) (6), (b) (7)(C) reported that he and CBPO (b) (6), (b) (7)(C) continued to check passports after the incident with (b) (6), (b) (7)(C) took place because they had not encountered the person of interest up to that point.

CBPO (b) (6), (b) (7)(C) stated that he did not have any interaction with (b) (6), (b) (7)(C) but as the CBPOs tried to restrain (b) (6), (b) (7)(C) he saw (b) (6), (b) (7)(C) try to pull one of the CBPOs off of (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said that he did not remember the CBPO (b) (6), (b) (7)(C) tried to remove because his attention was divided between observing the line of passengers from the flight in addition to the restraint of (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) admitted that he "forgot" to include (b) (6), (b) (7)(C) interference during the restraint of (b) (6), (b) (7)(C) in his report. CBPO (b) (6), (b) (7)(C) added that "a lot of things happened" referring to the incident that involved (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated that he was alone when he wrote his report of the incident at the end of his shift on April 28, 2019. CBPO (b) (6), (b) (7)(C) advised that he spoke with the other CBPOs involved in the incident about what happened, but not for the purpose of collaborating what to write in their reports.

CBPO (b) (6), (b) (7)(C) denied that he made any ethnically insensitive comments to Mr. and Mrs (b) (6), (b) (7)(C)

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On January 14, 2019, SSA (b) (6), (b) (7)(C) and Assistant Special Agent in Charge (ASAC) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) conducted a follow up interview with CBPO (b) (6), (b) (7)(C) at the CBP OFO Port Office, (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided the Administrative Warning Acknowledgement for Non-Bargaining Employees and Appendix A-6 Kalkines Rights. (EXHIBIT 21)

CBPO (b) (6), (b) (7)(C) indicated that he initially tried to physically restrain (b) (6), (b) (7)(C) by holding his arm in order to control him and prevent him from leaving the area. CBPO (b) (6), (b) (7)(C) stated that it failed because (b) (6), (b) (7)(C) did not follow the CBPOs commands and he continued to pull away. Once (b) (6), (b) (7)(C) was up against the wall, CBPO (b) (6), (b) (7)(C) advised that the CBPOs tried to put handcuffs on him at that point. CBPO (b) (6), (b) (7)(C) said that the CBPOs were unable to place handcuffs on (b) (6), (b) (7)(C) because he was pulling away. CBPO (b) (6), (b) (7)(C) admitted that he "Pulled (b) (6), (b) (7)(C) down. " (audio/video timestamp: 24:30) CBPO (b) (6), (b) (7)(C) stated that it was not his intention to take (b) (6), (b) (7)(C) to the ground initially, but he thought it would be easier to control (b) (6), (b) (7)(C) on the floor. CBPO (b) (6), (b) (7)(C) stated that taking (b) (6), (b) (7)(C) down to the ground prevented him from leaving the area. CBPO (b) (6), (b) (7)(C) said although (b) (6), (b) (7)(C) was on the floor, it was still difficult for the CBPOs to put the handcuffs on him because he was pulling away.

CBP OPR Personnel Security Division (PSD) reported that CBPO (b) (6), (b) (7)(C) currently holds a Top Secret Sensitive Compartmentalized Information security clearance.

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<p>EXHIBITS</p> <p>Exhibit #1 – Email to the JIC dated April 28, 2019.</p> <p>Exhibit #2 – Video surveillance of the incident between (b) (6), (b) (7)(C) and CBPOs that occurred at (b) (7)(E) on April 28, 2019.</p> <p>Exhibit #3 – (b) (6), (b) (7)(C) audio/video recorded interview dated May 13, 2019.</p> <p>Exhibit #4 – Personal pictures of injuries sustained during incident with CBPOs provided by (b) (6), (b) (7)(C)</p> <p>Exhibit #5 – (b) (6), (b) (7)(C) audio/video recorded interview dated May 13, 2019.</p> <p>Exhibit #6 (b) (6), (b) (7)(C) Request for Assistance Interim ROI dated June 3, 2019.</p> <p>Exhibit #7 – (b) (6), (b) (7)(C) seat assignment log.</p> <p>Exhibit #8 – (b) (6), (b) (7)(C) Passenger Interviews Interim ROI dated June 13, 2019.</p> <p>Exhibit #9 – (b) (7)(E) Officer (b) (6), (b) (7)(C) Interim ROI dated August 28, 2019.</p> <p>Exhibit #10 – CCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated August 12, 2019.</p> <p>Exhibit #11 – CCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated August 13, 2019.</p> <p>Exhibit #12 – WC (b) (6), (b) (7)(C) audio/video recorded interview dated August 13, 2019.</p> <p>Exhibit #13 – PMD (b) (6), (b) (7)(C) Interim ROI dated August 22, 2019.</p> <p>Exhibit #14 – SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 9, 2019.</p> <p>Exhibit #15 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 9, 2019.</p> <p>Exhibit #16 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 10, 2019.</p>	

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	<p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p>
	<p>2. REPORT NUMBER</p> <p>006</p>
<p>Exhibit #17 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 11, 2019.</p> <p>Exhibit #18 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 11, 2019.</p> <p>Exhibit #19 – Pictures of CBPO (b) (6), (b) (7)(C) injuries sustained during the incident with (b) (6), (b) (7)(C) and CA-1 provided by CBPO (b) (6), (b) (7)(C)</p> <p>Exhibit #20 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated December 5, 2019.</p> <p>Exhibit #21 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated January 14, 2019.</p>	

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)
Sent: Sunday, April 28, 2019 10:54 PM
To: JOINT INTAKE
Cc: (b) (6), (b) (7)(C), (b) (7)(E)
Subject: JIC Referral-OFO (b) (7)(E) Passenger Allegation of Abuse by CBP
Attachments: (b) (6), (b) (7)(C)

On April 28, 2019, while identifying arriving passengers CBP Officers at (b) (7)(E) assigned to TTRT, became engaged in an altercation with arriving passenger (b) (6), (b) (7)(C) later claimed what he had been abused by CBP.

Summary:

While conducting passport inspections on arriving (b) (6), (b) (7)(C) flight CBPOs encounter (b) (6), (b) (7)(C) who first handed over his passport to the officers the quickly pulled it back. (b) (6), (b) (7)(C) continued to refuse to show his documents stating that he was a U.S. Citizen and didn't need to. Once (b) (6), (b) (7)(C) was escorted to the side he handed over his passport, became verbally abusive with the officers at which point he removed his backpack and pointed his finger in an officer's face while taking a more aggressive position. (b) (6), (b) (7)(C) attempted to walk away without his passport when he was stopped by other officers. Due to (b) (6), (b) (7)(C) non-compliant, actively resisting actions the officers attempted to restrain him. During the attempt (b) (6), (b) (7)(C) fell to the ground and his wife jumped onto a CBPO. Once (b) (6), (b) (7)(C) was restrained and secured he was assisted back upon his feet where he was escorted to the arrival hall. During the escort (b) (6), (b) (7)(C) advised the officers that he is on blood thinners and the handcuffs are too tight and cutting him. A CBPO checks for tightness and finds that there is ample room to insert a finger between the cuffs and the skin.

(b) (6), (b) (7)(C) is escorted to a search room where he was searched, uncuffed, the inspection had been completed and was told that he was free to depart. At this time (b) (6), (b) (7)(C) complained that he was injured by CBP and wanted to speak to a Supervisor. (b) (7)(E) Fire Department Paramedics were immediately contacted. The only sign of injury was some redness around (b) (6), (b) (7)(C) wrists with no bleeding or visible cuts.

While waiting for Paramedics to arrive Watch Commander (b) (6), (b) (7)(C) listened to (b) (6), (b) (7)(C) explain "that he can't be treated like this", "CBP abused him because he is Muslim", "CBP are the real terrorists" and "he wasn't leaving until the media was brought in to see how he was abused".

Paramedics arrived, conducted their assessment, offered to transport (b) (6), (b) (7)(C) to the hospital which was refused, completed their documentation and departed.

(b) (6), (b) (7)(C) continued to refuse to depart the FIS after medical attention until he could speak with his lawyer. (b) (6), (b) (7)(C) was allowed to call his lawyer, however, showed no indication that he was willing to leave the FIS. Members of the (b) (7)(E) Police Department were on sight and persuaded him into leaving the FIS without further incident.

No video is available as the area where the altercation took place is not covered by CBP or (b) (7)(E) Department of Aviation video systems. Still photos of (b) (6), (b) (7)(C) wrists are attached.

Timeline of Events:

1532: (b) (6), (b) (7)(C) arrives at the gate and passengers disembark

1545: (b) (6), (b) (7)(C) and his wife are asked for their passports and a verbal altercation takes place between (b) (6), (b) (7)(C) and the inspecting officer

1547: (b) (6), (b) (7)(C) continues to be non-compliant verbally and now physically. While the passenger is being restrained he falls to the ground where he is handcuffed. (b) (6), (b) (7)(C) wife had to be pulled off of an officer's back as they were in the process of restraining (b) (6), (b) (7)(C)

1553: Supervisor (b) (6), (b) (7)(C) is notified and meets the escorting officers at (b) (7)(E)

1600: Personal search conducted inside a search room

1605: Supervisor (b) (6), (b) (7)(C) requests Chief (b) (6), (b) (7)(C) assistance in (b) (7)(E)

1608: Supervisor (b) (6), (b) (7)(C) explains (b) (6), (b) (7)(C) was non-compliant during the passport review at the aircraft arrival. The interaction escalated to the point (b) (6), (b) (7)(C) required to be restrained with handcuffs and escorted to Baggage Secondary. Supervisor (b) (6), (b) (7)(C) explained that during the personal search, while handcuffed, (b) (6), (b) (7)(C) continued to move his hands and wrists in a manner as to create injury, to which his complaint was that he was bleeding. After the personal search, Supervisor (b) (6), (b) (7)(C) had instructed to (b) (6), (b) (7)(C) that if he would sit and calm down, the handcuffs would be removed, to which he agreed. After Supervisor (b) (6), (b) (7)(C) explanation, I looked at (b) (6), (b) (7)(C) hands and could see no cuts or blood. Chief (b) (6), (b) (7)(C) asked if he would like medical attention to which he replied "No, I am a physician". (b) (6), (b) (7)(C) continued to complain that he is a physician and an American Citizen and that we (CBP) has not right to inspect him or handcuff him

1610: Chief (b) (6), (b) (7)(C) instructed Supervisor (b) (6), (b) (7)(C) to take photos of (b) (6), (b) (7)(C) wrists prior to his release

1615: Inspection of (b) (6), (b) (7)(C) is completed and he is free to depart the FIS

1618: Supervisor (b) (6), (b) (7)(C) calls to inform Chief (b) (6), (b) (7)(C) refuses to leave and wants to speak to a Commander

1620: (b) (6), (b) (7)(C) refuses to speak to Chief (b) (6), (b) (7)(C) unless they have a private meeting with him in Chief (b) (6), (b) (7)(C) office. Chief (b) (6), (b) (7)(C) explained that based on his demeanor, that he do not know him and that he has been non-compliant, they could discuss all matters in the interview room. He continued to complain about his wrists and wanted to speak to Chief (b) (6), (b) (7)(C) Supervisor. Chief (b) (6), (b) (7)(C) asked him if he wanted medical attention again to which he declined then recanted and said "Yes, Bring the doctor here"

1625: Paramedics were contacted and Watch Commander (b) (6), (b) (7)(C) was requested.

1627: WC (b) (6), (b) (7)(C) arrives to speak with (b) (6), (b) (7)(C) in the interview room. (b) (6), (b) (7)(C) was provided water

1630: (b) (7)(E) Police Department (b) (7)(E) and Aviation Police arrive after hearing the call for paramedics

1635: (b) (6), (b) (7)(C) apologizes to Supervisor (b) (6), (b) (7)(C) She claims (b) (6), (b) (7)(C) became angry at the start of the flight because he was not upgraded to First Class and they "had a rough flight"

1640: Paramedics arrive at which time (b) (6), (b) (7)(C) is verbally uncooperative with them as well

1655: After EMS conducts their assessment (b) (6), (b) (7)(C) refuses medical care

1655: (b) (6), (b) (7)(C) refuses to leave the inspection area until he contacts his lawyer to which WC (b) (6), (b) (7) allows him to call

1700: (b) (7)(E) discusses that they may have to arrest (b) (6), (b) (7)(C) with disorderly conduct if he continues to refuse to leave and act in the manner he has been

1705: (b) (7)(E) instructs (b) (6), (b) (7)(C) that he has to leave and escorts him out of the FIS

Passenger Information:

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

DOB: [REDACTED]

U.S. Citizen

PP# (b) (6), (b) (7)(C)

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

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

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

DOB: [REDACTED]

U.S. Citizen

PP# (b) (6), (b) (7)(C)

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

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

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

Watch Commander

(b) (7)(E)

Office of Field Operations

U.S. Customs and Border Protection

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

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

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

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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

Video Surveillance of (b) (6), (b) (7)(C)
encounter with CBPOs on April 28, 2019
at (b) (7)(E)

Original DVD is retained 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 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)

May 13, 2019

Original DVD is retained 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 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

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

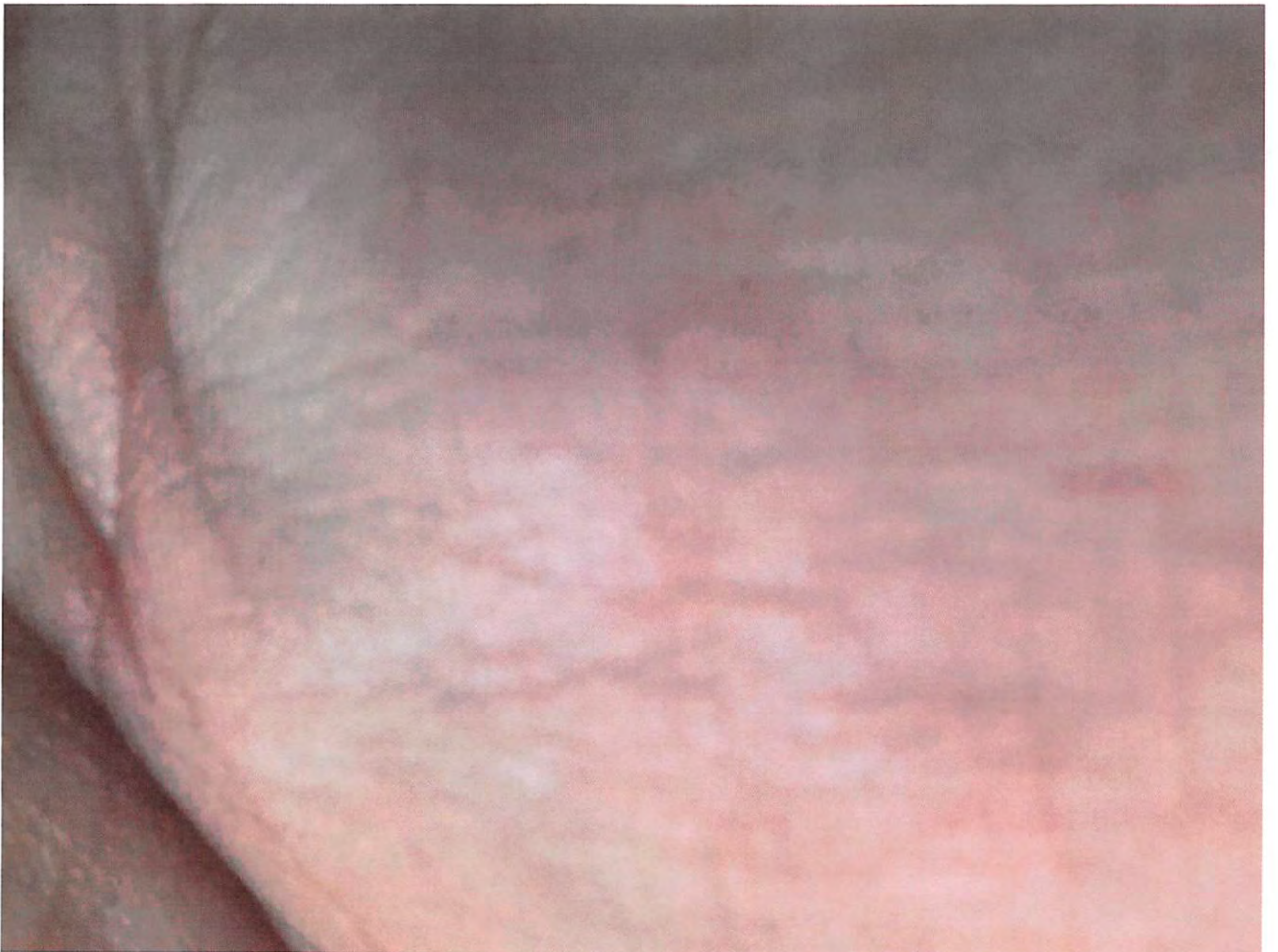
From: (b) (6), (b) (7)(C)
Sent: Thursday, May 30, 2019 9:22 PM
To: (b) (6), (b) (7)(C)
Subject: Photos (b) (6), (b) (7)(C)















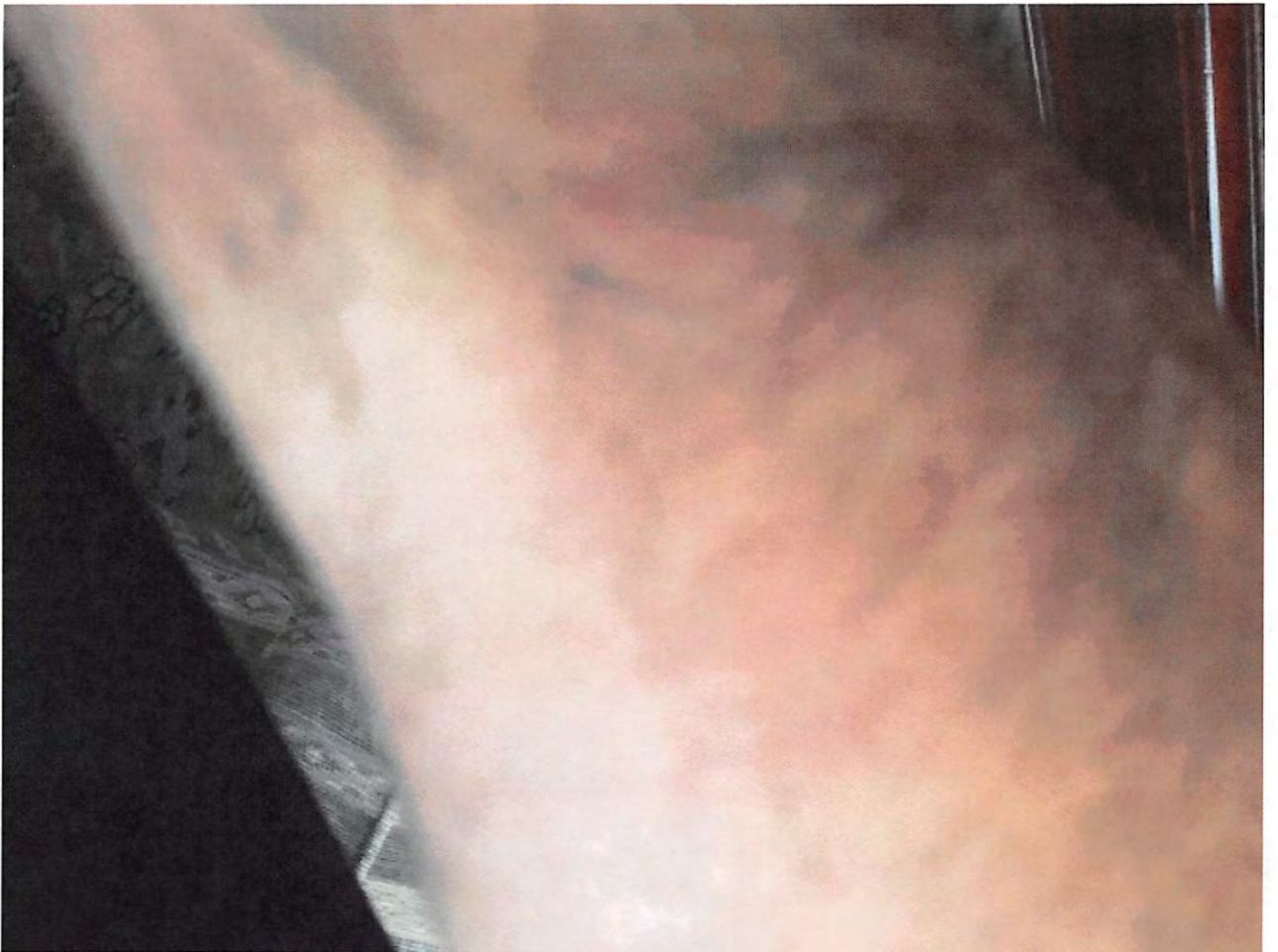












(b) (6), (b) (7)(C)



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DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY



(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

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

May 13, 2019

Original DVD is retained 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 6

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 style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER (b) (7)(E)</p>
		<p>PREPARED BY (b) (6), (b) (7)(C)</p>
		<p>2. REPORT NUMBER 002</p>
<p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse (b) (7)(E) (b) (7)(E)</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Interim Report</p>	<p>6. TYPE OF REPORT Investigative Findings</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC Traveler alleged he was abused by CBP because he is Muslim.</p>		
<p>9. SYNOPSIS On April 28, 2019, the Joint Intake Center (JIC), Washington DC, received information from Supervisory U.S. Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a U.S. Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.</p>		
<p>10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>11. COMPLETION DATE 05-JUN-2019</p>	<p>14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)</p>
<p>12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor</p>	<p>13. APPROVED DATE 05-JUN-2019</p>	<p>15. TELEPHONE NUMBER (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>		

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p>
	<p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>On April 28, 2019, the JIC, Washington DC, received information from SCBPO (b) (6), (b) (7)(C) (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a U.S. Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.</p> <p>On June 3, 2019, CBP Office of Professional Responsibility (OPR) Senior Special Agent (SSA) (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) and requested crew information for inbound (b) (6), (b) (7)(C) that departed from (b) (6), (b) (7)(C) and arrived in (b) (7)(E) (b) (7)(E) on April 28, 2019. The purpose of the request for (b) (6), (b) (7)(C) crew information was an attempt to identify an individual from the (b) (6), (b) (7)(C) crew who may have witnessed an altercation between an (b) (6), (b) (7)(C) passenger and CBPOs when it deplaned at (b) (7)(E) on April 28, 2019.</p>	

<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p>  <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>None</p>	

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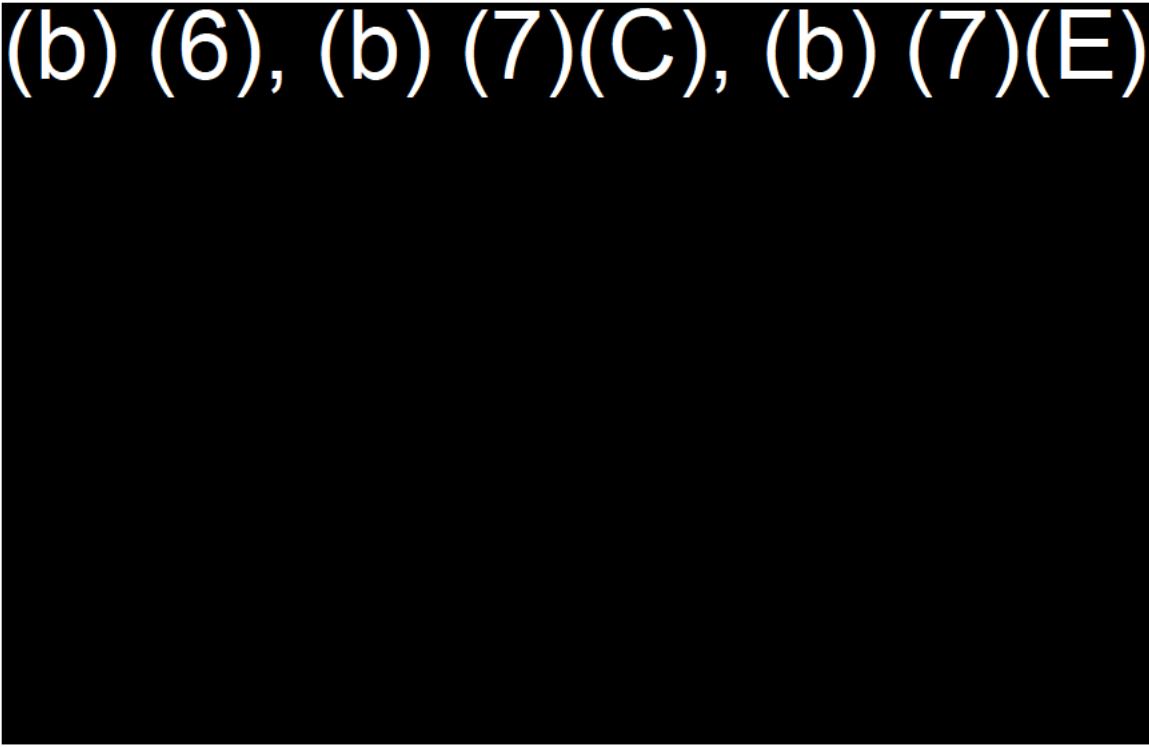
(b) (7)(E)

EXHIBIT 7

DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
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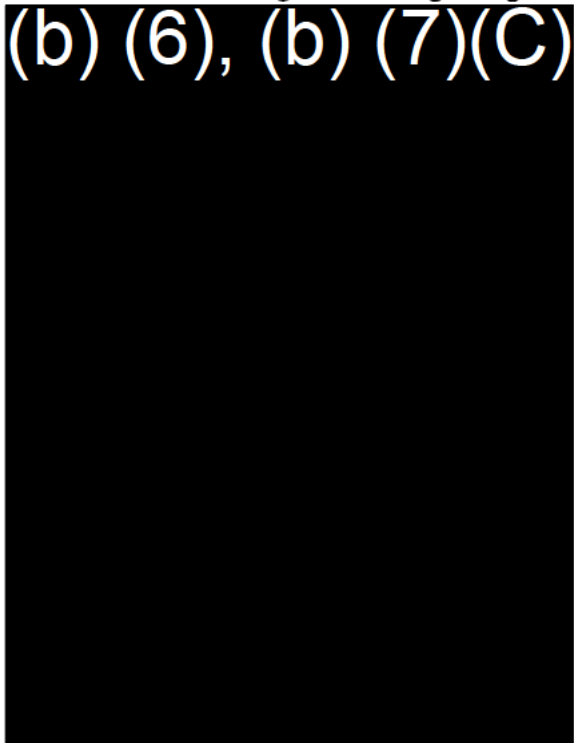
PaxId FROM TO Flight Flt Date Pax Name BN SN Class

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



Ticket Number Bags count Bags weight

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




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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

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER (b) (7)(E)</p>
		<p>PREPARED BY (b) (6), (b) (7)(C)</p>
		<p>2. REPORT NUMBER 003</p>
<p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E) (b) (7)(E)</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Interim Report</p>	<p>6. TYPE OF REPORT Investigative Findings</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC Traveler alleged he was abused by CBP because he is Muslim.</p>		
<p>9. SYNOPSIS On April 28, 2019, the Joint Intake Center (JIC), Washington DC, received information from Supervisory US Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.</p>		
<p>10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>11. COMPLETION DATE 18-JUL-2019</p>	<p>14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)</p>
<p>12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>13. APPROVED DATE 19-JUL-2019</p>	<p>15. TELEPHONE NUMBER (b) (6), (b) (7)(C)</p>
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 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 003</p>
<p>10. NARRATIVE</p> <p>DETAILS OF INVESTIGATION</p> <p>On April 28, 2019, the JIC, Washington DC, received information from SCBPO (b) (6), (b) (7)(C) (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.</p> <p>On June 13, 2019, Senior Special Agent (SSA) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in row (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said she was one of the first individuals to exit the plane and immediately proceeded to the baggage claim area. (b) (6), (b) (7)(C) stated that she did not witness an incident between CBP and any passengers during the deplaning process.</p> <p>(b) (6), (b) (7)(C) said she noticed that she was one of the only individuals from her flight that was at the baggage carousel for an extended period of time, which made her wonder if something was going on.</p> <p>Continuing on June 13, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said that he did not witness an incident between CBP and any passengers during the deplaning process. (b) (6), (b) (7)(C) provided no further statements.</p> <p>On June 14, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said that as she deplaned she heard CBP make a loud announcement that instructed passengers to have their passports out for inspection. (b) (6), (b) (7)(C) used a stern voice when she described the CBPOs instructions to the passengers and recalled them saying: "Passports out!", "Passports out!", "Get your passports out!"</p> <p>(b) (6), (b) (7)(C) stated that while standing in line during the deplaning process, she heard a male passenger in front of her say to the CBPOs, "Why are you being so rude?" (b) (6), (b) (7)(C) reported</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 003</p>
<p>10. NARRATIVE</p> <p>that the CBPOs responded to the male passenger and said, "Be quiet!" and "Don't ask any questions!" in a very authoritative tone. (b) (6), (b) (7)(C) stated that the male passenger told the CBPOs, "I'm a US citizen and I'm not doing anything wrong."</p> <p>(b) (6), (b) (7)(C) said she thought that the CBPOs were "overly aggressive" with the male passenger and some of the other passengers because of the tone of voice they used while giving the instructions to present passports by saying, "Get it out!", "Get it out!", "Get it out!"</p> <p>(b) (6), (b) (7)(C) reported that a female CBPO told the male passenger in a loud tone, "He's just trying to do his job, why are you giving him such a hard time?" (b) (6), (b) (7)(C) said the female CBPO had dark hair in a "pony tail", and was slightly curly.</p> <p>(b) (6), (b) (7)(C) said a male CBPO told the male passenger, "You better be quiet now before I detain you." (b) (6), (b) (7)(C) said she was unsure of the CBPOs height, but described him as white with a tan, medium build with dark hair (crew cut) and he wore a navy blue shirt. (b) (6), (b) (7)(C) said he might have been wearing a uniform.</p> <p>(b) (6), (b) (7)(C) said that the male passenger appeared to be of Middle Eastern descent based on his accent. (b) (6), (b) (7)(C) further described the male passenger as approximately 5'10" tall, in his sixties, gray hair, and he wore tan (khaki) pants with a cream color long sleeve jacket. (b) (6), (b) (7)(C) said he was also traveling with a female companion, but she could not provide a description.</p> <p>(b) (6), (b) (7)(C) said that she did not think the CBPOs tried to de-escalate the situation because they continued to argue with the male passenger.</p> <p>(b) (6), (b) (7)(C) said she did not think the male passenger was disrespectful toward the CBPOs or that he did anything wrong other than being a little argumentative. (b) (6), (b) (7)(C) said she thought he was just pointing out to the CBPOs that they were being rude.</p> <p>(b) (6), (b) (7)(C) said she felt "unsettled" when she witnessed the situation between the male passenger and the CBPOs. (b) (6), (b) (7)(C) said she has experience traveling abroad and she cited that the customs agents with other countries were very welcoming. (b) (6), (b) (7)(C) said she thought this instance was a poor example to guests entering the US. (b) (6), (b) (7)(C) said she understands the importance of keeping a secured border to protect people from harm, but at the same time, "you can be courteous."</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
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10. NARRATIVE

(b) (6), (b) (7)(C) said she did not observe a physical altercation between the CBPOs and any of the passengers.

(b) (6), (b) (7)(C) said she presented her passport to the CBPOs as she deplaned without any incident.

On June 24, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.

(b) (6), (b) (7)(C) stated that during the deplaning process she heard an announcement made by officers, "shouting" instructions to the passengers to have their passports open to the picture page.

(b) (6), (b) (7)(C) said she had her passport open to the picture page and presented it to the CBPO without incident. (b) (6), (b) (7)(C) noted that the CBPO was "firm" when inspecting the passports. (b) (6), (b) (7)(C) said the CBPO did not greet the passengers, say hello or thank you, but just did his job. (b) (6), (b) (7)(C) explained that she had a connecting flight so she exited the plane and left the area very quickly.

(b) (6), (b) (7)(C) said she did not witness a verbal or physical incident between CBPOs and any passengers during the deplaning process. However, (b) (6), (b) (7)(C) reported that she saw some CBPOs escorting a male passenger from her flight in the global entry area of the airport after she exited the plane. (b) (6), (b) (7)(C) said she recognized the man being escorted because he sat next to her on the flight. (b) (6), (b) (7)(C) said he appeared to be in his fifties or sixties, with gray hair, and he wore a dark color (navy blue or black) t-shirt. (b) (6), (b) (7)(C) said that she thought the male was a physician because she overheard his conversations with other passengers on the flight about the profession. (b) (6), (b) (7)(C) said the male was traveling with a female who she assumed was his wife. (b) (6), (b) (7)(C) described her as short, with dark skin, dark hair and brown eyes.

(b) (6), (b) (7)(C) said she did not hear what was said between the CBPOs and the male passenger when they escorted him through the terminal. (b) (6), (b) (7)(C) said she saw that the man was handcuffed and that there was an officer walking behind him. (b) (6), (b) (7)(C) said the officer behind him had one hand on the handcuffs and the other hand was in between his shoulder blades. (b) (6), (b) (7)(C) said that the man appeared to be cooperating with the CBPOs.

On June 26, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C)

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REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

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10. NARRATIVE

telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.

(b) (6), (b) (7)(C) said that he did not witness an incident between CBP and any passengers during the deplaning process. (b) (6), (b) (7)(C) stated that his mother might have witnessed something and he provided her name and phone number: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) provided no further statements.

On June 27, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) to (b) (7)(E) on April 28, 2019.

(b) (6), (b) (7)(C) stated that he heard some arguing after he exited the aircraft between a male passenger and three CBPOs. (b) (6), (b) (7)(C) said he was standing approximately 5-10 feet away from where the incident occurred. (b) (6), (b) (7)(C) stated that he did not see how or when the incident between the passenger and the CBPOs started. (b) (6), (b) (7)(C) reported that by the time he encountered the incident, the male passenger appeared to be "aggressive."

(b) (6), (b) (7)(C) described the passenger as a Caucasian male, approximately sixty years old, 6' - 6' 3" tall with a large build. (b) (6), (b) (7)(C) said that he noticed a female who appeared to be the passenger's wife with him. (b) (6), (b) (7)(C) said she was approximately 5' 4" and in her mid-fifties. (b) (6), (b) (7)(C) said he did not know the male passenger or the female.

(b) (6), (b) (7)(C) described the CBPOs involved in the incident as a Caucasian female, a Caucasian male and a "Hispanic looking" male.

(b) (6), (b) (7)(C) said the male passenger was arguing with the "Hispanic" CBPO because he requested to see the male passenger's passport. (b) (6), (b) (7)(C) described the CBPOs attitude toward the passenger as "very respectful" and "courteous." (b) (6), (b) (7)(C) said he heard the passenger say, "Why do I need to show you the passport? I'm an American citizen." (b) (6), (b) (7)(C) explained that as the situation escalated he heard more shouting because the passenger did not cooperate with the CBPOs requests. (b) (6), (b) (7)(C) reported that he heard the passenger tell the CBPOs, "I don't have to show you my passport." (b) (6), (b) (7)(C) said he thought that the passenger was offended because the CBPOs asked questions about his citizenship. (b) (6), (b) (7)(C) said the passenger did not listen to the instructions given by the CBPOs and started walking away from them. (b) (6), (b) (7)(C) reported that the CBPOs stopped him, "took him down and put the handcuffs on."

(b) (6), (b) (7)(C) said he heard the female CBPO tell the passenger's wife that if she did not listen she

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REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

003

10. NARRATIVE

would be arrested.

On a scale of 1-10 (10 being the loudest and 1 being the softest) (b) (6), (b) (7)(C) described the passenger's tone of voice toward the CBPOs between 6 and 8 during the incident. (b) (6), (b) (7)(C) said 7 on the scale represented yelling and anything above 5 is arguing. (b) (6), (b) (7)(C) described the CBPOs tone of voice toward the passenger as a 4. (b) (6), (b) (7)(C) reported that the passenger did not listen to the CBPOs. (b) (6), (b) (7)(C) said he did not believe that the CBPOs were overbearing, abusing their authority or unprofessional. (b) (6), (b) (7)(C) said he did not see any issues with the CBPOs.

(b) (6), (b) (7)(C) said his passport was not inspected by CBP during the deplaning process nor did he have an interaction with any CBPOs at that point.

Continuing on June 27, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) to (b) (7)(E) on April 28, 2019. It is noted that (b) (6), (b) (7)(C) is a juvenile and was given permission to speak with SSA (b) (6), (b) (7)(C) by her father, (b) (6), (b) (7)(C).


(b) (6), (b) (7)(C) said she heard yelling as she exited the plane. (b) (6), (b) (7)(C) said she saw a male passenger who refused to show his passport to the CBPOs. (b) (6), (b) (7)(C) said she heard the passenger say, "I don't have to show you my passport", and noted that he was "uncooperative." (b) (6), (b) (7)(C) said she saw two CBPOs handcuff the passenger because he was yelling. (b) (6), (b) (7)(C) reported that the passenger was in his mid to late fifties with some gray hair.


(b) (6), (b) (7)(C) stated that the CBPOs tried to calm the passenger down in a "stern" tone of voice. (b) (6), (b) (7)(C) said the CBPOs voices were loud, but they were not yelling.

(b) (6), (b) (7)(C) stated that she saw a female of similar age traveling with the male, but she could not remember anything else about her.

Continuing on June 27, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.

Neither (b) (6), (b) (7)(C) nor his wife, (b) (6), (b) (7)(C) witnessed any incident between CBP personnel and passengers during the deplaning process. (b) (6), (b) (7)(C) said they did see CBPOs at the gate, but they did not have any interaction with them.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 003</p>
<p>10. NARRATIVE</p> <p>On June 28, 2019, SSA Nowakowski interviewed (b) (6), (b) (7)(C) telephonically (b) (6), (b) (7)(C) was the pilot for (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C), (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said during the deplaning process he heard an announcement for the passengers of the flight to get their passports ready for inspection. (b) (6), (b) (7)(C) advised that the passport inspection process is a common procedure.</p> <p>(b) (6), (b) (7)(C) stated that while deplaning he saw a male passenger and his wife arguing with some CBPOs. (b) (6), (b) (7)(C) indicated there were three or four male CBPOs and one female CBPO involved (b) (6), (b) (7)(C) reported the argument started before he arrived and he did not see how it began.</p> <p>(b) (6), (b) (7)(C) said the subject of the argument pertained to a passport. (b) (6), (b) (7)(C) said he knew it was an argument because the male passenger spoke in a "very loud" voice and was "irritated with a bit of anger." (b) (6), (b) (7)(C) added that he thought the male passenger was "rude."</p> <p>(b) (6), (b) (7)(C) reported that the CBPOs were not loud or rude, but "firm." (b) (6), (b) (7)(C) said the CBPOs did not try to calm the passenger down. (b) (6), (b) (7)(C) stated that a female CBPO was the officer who issued the instructions to the male passenger. (b) (6), (b) (7)(C) described the situation as very "tense" and added that even though the CBPOs instructed the male passenger to calm down, he felt that they "compounded" the situation. (b) (6), (b) (7)(C) said he knew something was going to happen.</p> <p>(b) (6), (b) (7)(C) said the male passenger told the female CBPO, "I already gave you the passport, what do you want from me?" (b) (6), (b) (7)(C) said the passenger told the CBPOs, "You can keep my passport, I'm leaving." (b) (6), (b) (7)(C) said the female CBPO instructed the male passenger to "Stop!" (b) (6), (b) (7)(C) referenced the CBPOs instruction of the word stop, meant that the male passenger was not permitted to leave. (b) (6), (b) (7)(C) said something else happened that he did not see and then he heard two or three of the CBPOs say "Stop...don't do this!" (b) (6), (b) (7)(C) said shortly thereafter, the CBPOs took the male passenger to the ground aggressively. (b) (6), (b) (7)(C) said he did not see what the male passenger did to initiate being taken to the ground and handcuffed (b) (6), (b) (7)(C) stated that he did not see any "unnecessary action" on behalf of the CBPOs. (b) (6), (b) (7)(C) stated prior to the take down, the male passenger was "acting superior and shouting", but once he was on the ground, his demeanor changed and his voice was softer. (b) (6), (b) (7)(C) stated after the male passenger was taken to the ground, he heard him tell the CBPOs that he had a medical issue.</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 003</p>
<p>10. NARRATIVE</p> <p>(b) (6), (b) (7)(C) said the male passenger's wife was trying to tell him to calm down. (b) (6), (b) (7)(C) reported that he also heard her tell her husband in Arabic to "Take it easy." (b) (6), (b) (7)(C) stated that she did not jump on any of the CBPOs or get physical with them at any point. (b) (6), (b) (7)(C) said he thought the male passenger's wife looked embarrassed during the incident.</p> <p>(b) (6), (b) (7)(C) said the male passenger was of Middle-Eastern descent, tall, large build, approximately 54-55 years of age with white hair. (b) (6), (b) (7)(C) said the male passenger's wife was also of Middle-Eastern descent, appeared to be 5-6 years younger than her husband and average height.</p> <p>(b) (6), (b) (7)(C) said he did not have any interaction with the CBPOs during the deplaning process. (b) (6), (b) (7)(C) advised that the CBPOs don't usually ask to see the passports for the flight crew members at the gate.</p> <p>(b) (6), (b) (7)(C) said he does not know the male passenger who was involved in the incident or his wife.</p> <p>On July 2, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) to (b) (7)(E) on April 28, 2019.</p> <p>(b) (6), (b) (7)(C) said as he exited the plane, he recalled that an announcement was made for the passengers to have their passports open to the picture page. (b) (6), (b) (7)(C) advised during the deplaning process, he heard shouting between a male passenger and the CBPOs, but he did not know what it was about. (b) (6), (b) (7)(C) said he was in a hurry and left the area right away because he did not want to miss his connecting flight. (b) (6), (b) (7)(C) reported that he provided his passport to the CBPO for inspection without any incident.</p> <p>(b) (6), (b) (7)(C) said the only other thing he remembered was seeing the same male passenger that was involved in the incident, handcuffed and being escorted by CBPOs in the terminal.</p> <p>(b) (6), (b) (7)(C) described the passenger as a bearded Middle-Eastern male in his fifties. (b) (6), (b) (7)(C) stated that he does not know him.</p> <p>On July 3, 2019, SSA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) telephonically. (b) (6), (b) (7)(C) was a passenger seated in (b) (6), (b) (7)(C) that traveled from (b) (6), (b) (7)(C) to (b) (7)(E) on April 28, 2019.</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) said as he exited the plane, he recalled that an announcement was made for the passengers to have their passports available. (b) (6), (b) (7)(C) said he heard an argument during the deplaning process, but it began before he arrived to the area where it occurred so he did not know what the argument was about.

(b) (6), (b) (7)(C) stated he heard a male passenger tell the CBPOs, "You are discriminating because I am an Arab", and "You should not treat me this way because I am an American citizen." (b) (6), (b) (7)(C) said he did not hear the CBPOs make any statements about the male passenger's nationality.


(b) (6), (b) (7)(C) said there were two male CBPOs and one female CBPO at the gate. (b) (6), (b) (7)(C) said one of the CBPOs tried to calm the male passenger, but (b) (6), (b) (7)(C) could not describe him. (b) (6), (b) (7)(C) said the female CBPO spoke to the passenger's wife. (b) (6), (b) (7)(C) said one of the CBPOs told the male passenger, "I'm going to take you to jail." (b) (6), (b) (7)(C) indicated that the CBPO who made that statement was a male who wore a uniform, but he could not further identify him.

(b) (6), (b) (7)(C) said at one point the male passenger repeatedly told the CBPOs, "Don't touch me!" (b) (6), (b) (7)(C) said the male passenger resisted the CBPOs by moving his hands away from them and then the CBPOs took him to the ground. (b) (6), (b) (7)(C) said after the male passenger was on the ground, he heard him tell the CBPOs that he had a medical issue. (b) (6), (b) (7)(C) stated the CBPOs put the passenger in handcuffs and removed him from the area. (b) (6), (b) (7)(C) said he thought the CBPO in uniform used "a little bit more force." (b) (6), (b) (7)(C) clarified and said when the CBPO put the male passenger's arm behind his back, the CBPO pushed it up and it appeared to hurt him.

(b) (6), (b) (7)(C) described the passenger as a heavy set Caucasian/Mediterranean male in his late forties or early fifties, approximately 5'6" or 5'7", with gray or light colored hair. (b) (6), (b) (7)(C) said the male appeared to be traveling with his wife. (b) (6), (b) (7)(C) stated that he does not know the male passenger or his wife.

(b) (6), (b) (7)(C) reported that he provided his passport to the CBPO at the gate without any incident.

SSA (b) (6), (b) (7)(C) attempted to contact the following passengers numerous times from June 13, 2019 through July 17, 2019, but was unsuccessful: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

 <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 003


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 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

 <p align="center">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p align="center">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 004
3. TITLE EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E) (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Investigative Findings	7. RELATED CASES
8. TOPIC Traveler alleged he was abused by CBP because he is Muslim.		
9. SYNOPSIS On April 28, 2019, the Joint Intake Center (JIC), Washington DC, received information from Supervisory US Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	11. COMPLETION DATE 09-AUG-2019	14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	13. APPROVED DATE 09-AUG-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 004

10. NARRATIVE

DETAILS OF INVESTIGATION

On April 28, 2019, the JIC, Washington DC, received information from SCBPO (b) (6), (b) (7)(C) (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.


On August 7, 2019, Senior Special Agent (SSA) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (7)(E) Police Department (b) (7)(E) Officer (b) (6), (b) (7)(C) telephonically. Officer (b) (6), (b) (7)(C) was the (b) (7)(E) officer who responded to the CBP holding area where (b) (6), (b) (7)(C) was held on April 28, 2019.

Officer (b) (6), (b) (7)(C) stated that he did not witness the incident that took place between (b) (6), (b) (7)(C) and the CBPOs at the gate during the deplaning process of (b) (6), (b) (7)(C)

Officer (b) (6), (b) (7)(C) said he was contacted by another (b) (7)(E) officer who advised him that there was a situation between CBP and a traveler located in CBP holding area. Officer (b) (6), (b) (7)(C) stated that the (b) (7)(E) officer requested him to respond to the CBP area because he is fluent in Arabic and he might have the ability to better identify with the traveler who was of Middle Eastern descent.

Officer (b) (6), (b) (7)(C) said none of the CBPOs were interacting with (b) (6), (b) (7)(C) who was alone in a room by the time he arrived to the CBP holding area. Officer (b) (6), (b) (7)(C) said the CBPOs advised him that (b) (6), (b) (7)(C) was not cooperating with them and he was upset so they were letting him "cool off." Officer (b) (6), (b) (7)(C) reported that initially (b) (6), (b) (7)(C) was "highly irate" and said, "You couldn't even speak to the guy." Officer (b) (6), (b) (7)(C) continued and said that (b) (6), (b) (7)(C) was verbally upset with the CBPOs. Officer (b) (6), (b) (7)(C) said when he entered the room, (b) (6), (b) (7)(C) yelled at him. Officer (b) (6), (b) (7)(C) said he told (b) (6), (b) (7)(C) that if he didn't calm down, he could be arrested for disorderly conduct. Officer (b) (6), (b) (7)(C) said shortly thereafter, (b) (6), (b) (7)(C) calmed down. Officer (b) (6), (b) (7)(C) advised that he could not recall all of the specific things that were said while he was there, but he remembered that (b) (6), (b) (7)(C) complained to him that the handcuffs were on too tight. Officer (b) (6), (b) (7)(C) said when he arrived, (b) (6), (b) (7)(C) was not in handcuffs, but he noticed marks on his hands where the handcuffs would have been. Officer (b) (6), (b) (7)(C) reported that he was able to calm (b) (6), (b) (7)(C) and peacefully escort him and his wife out of the CBP holding area without any incident.

Officer (b) (6), (b) (7)(C) stated that he did not observe any verbal or physical mistreatment of (b) (6), (b) (7)(C) by the CBPOs during his time in the CBP holding area. Officer (b) (6), (b) (7)(C) also advised that he did not hear any of the CBPOs say any racially or ethnically insensitive comments to (b) (6), (b) (7)(C)

 <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 004
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 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

STAR WITNESS - AUDIO/VIDEO

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

August 12, 2019

Original DVD is retained 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 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)

August 13, 2019

Original DVD is retained 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

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

August 13, 2019


Original DVD is retained 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

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 005
3. TITLE EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse) (b) (7)(E) (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Investigative Findings	7. RELATED CASES
8. TOPIC Traveler alleged he was abused by CBP because he is Muslim.		
9. SYNOPSIS On April 28, 2019, the Joint Intake Center (JIC), Washington DC, received information from Supervisory US Customs and Border Protection (CBP) Officer (SCBPO) (b) (6), (b) (7)(C), (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent	11. COMPLETION DATE 27-AUG-2019	14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor	13. APPROVED DATE 27-AUG-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
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 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 005

10. NARRATIVE

DETAILS OF INVESTIGATION


On April 28, 2019, the JIC, Washington DC, received information from SCBPO (b) (6), (b) (7)(C) (b) (7)(E) regarding a complaint made by (b) (6), (b) (7)(C) a US Citizen. (b) (6), (b) (7)(C) alleged he was abused by CBP because he is Muslim.

On August 22, 2019, SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed (b) (7)(E) Fire Department (b) (7)(E) Paramedic (PMD) (b) (6), (b) (7)(C) telephonically. PMD (b) (6), (b) (7)(C) was the PMD who responded to the CBP holding area where (b) (6), (b) (7)(C) was held on April 28, 2019.

PMD (b) (6), (b) (7)(C) reported when she encountered (b) (6), (b) (7)(C) she described him as "not very friendly" and said he accused EMS of being in "cahoots" with the CBPOs. PMD (b) (6), (b) (7)(C) said she explained to him that EMS responded at his request for medical attention. PMD (b) (6), (b) (7)(C) said she asked (b) (6), (b) (7)(C) if he wanted to be transported to the hospital. According to PMD (b) (6), (b) (7)(C) initially agreed to go, but then declined.

PMD (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) claimed that he had cuts on his arms. PMD (b) (6), (b) (7)(C) said EMS conducted their assessment and determined that (b) (6), (b) (7)(C) did not have any cuts or external bleeding. PMD (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) insisted that the CBPOs grabbed him really hard and cut him when they placed him in handcuffs. PMD (b) (6), (b) (7)(C) said she informed him that she did not see any cuts or bleeding. PMD (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) had some scratches on his wrists where the handcuffs would have been, but she characterized them as "minor" and said "you could barely see them." PMD (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) said he had a scratch on his forearm, but they could not anything. PMD (b) (6), (b) (7)(C) also advised that there was no blood emanating from the scratches. PMD (b) (6), (b) (7)(C) stated that they took (b) (6), (b) (7)(C) vitals, but they did not treat him for any injuries. PMD (b) (6), (b) (7)(C) reiterated that there were not any cuts, bleeding or other injuries to treat.

PMD (b) (6), (b) (7)(C) stated that there were two CBPOs who offered assistance during the medical assessment. PMD (b) (6), (b) (7)(C) said the CBPOs did not make any ethnically offensive statements about (b) (6), (b) (7)(C)

 <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 005
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 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

STAR WITNESS - AUDIO/VIDEO

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

September 9, 2019

Original DVD is retained 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 15

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)

September 9, 2019

Original DVD is retained 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 16

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)

September 10, 2019

Original DVD is retained 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 17

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)

September 11, 2019

Original DVD is retained in OPR

SAC/(b) (7)(E) Case Folder

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DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY



(b) (7)(E)

EXHIBIT 18

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)

September 11, 2019

Original DVD is retained 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 19

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

Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

U.S. Department of Labor
 Employment Standards Administration
 Office of Workers' Compensation Programs

Employee: Please complete all boxes 1 - 15 below. Do not complete shaded areas.
 Witness: Complete bottom section 16.

Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

Employee Data

1. Name of employee (Last, First, Middle) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)			2. Social Security Number (b) (6), (b) (7)(C)	
3. Date of birth Mo. Day Yr. (b) (6), (b) (7)(C)	4. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	5. Home telephone (b) (6), (b) (7)(C)	6. Grade as of date of injury Level (b) (6), (b) (7)(C) Step (b) (6), (b) (7)(C)	
7. Employee's home mailing address (Include city, state, and ZIP code) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)			8. Dependents (b) (6), (b) (7)(C)	

Description

9. Place where injury occurred (e.g. 2nd floor, Main Post Office Bldg., 12th & Pine)
 (b) (6), (b) (7)(C)

10. Date injury occurred Mo. Day Yr. 04/28/2019	Time 4:00 PM	11. Date of this notice Mo. Day Yr. 04/28/2019	12. Employee's occupation GBP OFFICER
--	-----------------	---	--

13. Cause of injury (Describe what happened and why)
 Injury occurred while trying to apprehend an unruly passenger of inbound flight (b) (6), (b) (7)(C), (b) (7)(E) on 04/28/2019.
 (b) (7)(E)

14. Nature of injury (Identify both the injury and the part of body, e.g., fracture of left leg) I fell to the ground and hit both knees on the ground and continued rubbing both knees on the ground creating rug burn and bleeding while trying to apprehend subject. (b) (7)(E)	a. Occupation code (b) (6), (b) (7)(C)
	b. Type code (b) (6), (b) (7)(C)
	c. Source code (b) (6), (b) (7)(C)
OWCP Use - NOI Code (b) (6), (b) (7)(C)	

Employee Signature

15. I certify, under penalty of law, that the injury described above was sustained in performance of duty as an employee of the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and the following, as checked below, while disabled for work:

- a. Continuation of regular pay (COP) not to exceed 45 days and compensation for wage loss if disability for work continues beyond 45 days. If my claim is denied, I understand that the continuation of my regular pay shall be charged to sick or annual leave, or be deemed an overpayment within the meaning of 5 USC 5584.
- b. Sick and/or Annual Leave

I hereby authorize any physician or hospital (or any other person, institution, corporation, or government agency) to furnish any desired information to the U.S. Department of Labor, Office of Workers' Compensation Programs (or to its official representative). This authorization also permits any official representative of the Office to examine and to copy any records concerning me.

Signature of employee or person acting on his/her behalf _____ Date 05/01/2019

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

Have your supervisor complete the receipt attached to this form and return it to you for your records.

Witness Statement

16. Statement of witness (Describe what you saw, heard, or know about this injury)

Name of witness	Signature of witness	Date signed
_____	_____	_____
Address	City	State
_____	_____	_____
		ZIP Code

Official Supervisor's Report: Please complete information requested below:

Supervisor's Report

17. Agency name and address of reporting office (include city, state, and zip code)

DHS/CBP

OWCP Agency Code

(b) (7)(E)

OSHA Site Code

(b) (7)(E)

18. Employee's duty station (Street address and ZIP code)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

19. Employee's retirement coverage

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

20. Regular work hours

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

21. Regular work schedule

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

22. Date of Injury Mo. Day Yr.

04/28/2019

23. Date notice received Mo. Day Yr.

04/28/2019

24. Date stopped to work Mo. Day Yr. Time

25. Date pay stopped Mo. Day Yr.

26. Date 45 day period began Mo. Day Yr.

27. Date returned to work Mo. Day Yr. Time

28. Was employee injured in performance of duty? Yes No (If "No," explain)

CBPO BORRERO injured his knee while trying to restrain a passenger.

29. Was injury caused by employee's willful misconduct, intoxication, or intent to injure self or another? Yes (If "Yes," explain) No

30. Was injury caused by third party? Yes No

(If "No," go to item 32.)

31. Name and address of third party (Include city, state, and ZIP code)

32. Name and address of physician first providing medical care (Include city, state, ZIP code)

33. First date medical care received Mo. Day Yr.

34. Do medical reports show employee is disabled for work? Yes No

35. Does your knowledge of the facts about this injury agree with statements of the employee and/or witnesses? Yes No (if "No," explain)

36. If the employing agency controverts continuation of pay, state the reason in detail.

37. Pay rate when employee stopped work

\$ (b) (6), (b) (7)(C)

Per Annually

Signature of Supervisor and Filing Instructions

38. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect of this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

Name of supervisor (Type or print)

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

Signature of supervisor

Date

05/04/2019

Supervisor's Title

SCBPO

Office Phone

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

39. Filing instructions

- No lost time, no medical expense: place this form in medical folder: SF-66D
- No lost time, medical expense incurred or expected: forward to OWCP
- Lost time covered by Leave, LWOP, or COP: forward to OWCP
- First Aid Injury





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 20

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)

December 5, 2019

Original DVD is retained 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 21

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)

January 14, 2019

Original DVD is retained in OPR

SAC/(b) (7)(E) Case Folder


THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL AGENCY ACTION, NO PORTION OF THE REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF U.S. CUSTOMS AND BORDER PROTECTION



(b) (7)(E)

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY
REPORT OF INVESTIGATION

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
REPORT OF INVESTIGATION		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C) CBPO (ENFORCEMENT)/1616 Detainee/Alien - Other Non-criminal (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Closing Report	6. TYPE OF REPORT Blue Book	7. RELATED CASES
8. TOPIC Traveler alleged CBPOs seized and kept his phone.		
9. SYNOPSIS <p>On May 16, 2019, the Joint Intake Center (JIC), Washington DC, received an email from the US 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 U.S. Customs and Border Protection (CBP) Officers (CBPOs) at the (b) (7)(E) 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) was repeatedly questioned even after he requested an attorney.</p> <p>SSA (b) (6), (b) (7)(C) determined that (b) (6), (b) (7)(C) electronic devices were returned to him on March 22, 2019.</p> <p>CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) invoked his right to counsel during his inspection.</p>		
(b) (6), (b) (7)(C) Title) R Special	11. COMPLETION DATE 03-OCT-2019	14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
(b) (6), (b) (7)(C) CBP OPR Special Agent Supervisor	13. APPROVED DATE 04-OCT-2019	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
<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>		
<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</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 002

10. NARRATIVE

DETAILS OF INVESTIGATION

ALLEGATION ONE: CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) questions after he invoked his right to counsel; UNFOUNDED.

PROSECUTORIAL ACTION: N/A

ALLEGATION TWO: (b) (6), (b) (7)(C) cellular phones were detained by CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EXONERATED.

PROSECUTORIAL ACTION: NA

On May 16, 2019, the JIC, Washington DC, received an email from the US DHS Office for CRCL regarding a complaint made on behalf of (b) (6), (b) (7)(C) a traveler who presented himself for inspection by CBPOs at (b) (7)(E) 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) was repeatedly questioned even after he requested an attorney. (EXHIBIT 1)

On June 13, 2019, this case was assigned to Senior Special Agent (SSA) (b) (6), (b) (7)(C) CBP Office of Professional Responsibility (OPR) SAC (b) (7)(E) for investigation.

SSA (b) (6), (b) (7)(C) verified in the CBP system that (b) (6), (b) (7)(C) was identified to be the subject of a secondary inspection to include a review of his electronic devices upon re-entering the US on March 5, 2019.

On June 27, 2019, SSA (b) (6), (b) (7)(C) and Special Agent (SA) (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed SCBPO (b) (6), (b) (7)(C) at CBP OPR SAC (b) (7)(E) located at (b) (7)(E) (b) (7)(E) SCBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 2)

SCBPO (b) (6), (b) (7)(C) stated that she began her career with CBP as an officer 18 years ago. SCBPO (b) (6), (b) (7)(C) said over the course of her career she served as an officer for 4 years at (b) (7)(E) a supervisory officer at the land border for 3 years and she has been in her current position as a program manager (PM) at the CBP Office of Field Operations (OFO) (b) (7)(E) Field Office since 2008.

SCBPO (b) (6), (b) (7)(C) said she is the PM for border search of information which involves reviewing



DEPARTMENT OF HOMELAND SECURITY

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1. CASE NUMBER

(b) (7)(E)

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

2. REPORT NUMBER

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electronic detention reports from the ports of entry. SCBPO (b) (6), (b) (7)(C) said the electronic detention reports are documents that are generated for every electronic device detained by CBP under the Border Search of Electronic Devices. SCBPO (b) (6), (b) (7)(C) said she also oversees programs pertaining to admissibility.

SCBPO (b) (6), (b) (7)(C) was asked to discuss the process of detaining electronic devices during a CBP inspection and she provided the following statements. SCBPO (b) (6), (b) (7)(C) also provided statements regarding the detention of (b) (6), (b) (7)(C) electronic devices in March, 2019.


SCBPO (b) (6), (b) (7)(C) cited CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018, and read two paragraphs verbatim from the purpose section. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) clarified what she read and stated that all electronic devices are subject to search under the Border Search Authority (BSA).

SCBPO (b) (6), (b) (7)(C) stated that the search of electronic devices are limited to the information contained on them at the time of the CBP inspection. SCBPO (b) (6), (b) (7)(C) advised that one of the first steps in inspecting an electronic device is to disable its network capability by activating airplane mode.

[AGENT NOTE]: Airplane Mode is defined as a setting on a smartphone or tablet for use on board aircraft, in which the device does not receive or transmit wireless signals and so does not interfere with the aircraft's communication systems.

SCBPO (b) (6), (b) (7)(C) explained that there are various reasons why an electronic device cannot be examined at the time of the initial inspection and some of those reasons include, an encrypted device or if there is a technical issue. If the device is encrypted or if there is a technical issue, the devices are sent to the CBP Laboratory & Scientific Services Directorate (LSS) for assistance.

SCBPO (b) (6), (b) (7)(C) discussed the detention and review in continuation of border search of electronic devices and cited section 5.4.1 of CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) stated that any electronic device detained longer than 5 days after the initial detention must be approved by the Port Director (PD) per CBP policy. SCBPO (b) (6), (b) (7)(C) added extensions of detentions that exceed 15 days after the initial detention and every 7 days thereafter, must be approved by the CBP OFO Director of Field Operations (DFO). SCBPO (b) (6), (b) (7)(C) stated that as the PM for border searches she acts on behalf of the CBP OFO DFO as an approving official. SCBPO (b) (6), (b) (7)(C) said it is the responsibility of the port to remain in contact with CBP LSS to determine when the detained electronic devices will be returned. SCBPO (b) (6), (b) (7)(C) reported that the port will then advise her via email if an extension is needed based on the

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information they received from CBP LSS. SCBPO (b) (6), (b) (7)(C) explained that approvals for extension exist for the purpose of tracking the devices and to ensure they are returned to the owner as soon as possible.

SCBPO (b) (6), (b) (7)(C) said as the PM for border searches, she reviews the electronic detention reports to determine if the policies pertaining to the 5day extension deadlines are upheld by the ports.

SCBPO (b) (6), (b) (7)(C) said the field office monitors the extensions through the use of an internal document referred to as a "morning report" which is sent to and reviewed by the CBP OFO DFO. SCBPO

(b) (6), (b) (7)(C) said if a deadline is approaching, she will contact the port to determine if another extension is needed.


SCBPO (b) (6), (b) (7)(C) stated that she reviewed the electronic detention reports pertaining to the detention of (b) (6), (b) (7)(C) electronic devices. SCBPO (b) (6), (b) (7)(C) verified that the CBPOs adhered to the guidelines within the Border Search of Electronic Devices policy regarding the detention and return of (b) (6), (b) (7)(C) electronic devices.

SCBPO (b) (6), (b) (7)(C) was asked to discuss a traveler's right to representation during a CBP inspection at a port of entry when seeking admission into the US. SCBPO (b) (6), (b) (7)(C) cited Title 8 of the Code of Federal Regulations (CFR) section 292.5 (b) and provided the following statements. (EXHIBIT 4)

SCBPO (b) (6), (b) (7)(C) said that every person is an applicant for admission when they arrive at a port of entry. SCBPO (b) (6), (b) (7)(C) stated that, unless a traveler is the subject of a criminal investigation or arrested, a person is not entitled to an attorney because the questions asked by CBP during an inspection are to determine admissibility. SCBPO (b) (6), (b) (7)(C) said if the traveler has questions, he/she can request to speak to a supervisor and that person will be given a "tear sheet." SCBPO (b) (6), (b) (7)(C) said the tear sheet provides the traveler with general information about CBP's authority.

On July 10, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed SCBPO (b) (6), (b) (7)(C) in the (b) (7)(E) terminal at (b) (7)(E) SCBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 5)

SCBPO (b) (6), (b) (7)(C) stated that he has been an SCBPO of the Tactical Terrorism Response Team (TTRT) since its inception in 2015. SCBPO (b) (6), (b) (7)(C) explained CBP's authority to detain electronic devices during border searches for admissibility into the US. SCBPO (b) (6), (b) (7)(C) said CBP's authority for the border searches of electronic devices is derived from CBP Directive: 3340-049A. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) reported that a CBPO must receive supervisor

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approval in order to conduct an electronic media search. SCBPO (b) (6), (b) (7)(C) advised that the electronic device detention can be the result of discoveries made during the search pertaining to admissibility. SCBPO (b) (6), (b) (7)(C) cited the discovery of child pornography and terrorism related content as a couple of issues that can result in detention of the device. SCBPO (b) (6), (b) (7)(C) said when an electronic device is detained, it is officially documented and the passenger is issued a copy of the detention form which is similar to a receipt. SCBPO (b) (6), (b) (7)(C) said the detention form is also part of the tracking process for the device(s). SCBPO (b) (6), (b) (7)(C) advised once a device is detained, the report must be uploaded into the system within 24 hours.

SCBPO (b) (6), (b) (7)(C) said if the detention of a device exceeds 5 days, the PD must be notified and approve an extension if it is needed. SCBPO (b) (6), (b) (7)(C) added that an email notification is subsequently sent to the corresponding CBP field office indicating a detained electronic device is being tracked by the port. SCBPO (b) (6), (b) (7)(C) stated 15 days after the detention of a device, approval for an extension is given by the CBP OFO DFO. SCBPO (b) (6), (b) (7)(C) said the notifications for approval are conducted via email for record purposes. SCBPO (b) (6), (b) (7)(C) said after that approval is required by the DFO every 7 days until the device is returned, seized, or destroyed. SCBPO (b) (6), (b) (7)(C) stated that each daily milestone, 5 days, 7 days, and 15 days are individually documented in the detention report.

SCBPO (b) (6), (b) (7)(C) reported that when a detention deadline or milestone approaches, the port notifies the field office for approval. SCBPO (b) (6), (b) (7)(C) said a process of "checks and balances" exist within the supervisory chain which include himself as an SCBPO, a Chief CBPO (CCBPO), and the field office to manage and ensure the tracking policies are followed. SCBPO (b) (6), (b) (7)(C) verified that the detention process, to include the required approvals regarding (b) (6), (b) (7)(C) electronic devices, adhered to the policy in accordance with CBP Directive: 3340-049A.

SCBPO (b) (6), (b) (7)(C) discussed CBP's authority of questioning travelers during the inspection process. According to SCBPO (b) (6), (b) (7)(C) if a traveler refuses to answer questions during an inspection pertaining to admissibility, then the traveler can be denied entry into the US.

SSA (b) (6), (b) (7)(C) reviewed the documentation regarding (b) (6), (b) (7)(C) detained electronic devices. The CBP Form 6051D bears a signature next to (b) (6), (b) (7)(C) name indicating that the devices were returned to him on March 22, 2019.

On August 30, 2019, a local records check was conducted for CBPO (b) (6), (b) (7)(C) at the (b) (7)(E) Police Department. The records check revealed no derogatory information.



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1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

002

10. NARRATIVE

On September 20, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) in the (b) (7)(E) terminal at (b) (7)(E) CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 6)

CBPO (b) (6), (b) (7)(C) provided the following statements regarding (b) (6), (b) (7)(C) secondary inspection in March, 2019.

CBPO (b) (6), (b) (7)(C) said she began her career with CBP in 2002 and she has been in her current assignment since 2015. CBPO (b) (6), (b) (7)(C) said has experience as an immigration and an enforcement officer. CBPO (b) (6), (b) (7)(C) stated that she has conducted thousands of inspections over the course of her career.

CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) was selected for inspection because he was listed as a (b) (7)(E) within a law enforcement database. CBPO (b) (6), (b) (7)(C) said the information contained in the database provides instructions on how to proceed with the inspection.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) returned to the US from (b) (6), (b) (7)(C) in March, 2019. CBPO (b) (6), (b) (7)(C) said she was the primary CBPO who conducted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) inspection and she is the one who asked him basic questions about the details of his trip to include: duration, purpose of trip, places visited, etc. CBPO (b) (6), (b) (7)(C) reported that she also conducted an inspection of (b) (6), (b) (7)(C) cell phone which she indicated is a typical procedure.

CBPO (b) (6), (b) (7)(C) stated that she asked (b) (6), (b) (7)(C) if the CBPOs could view the electronic devices, he consented and unlocked them. CBPO (b) (6), (b) (7)(C) said during a manual exam of (b) (6), (b) (7)(C) phone, she saw pictures contained within it that contradicted some of his statements. CBPO (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) told her that he only traveled to (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said that the CBPOs determined that there were some pictures taken in (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) said when she questioned (b) (6), (b) (7)(C) about the pictures, he admitted that he did visit (b) (6), (b) (7)(C) but he didn't mention it because he considered it the same country given its close proximity to (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said she detained (b) (6), (b) (7)(C) electronic devices based on the (b) (7)(E) (b) (7)(E) during his inspection. CBPO (b) (6), (b) (7)(C) said documented the detention of (b) (6), (b) (7)(C) electronic devices and provided him with a receipt for his property. CBPO



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CONTINUATION

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

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(b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) was also given a tear sheet.

[AGENT NOTE]: A tear sheet provides the traveler with additional information about CBP's legal authority and policies pertaining to the detention of electronic devices during inspections.

CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) requested legal counsel during the course of his inspection on March 5, 2019. (audio/video recording timestamp: 12:10) CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) refused to answer questions during the course of his inspection on March 5, 2019. (audio/video recording timestamp: 12:10) CBPO (b) (6), (b) (7)(C) advised that if (b) (6), (b) (7)(C) declined to answer her questions, she would have documented his refusal in her report. CBPO (b) (6), (b) (7)(C) denied that she had any biases toward (b) (6), (b) (7)(C) (audio/video recording timestamp: 35:57)

A review of CBPO (b) (6), (b) (7)(C) report did not reveal any statements about (b) (6), (b) (7)(C) refusal to answer questions or his invocation of his right to legal counsel.

On September 25, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) in the (b) (7)(E) terminal at (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 7)

CBPO (b) (6), (b) (7)(C) provided the following statements regarding (b) (6), (b) (7)(C) secondary inspection in March, 2019.

CBPO (b) (6), (b) (7)(C) stated that he has been a law enforcement officer with CBP since 2005 and been in his current position for approximately one year.

CBPO (b) (6), (b) (7)(C) reported that CBPO (b) (6), (b) (7)(C) was the lead officer who conducted the secondary inspection of (b) (6), (b) (7)(C) on March 5, 2019. CBPO (b) (6), (b) (7)(C) advised that he assisted CBPO (b) (6), (b) (7)(C) with secondary inspection of (b) (6), (b) (7)(C)

CBPO (b) (6), (b) (7)(C) indicated that the secondary inspection began with an examination of (b) (6), (b) (7)(C) s luggage. CBPO (b) (6), (b) (7)(C) reported during the baggage inspection, the CBPOs discovered that (b) (6), (b) (7)(C) traveled with a (b) (6), (b) (7)(C) passport where he was identified with the surname of, (b) (6), (b) (7)(C) and a US passport where he was identified with the surname of, (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was questioned about the discrepancies pertaining to his name.



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1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

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CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) electronic devices were inspected in accordance with the Border Search of Electronic Devices. CBPO (b) (6), (b) (7)(C) also reported that (b) (6), (b) (7)(C) was provided a tear sheet which included more information about CBP's border search authority.

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not invoke his right to counsel. CBPO (b) (6), (b) (7)(C) said that did not recall if (b) (6), (b) (7)(C) refused to answer of the CBPOs questions. CBPO (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) was "forthcoming with whatever they asked him." CBPO (b) (6), (b) (7)(C) said if a traveler refuses to answer any of the CBPOs questions, it must be documented in the corresponding report.

CBPO (b) (6), (b) (7)(C) said CBPO (b) (6), (b) (7)(C) did not display any bias toward (b) (6), (b) (7)(C) during his inspection.

CBP OPR Personnel Security Division (PSD) reported that CBPO (b) (6), (b) (7)(C) currently holds a Top Secret Sensitive Compartmentalized Information security clearance.

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p>
	<p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>Exhibit #1 – Email to the JIC dated May 16, 2019.</p> <p>Exhibit #2 – SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated June 27, 2019.</p> <p>Exhibit #3 – CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018.</p> <p>Exhibit #4 – Title 8 of the Code of Federal Regulations (CFR) section 292.5 (b)</p> <p>Exhibit #5 – SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated July 10, 2019.</p> <p>Exhibit #6 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 20, 2019.</p> <p>Exhibit #7 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated September 25, 2019.</p>	

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
OFFICIAL USE ONLY

EXHIBIT 1

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 16, 2019 4:29 PM
To: JOINT INTAKE
Subject: FW: Short Form for Complaints (b) (7)(E)
Attachments: 03.22.2019 (b) (6), (b) (7)(C), (b) (7)(E).pdf; 03.25.2019 (b) (6), (b) (7)(C) (b) (7)(E).pdf; 04.11.2019 (b) (6), (b) (7)(C), (b) (7)(E).pdf

Hello,

Would you please forward me the JICMS numbers once they've been created?

V/r,

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 16, 2019 1:31 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Short Form for Complaints (b) (7)(E)

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

Here is another Short Form request for three complaints combined.

Due: July 16, 2019

OFO office: (b) (7)(E)

Note: Request No. 2 is not asking for a document, and we have asked CRCL to clarify this. Please let us know if there are any documents that have the information requested in No. 2.

Thanks,

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 16, 2019 9:38 AM
To: JOINT INTAKE (b) (7)(E)
Cc: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: Short Form for Complaints (b) (7)(E)

Dear CBP Colleagues:

The Office for Civil Rights and Civil Liberties (CRCL) has received three recent complaints from the (b) (7)(E) (b) (7)(E) alleging that CBP has confiscated the mobile phones of travelers at the (b) (7)(E) and not returned the devices. The purpose of this email is to notify you

of the complaints, describe the allegations, and inform you that CRCL will investigate the complaints as short-forms, and request documents and information from CBP relating to the allegations. As the allegations in the three complaints are nearly identical, they have been combined into this single short form.

Complaint (b) (7)(E)

On March 25, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on March 9, 2019, CBP retained three iPhones belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E) CAIR also alleges that (b) (6), (b) (7)(C) invoked his constitutional right to counsel, but agents continued to question him.

Complaint (b) (7)(E)

On March 22, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on November 23, 2018, CBP retained a Samsung G930 T mobile phone belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E) CAIR also alleges that (b) (6), (b) (7)(C) invoked his constitutional right to counsel, but agents continued to question him.

Complaint (b) (7)(E)

On April 11, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on December 10, 2018, CBP retained a Samsung Galaxy Note 8 mobile phone belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E)

In each of the above three complaints, CAIR alleges that CBP still retains the phones in spite of CBP directive No. 3340-049A, section 5.4.1 which states "the detention of devices ordinarily should not exceed five (5) days." CAIR argues in each instance that CBP does not have the right to retain the phones and makes several arguments rooted in constitutional law that CBP's seizure and continued retention of the property without a warrant violates the Fourth Amendment. CAIR requests the immediate return of the property; the return of any copies of data made from the mobile phones; and an explanation of CBP's reasons for seizing and retaining the property.

The purpose of this review is to investigate the complaints and information to determine whether CBP's actions in this instance complied with civil rights and civil liberties requirements and CBP policies.

As part of CRCL's investigation, we request the following documents, information, and materials from CBP:

- 1) Copies of all records, statements, and documents relating to CBP's questioning and inspection of (b) (6), (b) (7)(C) on March 9, 2019; (b) (6), (b) (7)(C) on November 23, 2018; and (b) (6), (b) (7)(C) on December 10, 2018.
- 2) If the electronic devices were indeed retained, please indicate whether and when they have been returned.
- 3) All policies, procedures, guidance, memoranda, and/or related documents regarding the search and/or seizure of travelers' mobile phones at airports.
- 4) All policies, procedures, guidance, memoranda, and/or related documents regarding what happens when a traveler being questioned by CBP requests an attorney.
- 5) Any other relevant documentation not otherwise requested.

Please provide to us the documents, materials, and information requested above by COB on July 16, 2019. Please let us know if CBP does not possess or cannot make available any of the documents or information that we request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to "[i]nterview[] persons and obtain[] other information deemed by CRCL to be

relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. CRCL requests the information above in accordance with these authorities.

Thank you for your assistance with this request. Please let me know if you have any questions.

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

Contract Support Investigator

Compliance Branch

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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



CAIR
(b) (7)(E)

Council on American-Islamic Relations

(b) (7)(E)

PLEASE TAKE NOTICE
OF ADDRESS CORRECTION

(b) (7)(E)

Department of Homeland Security
Office for Civil Rights and Civil Liberties

MAR 22 2019

March 9, 2019

RECEIVED

VIA CERTIFIED MAIL

Port Director (b) (6), (b) (7)(C)

U.S. Customs and Border Protection

(b) (7)(E)

Re: Seizure and Continued Retention of (b) (6), (b) (7)(C) Samsung G930 T Cellphone at (b) (7)(E) (b) (7)(E) on November 23, 2018 by U.S. Customs and Border Protection ("CBP")

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

The (b) (7)(E) of the Council on American Islamic Relations ("CAIR" (b) (7)(E)) represents (b) (6), (b) (7)(C). On November 23, 2018, CBP retained a Samsung cellphone ("Property") of our client while he attempted to reenter the United States at the (b) (7)(E) Terminal of (b) (7)(E). (b) (7)(E) CBP still retains possession of the Property. Pursuant to CBP Directive No. 3340-049A, section 5.4.1, "the detention of devices ordinarily should not exceed five (5) days." Currently, CBP has had possession of (b) (6), (b) (7)(C) phone for nearly four-months in clear violation of the policy and in continued violation of his Constitutional rights.

The search, seizure, and continued retention of (b) (6), (b) (7)(C) Property is unlawful without a warrant supported by probable cause. Recent judicial decisions have repeatedly made clear that cell phones are entitled to heightened Fourth Amendment protections, and this remains true at the border. See, e.g., *Alasaad v. Nielsen*, 2018 U.S. Dist. LEXIS 78783 *3 (D. Mass. May 9, 2018) (denying a government motion to dismiss on a Fourth Amendment challenge to warrantless digital device searches and seizures at the border); *United States v. Kim*, 103 F. Supp. 3d 32, 54-58 (D.D.C. 2015) (finding that off-border search and copying of a laptop computer without a warrant was unreasonable); *Carpenter v. United States*, 585 U.S. ___, 2018 U.S. LEXIS 3844 (2018) (holding that cell phone transmission to a third party did not vitiate Fourth Amendment protections, as is typically mandated by the third-party doctrine); *Riley v. California*, 134 S. Ct. 2473 (2014) (holding that the search incident to arrest exception to the warrant requirement does not apply to cell phone searches). Therefore, without a warrant, CBP's seizure and continued retention of (b) (6), (b) (7)(C) Property violates his Fourth Amendment rights.

We are also informed that two agents from the U.S. Department of Homeland Security ("DHS") questioned (b) (6), (b) (7)(C) after his Property was seized and continued to question him repeatedly after he requested an attorney. Questioning (b) (6), (b) (7)(C) after he invoked his right to counsel is a violation of his Fifth Amendment rights.

WASHINGTON D.C.

ARIZONA • CALIFORNIA • CONNECTICUT • FLORIDA • GEORGIA • ILLINOIS • KENTUCKY • MARYLAND • MASSACHUSETTS • MICHIGAN
MISSOURI • NEW JERSEY • NEW YORK • OHIO • PENNSYLVANIA • SOUTH CAROLINA • TEXAS • VIRGINIA • WASHINGTON

CAIR ^{(b) (7)(E)} requests the immediate return of ^{(b) (6), (b) (7)(C)} Property, the return of any copies of data made from his cellphone, and an explanation of CBP's stated reasons for seizing ^{(b) (6), (b) (7)(C)} Property and for retaining it for over three months.

Please do not hesitate to contact me at ^{(b) (6), (b) (7)(C)} or at ^{(b) (6), (b) (7)(C)} if you have any questions or would like to discuss this further.

Sincerely,

^{(b) (6), (b) (7)(C)}
Staff Attorney
CAIR ^{(b) (7)(E)}

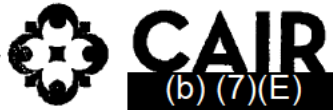
ccs:
U.S. Customs and Border Protection

^{(b) (7)(E)}

U.S. Attorney's Office

^{(b) (7)(E)}

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
^{(b) (7)(E)}
Washington, D.C. 20528



Council on American-Islamic Relations

(b) (7)(E)

(b) (7)(E)
14 MAR 2019 PM 1 L



Quality Assurance
MAR 19 2018
CRDSMAIL # 2

Office For Civil Rights & Civil Liberties
US Department of Homeland Security
(b) (7)(E)
Washington, D.C. 20528

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DHS-CRDS
2019 MAR 19 AM 7:42





2019.03.21

(b) (7)(E)

: FILE NAME

(Date received; Last name; ex: 2018.12.01 Doe)

TRANSLATION

INCOMING CORRESPONDENCE

DO NOT WRITE

BUSINESS OPERATIONS USE ONLY

The CRCL Business Operations Section ("BizOps") received the attached general incoming correspondence on 3/21/19. Based upon initial assessment, BizOps is (select one):

FORWARDING TO YOU (X) FOR REVIEW AND PROCESSING, AND ANY ACTION YOU CONSIDER APPROPRIATE (select one).

<input checked="" type="checkbox"/>	Compliance (Mail box)	FOIA Officer (Privacy/FOIA; CRCL FOIA; Bradley White)	Institute (Mail box)	OGC (Steve McCleary / OGC MS 0485)
	EEO (MS 0191)	HQ EEO (Mail box)	Officer (via Crystal West)	Other:

RESPONDING TO THE SENDER WITH NO JURISDICTION AND ADVISEMENT TO CONTACT (select all applicable).

	CBP INFO Center	DOS Bureau of Consular Affairs	ICE ERO DRIL (formerly PAO/CDH)	USCIS
	DHS OIG	EEOC	ICE HIS	USCIS OMB
	DHS TRIP	FEMA	ICE OPR	USSS
	DOJ	HHS	IIC	VA OIG
	DOJ CRD SLS	HHS OCR	Office of Privacy	How to File a Complaint
	DOS	IC3	TSA CR	Other:

TAKING NO ADDITIONAL ACTION AND FILING IN ACCORDANCE WITH RECORDS RETENTION POLICY BECAUSE (select all applicable).

	Return Address Not Available	CRCL Already Responded	CRCL was CCed as an FYI	Other:
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If you believe this correspondence is not within your section's jurisdiction, indicate so below with any additional advisement instructions - then, return same to BizOps:

Reviewed by: _____ on _____ Date: _____

- NOT WITHIN SECTION'S JURISDICTION (select, if applicable)
- ADVISE SENDER TO CONTACT (select all applicable)

	CBP INFO Center	DOS Bureau of Consular Affairs	ICE ERO DRIL (formerly PAO/CDH)	USCIS
	DHS OIG	EEOC	ICE HSI	USCIS OMB
	DHS TRIP	FEMA	ICE OPR	USSS
	DOJ	HHS	IIC	VA OIG
	DOJ CRD SLS	HHS OCR	Office of Privacy	How to File a Complaint
	DOS	IC3	TSA CR	Other:

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
OFFICIAL USE ONLY

EXHIBIT 2

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

STAR WITNESS - AUDIO/VIDEO
SCBPO (b) (6), (b) (7)(C)
June 27, 2019
Original DVD is retained in OPR
SAC/(E)(7) (q) Case Folder

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
OFFICIAL USE ONLY

EXHIBIT 3

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 3340-049A

DATE: January 4, 2018
ORIGINATING OFFICE: FO:TO
SUPERSEDES: Directive 3340-049
REVIEW DATE: January 2021

SUBJECT: BORDER SEARCH OF ELECTRONIC DEVICES

1 PURPOSE. To provide guidance and standard operating procedures for searching, reviewing, retaining, and sharing information contained in computers, tablets, removable media, disks, drives, tapes, mobile phones, cameras, music and other media players, and any other communication, electronic, or digital devices subject to inbound and outbound border searches by U.S. Customs and Border Protection (CBP). These searches are conducted in furtherance of CBP's customs, immigration, law enforcement, and homeland security responsibilities and to ensure compliance with customs, immigration, and other laws that CBP is authorized to enforce and administer.

These searches are part of CBP's longstanding practice and are essential to enforcing the law at the U.S. border and to protecting border security. They help detect evidence relating to terrorism and other national security matters, human and bulk cash smuggling, contraband, and child pornography. They can also reveal information about financial and commercial crimes, such as those relating to copyright, trademark, and export control violations. They can be vital to risk assessments that otherwise may be predicated on limited or no advance information about a given traveler or item, and they can enhance critical information sharing with, and feedback from, elements of the federal government responsible for analyzing terrorist threat information. Finally, searches at the border are often integral to a determination of an individual's intentions upon entry and provide additional information relevant to admissibility under the immigration laws.

2 POLICY

2.1 CBP will protect the rights of individuals against unreasonable search and seizure and ensure privacy protections while accomplishing its enforcement mission.

2.2 All CBP Officers, Border Patrol Agents, Air and Marine Agents, Office of Professional Responsibility Agents, and other officials authorized by CBP to perform border searches shall adhere to the policy described in this Directive and any implementing policy memoranda or musters.

2.3 This Directive governs border searches of electronic devices – including any inbound or outbound search pursuant to longstanding border search authority and conducted at the physical border, the functional equivalent of the border, or the extended border, consistent with law and agency policy. For purposes of this Directive, this excludes actions taken to determine if a device functions (e.g., turning a device on and off); or actions taken to determine if physical contraband is concealed within the device itself; or the review of information voluntarily provided by an individual in an electronic format (e.g., when an individual shows an e-ticket on an electronic device to an Officer, or when an alien proffers information to establish admissibility). This Directive does not limit CBP’s authority to conduct other lawful searches of electronic devices, such as those performed pursuant to a warrant, consent, or abandonment, or in response to exigent circumstances; it does not limit CBP’s ability to record impressions relating to border encounters; it does not restrict the dissemination of information as required by applicable statutes and Executive Orders.

2.4 This Directive does not govern searches of shipments containing commercial quantities of electronic devices (e.g., an importation of hundreds of laptop computers transiting from the factory to the distributor).

2.5 This Directive does not supersede *Restrictions on Importation of Seditious Matter*, Directive 2210-001A. Seditious materials encountered through a border search should continue to be handled pursuant to Directive 2210-001A or any successor thereto.

2.6 This Directive does not supersede *Processing Foreign Diplomatic and Consular Officials*, Directive 3340-032. Diplomatic and consular officials encountered at the border, the functional equivalent of the border (FEB), or extended border should continue to be processed pursuant to Directive 3340-032 or any successor thereto.

2.7 This Directive applies to searches performed by or at the request of CBP. With respect to searches performed by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agents exercise concurrently-held border search authority that is covered by ICE’s own policy and procedures. When CBP detains, seizes, or retains electronic devices, or copies of information therefrom, and conveys such to ICE for analysis, investigation, and disposition (with appropriate documentation), the conveyance to ICE is not limited by the terms of this Directive, and ICE policy will apply upon receipt by ICE.

3 DEFINITIONS

3.1 **Officer.** A Customs and Border Protection Officer, Border Patrol Agent, Air and Marine Agent, Office of Professional Responsibility Special Agent, or any other official of CBP authorized to conduct border searches.

3.2 **Electronic Device.** Any device that may contain information in an electronic or digital form, such as computers, tablets, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players.

3.3 **Destruction.** For electronic records, destruction is deleting, overwriting, or degaussing in compliance with CBP Information Systems Security Policies and Procedures Handbook, CIS HB 1400-05C.

4 **AUTHORITY/REFERENCES.** 6 U.S.C. §§ 122, 202, 211; 8 U.S.C. §§ 1225, 1357, and other pertinent provisions of the immigration laws and regulations; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a(d), and other pertinent provisions of customs laws and regulations; 31 U.S.C. § 5317 and other pertinent provisions relating to monetary instruments; 22 U.S.C. § 401 and other laws relating to exports; Guidelines for Detention and Seizures of Pornographic Materials, Directive 4410-001B; Disclosure of Business Confidential Information to Third Parties, Directive 1450-015; Accountability and Control of Custody Receipt for Detained and Seized Property (CF6051), Directive 5240-005.

The plenary authority of the Federal Government to conduct searches and inspections of persons and merchandise crossing our nation's borders is well-established and extensive; control of the border is a fundamental principle of sovereignty. "[T]he United States, as sovereign, has the inherent authority to protect, and a paramount interest in protecting, its territorial integrity." *United States v. Flores-Montano*, 541 U.S. 149, 153 (2004). "The Government's interest in preventing the entry of unwanted persons and effects is at its zenith at the international border. Time and again, [the Supreme Court has] stated that 'searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border.'" *Id.* at 152-53 (quoting *United States v. Ramsey*, 431 U.S. 606, 616 (1977)). "Routine searches of the persons and effects of entrants [into the United States] are not subject to any requirement of reasonable suspicion, probable cause, or warrant." *United States v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985). Additionally, the authority to conduct border searches extends not only to persons and merchandise entering the United States, but applies equally to those departing the country. *See, e.g., United States v. Boumelhem*, 339 F.3d 414, 422-23 (6th Cir. 2003); *United States v. Odutayo*, 406 F.3d 386, 391-92 (5th Cir. 2005); *United States v. Oriakhi*, 57 F.3d 1290, 1296-97 (4th Cir. 1995); *United States v. Ezeiruaku*, 936 F.2d 136, 143 (3d Cir. 1991); *United States v. Cardona*, 769 F.2d 625, 629 (9th Cir. 1985); *United States v. Udofot*, 711 F.2d 831, 839-40 (8th Cir. 1983).

As a constitutional matter, border search authority is premised in part on a reduced expectation of privacy associated with international travel. *See Flores-Montano*, 541 U.S. at 154 (noting that "the expectation of privacy is less at the border than it is in the interior"). Persons and merchandise encountered by CBP at the international border are not only subject to inspection under U.S. law, they also have been or will be abroad and generally subject to the legal authorities of at least one other sovereign. *See Boumelhem*, 339 F.3d at 423.

In addition to longstanding federal court precedent recognizing the constitutional authority of the U.S. government to conduct border searches, numerous federal statutes and regulations also authorize CBP to inspect and examine all individuals and merchandise entering or departing the United States, including all types of personal property, such as electronic devices. *See, e.g., 8 U.S.C. §§ 1225, 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a; see also 19 C.F.R. § 162.6* ("All persons, baggage, and merchandise arriving in the Customs territory of

the United States from places outside thereof are liable to inspection and search by a Customs officer.”). These authorities support CBP’s enforcement and administration of federal law at the border and facilitate the inspection of merchandise and people to fulfill the immigration, customs, agriculture, and counterterrorism missions of the Department. This includes, among other things, the responsibility to “ensure the interdiction of persons and goods illegally entering or exiting the United States”; “detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States”; “safeguard the borders of the United States to protect against the entry of dangerous goods”; “enforce and administer all immigration laws”; “deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband”; and “conduct inspections at [] ports of entry to safeguard the United States from terrorism and illegal entry of persons.” 6 U.S.C. § 211.

CBP must conduct border searches of electronic devices in accordance with statutory and regulatory authorities and applicable judicial precedent. CBP’s broad authority to conduct border searches is well-established, and courts have rejected a categorical exception to the border search doctrine for electronic devices. Nevertheless, as a policy matter, this Directive imposes certain requirements, above and beyond prevailing constitutional and legal requirements, to ensure that the authority for border search of electronic devices is exercised judiciously, responsibly, and consistent with the public trust.

5 PROCEDURES

5.1 Border Searches

5.1.1 Border searches may be performed by an Officer or other individual authorized to perform or assist in such searches (e.g., under 19 U.S.C. § 507).

5.1.2 Border searches of electronic devices may include searches of the information stored on the device when it is presented for inspection or during its detention by CBP for an inbound or outbound border inspection. The border search will include an examination of only the information that is resident upon the device and accessible through the device’s operating system or through other software, tools, or applications. Officers may not intentionally use the device to access information that is solely stored remotely. 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.

5.1.3 Basic Search. Any border search of an electronic device that is not an advanced search, as described below, may be referred to as a basic search. In the course of a basic search, with or without suspicion, an Officer may examine an electronic device and may review and analyze information encountered at the border, subject to the requirements and limitations provided herein and applicable law.

5.1.4 Advanced Search. An advanced search is any search in which an Officer connects external equipment, through a wired or wireless connection, to an electronic device not merely to gain access to the device, but to review, copy, and/or analyze its contents. In instances in which there is reasonable suspicion of activity in violation of the laws enforced or administered by CBP, or in which there is a national security concern, and with supervisory approval at the Grade 14 level or higher (or a manager with comparable responsibilities), an Officer may perform an advanced search of an electronic device. Many factors may create reasonable suspicion or constitute a national security concern; examples include the existence of a relevant national security-related lookout in combination with other articulable factors as appropriate, or the presence of an individual on a government-operated and government-vetted terrorist watch list.

5.1.5 Searches of electronic devices will be documented in appropriate CBP systems, and advanced searches should be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire advanced search, or where supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.

5.1.6 Searches of electronic devices should be conducted in the presence of the individual whose information is being examined unless there are national security, law enforcement, officer safety, or other operational considerations that make it inappropriate to permit the individual to remain present. Permitting an individual to remain present during a search does not necessarily mean that the individual shall observe the search itself. If permitting an individual to observe the search could reveal law enforcement techniques or potentially compromise other operational considerations, the individual will not be permitted to observe the search itself.

5.2 Review and Handling of Privileged or Other Sensitive Material

5.2.1 Officers encountering information they identify as, or that is asserted to be, protected by the attorney-client privilege or attorney work product doctrine shall adhere to the following procedures.

5.2.1.1 The Officer shall 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 assist CBP in identifying privileged information.

5.2.1.2 Prior to any border search of files or other materials over which a privilege has been asserted, the Officer will contact the CBP Associate/Assistant Chief Counsel office. In coordination with the CBP Associate/Assistant Chief Counsel office, which will coordinate with the U.S. Attorney's Office as needed, Officers will ensure the segregation of any privileged material from other information examined during a border search to ensure that any privileged material is handled appropriately while also ensuring that CBP accomplishes its critical border security mission. This segregation process will occur through the establishment and employment of a Filter Team composed of legal and operational representatives, or through another appropriate measure with written concurrence of the CBP Associate/Assistant Chief Counsel office.

5.2.1.3 At the completion of the CBP review, unless any materials are identified that indicate an imminent threat to homeland security, copies of materials maintained by CBP and determined to be privileged will be destroyed, except for any copy maintained in coordination with the CBP Associate/Assistant Chief Counsel office solely for purposes of complying with a litigation hold or other requirement of law.

5.2.2 Other possibly sensitive information, such as medical records and work-related information carried by journalists, shall be handled in accordance with any applicable federal law and CBP policy. Questions regarding the review of these materials shall be directed to the CBP Associate/Assistant Chief Counsel office, and this consultation shall be noted in appropriate CBP systems.

5.2.3 Officers encountering business or commercial information in electronic devices shall treat such information as business confidential information and shall protect that information from unauthorized disclosure. Depending on the nature of the information presented, the Trade Secrets Act, the Privacy Act, and other laws, as well as CBP policies, may govern or restrict the handling of the information. Any questions regarding the handling of business or commercial information may be directed to the CBP Associate/Assistant Chief Counsel office or the CBP Privacy Officer, as appropriate.

5.2.4 Information that is determined to be protected by law as privileged or sensitive will only be shared with agencies or entities that have mechanisms in place to protect appropriately such information, and such information will only be shared in accordance with this Directive.

5.3 Review and Handling of Passcode-Protected or Encrypted Information

5.3.1 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 presented with an electronic device containing information that is protected by a passcode or encryption or other security mechanism, an Officer may request the individual's assistance in presenting the electronic device and the information contained therein in a condition that allows inspection of the device and its contents. Passcodes or other means of access may be requested and retained as needed to facilitate the examination of an electronic device or information contained on an electronic device, including information on the device that is accessible through software applications present on the device that is being inspected or has been detained, seized, or retained in accordance with this Directive.

5.3.2 Passcodes and other means of access obtained during the course of a border inspection will only be utilized to facilitate the inspection of devices and information subject to border search, will be deleted or destroyed when no longer needed to facilitate the search of a given device, and may not be utilized to access information that is only stored remotely.

5.3.3 If an Officer is unable to complete an inspection of an electronic device because it is protected by a passcode or encryption, the Officer may, in accordance with section 5.4 below, detain the device pending a determination as to its admissibility, exclusion, or other disposition.

5.3.4 Nothing in this Directive limits CBP's ability, with respect to any device presented in a manner that is not readily accessible for inspection, to seek technical assistance, or to use external equipment or take other reasonable measures, or in consultation with the CBP Associate/Assistant Chief Counsel office to pursue available legal remedies, to render a device in a condition that allows for inspection of the device and its contents.

5.4 Detention and Review in Continuation of Border Search of Information

5.4.1 Detention and Review by CBP

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. Devices must be presented in a manner that allows CBP to inspect their contents. Any device not presented in such a manner may be subject to exclusion, detention, seizure, or other appropriate action or disposition.

5.4.1.1 Approval of and Time Frames for Detention. Supervisory approval is required for detaining electronic devices, or copies of information contained therein, for continuation of a border search after an individual's departure from the port or other location of detention. Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent level manager approval is required to extend any such detention beyond five (5) days. Extensions of detentions exceeding fifteen (15) days must be approved by the Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent manager, and may be approved and re-approved in increments of no more than seven (7) days. Approvals for detention and any extension thereof shall be noted in appropriate CBP systems.

5.4.1.2 Destruction. Except as noted in section 5.5 or elsewhere in this Directive, if after reviewing the information pursuant to the time frames discussed in section 5.4, there is no probable cause to seize the device or the information contained therein, any copies of the information held by CBP must be destroyed, and any electronic device must be returned. Upon this determination, the copy of the information will be destroyed as expeditiously as possible, but no later than seven (7) days after such determination unless circumstances require additional time, which must be approved by a supervisor and documented in an appropriate CBP system and which must be no later than twenty-one (21) days after such determination. The destruction shall be noted in appropriate CBP systems.

5.4.1.3 Notification of Border Search. When a border search of information is conducted on an electronic device, the individual subject to search will be notified of the purpose and authority for such search, how the individual may obtain more information on reporting concerns about their search, and how the individual may seek redress from the agency if he or she feels aggrieved by a search. If the Officer or other appropriate CBP official determines that the fact of conducting this search cannot be disclosed to the individual transporting the device without

impairing national security, law enforcement, officer safety, or other operational interests, notification may be withheld.

5.4.1.4 Custody Receipt. If CBP determines it is necessary to detain temporarily an electronic device to continue the search, the Officer detaining the device shall issue a completed Form 6051D to the individual prior to the individual's departure.

5.4.2 Assistance

Officers may request assistance that may be needed to access and search an electronic device and the information stored therein. Except with respect to assistance sought within CBP or from ICE, the following subsections of 5.4.2 govern requests for assistance.

5.4.2.1 Technical Assistance. Officers may sometimes need technical assistance to render a device and its contents in a condition that allows for inspection. For example, Officers may encounter a device or information that is not readily accessible for inspection due to encryption or password protection. Officers may also require translation assistance to inspect information that is in a foreign language. In such situations, Officers may convey electronic devices or copies of information contained therein to seek technical assistance.

5.4.2.2 Subject Matter Assistance – With Reasonable Suspicion or National Security Concern. Officers may encounter information that requires referral to subject matter experts to determine the meaning, context, or value of information contained therein as it relates to the laws enforced or administered by CBP. Therefore, Officers may convey electronic devices or copies of information contained therein for the purpose of obtaining subject matter assistance when there is a national security concern or they have reasonable suspicion of activities in violation of the laws enforced or administered by CBP.

5.4.2.3 Approvals for Seeking Assistance. Requests for assistance require supervisory approval and shall be properly documented and recorded in CBP systems. If an electronic device is to be detained after the individual's departure, the Officer detaining the device shall execute a Form 6051D and provide a copy to the individual prior to the individual's departure. All transfers of the custody of the electronic device will be recorded on the Form 6051D.

5.4.2.4 Electronic devices should be transferred only when necessary to render the requested assistance. Otherwise, a copy of data from the device should be conveyed in lieu of the device in accordance with this Directive.

5.4.2.5 When an electronic device or information contained therein is conveyed for assistance, the individual subject to search will be notified of the conveyance unless the Officer or other appropriate CBP official determines, in consultation with the receiving agency or other entity as appropriate, that notification would impair national security, law enforcement, officer safety, or other operational interests. If CBP seeks assistance for counterterrorism purposes, if a relevant national security-related lookout applies, or if the individual is on a government-operated and government-vetted terrorist watch list, the individual will not be notified of the conveyance, the existence of a relevant national security-related lookout, or his or her presence on a watch list.

When notification is made to the individual, the Officer will annotate the notification in CBP systems and on the Form 6051D.

5.4.3 Responses and Time for Assistance

5.4.3.1 Responses Required. Agencies or entities receiving a request for assistance in conducting a border search are expected to provide such assistance as expeditiously as possible. Where subject matter assistance is requested, responses should include all appropriate findings, observations, and conclusions relating to the laws enforced or administered by CBP.

5.4.3.2 Time for Assistance. Responses from assisting agencies or entities are expected in an expeditious manner so that CBP may complete the border search in a reasonable period of time. Unless otherwise approved by the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager, responses should be received within fifteen (15) days. If the assisting agency or entity is unable to respond in that period of time, the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager may permit extensions in increments of seven (7) days.

5.4.3.3 Revocation of a Request for Assistance. If at any time a CBP supervisor involved in a request for assistance is not satisfied with the assistance provided, the timeliness of assistance, or any other articulable reason, the request for assistance may be revoked, and the CBP supervisor may require the assisting agency or entity to return to CBP all electronic devices provided, and any copies thereof, as expeditiously as possible, except as noted in 5.5.2.3. Any such revocation shall be documented in appropriate CBP systems. When CBP has revoked a request for assistance because of the lack of a timely response, CBP may initiate the request with another agency or entity pursuant to the procedures outlined in this Directive.

5.4.3.4 Destruction. Except as noted in section 5.5.1 below or elsewhere in this Directive, if after reviewing information, probable cause to seize the device or the information from the device does not exist, CBP will retain no copies of the information.

5.5 Retention and Sharing of Information Found in Border Searches

5.5.1 Retention and Sharing of Information Found in Border Searches

5.5.1.1 Retention with Probable Cause. Officers may seize and retain an electronic device, or copies of information from the device, when, based on a review of the electronic device encountered or on other facts and circumstances, they determine there is probable cause to believe that the device, or copy of the contents from the device, contains evidence of a violation of law that CBP is authorized to enforce or administer.

5.5.1.2 Retention of Information in CBP Privacy Act-Compliant Systems. Without probable cause to seize an electronic device or a copy of information contained therein, CBP may retain only information relating to immigration, customs, and other enforcement matters if such retention is consistent with the applicable system of records notice. For example, information

collected in the course of immigration processing for the purposes of present and future admissibility of an alien may be retained in the A-file, Central Index System, TECS, and/or E3 or other systems as may be appropriate and consistent with the policies governing such systems.

5.5.1.3 Sharing Generally. Nothing in this Directive limits the authority of CBP to share copies of information contained in electronic devices (or portions thereof), which are retained in accordance with this Directive, with federal, state, local, and foreign law enforcement agencies to the extent consistent with applicable law and policy.

5.5.1.4 Sharing of Terrorism Information. Nothing in this Directive is intended to limit the sharing of terrorism-related information to the extent the sharing of such information is authorized by statute, Presidential Directive, or DHS policy. Consistent with 6 U.S.C. § 122(d)(2) and other applicable law and policy, CBP, as a component of DHS, will promptly share any terrorism information encountered in the course of a border search with entities of the federal government responsible for analyzing terrorist threat information. In the case of such terrorism information sharing, the entity receiving the information will be responsible for providing CBP with all appropriate findings, observations, and conclusions relating to the laws enforced by CBP. The receiving entity will be responsible for managing retention and disposition of information it receives in accordance with its own legal authorities and responsibilities.

5.5.1.5 Safeguarding Data During Storage and Conveyance. CBP will appropriately safeguard information retained, copied, or seized under this Directive and during conveyance. Appropriate safeguards include keeping materials in locked cabinets or rooms, documenting and tracking copies to ensure appropriate disposition, and other safeguards during conveyance such as password protection or physical protections. Any suspected loss or compromise of information that contains personal data retained, copied, or seized under this Directive must be immediately reported to the CBP Office of Professional Responsibility and to the Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager.

5.5.1.6 Destruction. Except as noted in this section or elsewhere in this Directive, if after reviewing information, there exists no probable cause to seize the information, CBP will retain no copies of the information.

5.5.2 Retention by Agencies or Entities Providing Technical or Subject Matter Assistance

5.5.2.1 During Assistance. All electronic devices, or copies of information contained therein, provided to an assisting agency or entity may be retained for the period of time needed to provide the requested assistance to CBP or in accordance with section 5.5.2.3 below.

5.5.2.2 Return or Destruction. CBP will request that at the conclusion of the requested assistance, all information be returned to CBP as expeditiously as possible, and that the assisting agency or entity advise CBP in accordance with section 5.4.3 above. In addition, the assisting agency or entity should destroy all copies of the information conveyed unless section 5.5.2.3 below applies. In the event that any electronic devices are conveyed, they must not be destroyed;

they are to be returned to CBP unless seized by an assisting agency based on probable cause or retained per 5.5.2.3.

5.5.2.3 Retention with Independent Authority. If an assisting federal agency elects to continue to retain or seize an electronic device or information contained therein, that agency assumes responsibility for processing the retention or seizure. Copies may be retained by an assisting federal agency only if and to the extent that it has the independent legal authority to do so – for example, when the information relates to terrorism or national security and the assisting agency is authorized by law to receive and analyze such information. In such cases, the retaining agency should advise CBP of its decision to retain information under its own authority.

5.6 Reporting Requirements

5.6.1 The Officer performing the border search of information shall be responsible for completing all after-action reporting requirements. This responsibility includes ensuring the completion of all applicable documentation such as the Form 6051D when appropriate, and creation and/or updating records in CBP systems. Reports are to be created and updated in an accurate, thorough, and timely manner. Reports must include all information related to the search through the final disposition including supervisory approvals and extensions when appropriate.

5.6.2 In instances where an electronic device or copy of information contained therein is forwarded within CBP as noted in section 5.4.1, the receiving Officer is responsible for recording all information related to the search from the point of receipt forward through the final disposition.

5.6.3 Reporting requirements for this Directive are in addition to, and do not replace, any other applicable reporting requirements.

5.7 Management Requirements

5.7.1 The duty supervisor shall ensure that the Officer completes a thorough inspection and that all notification, documentation, and reporting requirements are accomplished.

5.7.2 The appropriate CBP second-line supervisor shall approve and monitor the status of the detention of all electronic devices or copies of information contained therein.

5.7.3 The appropriate CBP second-line supervisor shall approve and monitor the status of the transfer of any electronic device or copies of information contained therein for translation, decryption, or subject matter assistance from another agency or entity.

5.7.4 The Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager shall establish protocols to monitor the proper documentation and recording of searches conducted pursuant to this Directive and the detention, transfer, and final disposition of electronic devices or copies of

information contained therein in order to ensure compliance with the procedures outlined in this Directive.

5.7.5 Officers will ensure, in coordination with field management as appropriate, that upon receipt of any subpoena or other request for testimony or information regarding the border search of an electronic device in any litigation or proceeding, notification is made to the appropriate CBP Associate/Assistant Chief Counsel office.

6 **MEASUREMENT.** CBP Headquarters will continue to develop and maintain appropriate mechanisms to ensure that statistics regarding border searches of electronic devices, and the results thereof, can be generated from CBP systems using data elements entered by Officers pursuant to this Directive.

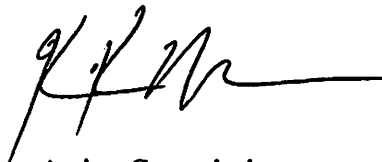
7 **AUDIT.** CBP Management Inspection will develop and periodically administer an auditing mechanism to review whether border searches of electronic devices are being conducted in conformity with this Directive.

8 **NO PRIVATE RIGHT CREATED.** This Directive is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.

9 **REVIEW.** This Directive shall be reviewed and updated, as necessary, at least every three years.

10 **DISCLOSURE.** This Directive may be shared with the public.

11 **SUPERSEDES.** Procedures for Border Search/Examination of Documents, Paper, and Electronic Information (July 5, 2007) and Policy Regarding Border Search of Information (July 16, 2008), to the extent they pertain to electronic devices; CBP Directive No. 3340-049, Border Searches of Electronic Devices Containing Information (August 20, 2009).



Acting Commissioner

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
OFFICIAL USE ONLY

EXHIBIT 4

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

8 CFR § 292.5 - Service upon and action by attorney or representative of record.

CFR

§ 292.5 Service upon and action by attorney or representative of record.

(a) Representative capacity. Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of the attorney or representative of record, or the person himself if unrepresented.

(b) Right to representation. Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs. Provided, that nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a criminal investigation and has been taken into custody.

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 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)

July 10, 2019

Original DVD is retained in OPR

SAC/(b) (7)(E) Case Folder

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
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EXHIBIT 6

(b) (7)(E)



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OFFICE OF PROFESSIONAL RESPONSIBILITY

STAR WITNESS - AUDIO/VIDEO

CBPO [REDACTED] (b) (6), (b) (7)(C)

September 20, 2019

Original DVD is retained in OPR
SAC/[REDACTED] (b) (7)(E) Case Folder

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
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EXHIBIT 7

(b) (7)(E)



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U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

STAR WITNESS - AUDIO/VIDEO

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

September 25, 2019

Original DVD is retained in OPR

SAC/(b) (7)(E) Case Folder


DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY


REPORT OF INVESTIGATION

(b) (7)(E)



THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL AGENCY ACTION, NO PORTION OF THE REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF U.S. CUSTOMS AND BORDER PROTECTION

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER	
		(b) (7)(E)	
		PREPARED BY	
		(b) (6), (b) (7)(C)	
		2. REPORT NUMBER	
		002	
3. TITLE			
(b) (6), (b) (7)(C), (b) (7)(E) CBP OFFICER/1616 Detainee/Alien - Other Non-criminal (b) (7)(E)			
4. FINAL RESOLUTION			
5. STATUS	6. TYPE OF REPORT	7. RELATED CASES	
Closing Report	Blue Book		
8. TOPIC			
Traveler alleged CBPOs seized and kept his phone.			
9. SYNOPSIS			
<p>On May 16, 2019, the Joint Intake Center (JIC), Washington DC, received an email from the US 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) (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.</p> <p>SSA (b) (6), (b) (7)(C) determined that (b) (6), (b) (7)(C) electronic devices were detained and returned to him on March 21, 2019.</p> <p>CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) invoked his right to counsel during his inspection.</p>			
(b) (6), (b) (7)(C)		11. COMPLETION DATE	14. ORIGIN OFFICE
Supervisor		09-OCT-2019	CBP OPR SAC (b) (7)(E)
(b) (6), (b) (7)(C)		13. APPROVED DATE	15. TELEPHONE NUMBER
Supervisor		10-OCT-2019	(b) (6), (b) (7)(C)
<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>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>DETAILS OF INVESTIGATION</p> <p>ALLEGATION ONE: CBPO (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) questions after he invoked his right to counsel during a CBP secondary inspection; UNFOUNDED.</p> <p>PROSECUTORIAL ACTION: N/A</p> <p>ALLEGATION TWO: (b) (6), (b) (7)(C) electronic devices were detained by CBPO (b) (6), (b) (7)(C) during a CBP secondary inspection; EXONERATED.</p> <p>PROSECUTORIAL ACTION: N/A</p> <p>On May 16, 2019, the JIC, Washington DC, received an email from the DHS Office for CRCL regarding a complaint made on behalf of (b) (6), (b) (7)(C) a traveler who presented himself for inspection by CBPOs at (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. (EXHIBIT 1)</p> <p>On June 13, 2019, this case was assigned to Senior Special Agent (SSA) (b) (6), (b) (7)(C) CBP Office of Professional Responsibility (OPR) SAC/(b) (7)(E) for investigation.</p> <p>SSA (b) (6), (b) (7)(C) verified that (b) (6), (b) (7)(C) was identified to be subject of a secondary inspection based on criteria generated by CBP systems upon his re-entry into the US on November 23, 2018.</p> <p>On June 27, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed Supervisory CBPO (SCBPO) (b) (6), (b) (7)(C) at CBP OPR SAC (b) (7)(E) located at (b) (7)(E) (b) (7)(E). SCBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 2)</p> <p>SCBPO (b) (6), (b) (7)(C) stated that she began her career with CBP as an officer 18 years ago. SCBPO (b) (6), (b) (7)(C) said over the course of her career she served as an officer for 4 years at (b) (7)(E) a supervisory officer at the land border for 3 years, and she has been in her current position as a program manager (PM) at the CBP (b) (7)(E) Field Office since 2008.</p> <p>SCBPO (b) (6), (b) (7)(C) said she is the PM for border search of information which involves reviewing</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

electronic detention reports from the ports of entry. SCBPO (b) (6), (b) (7)(C) said the electronic detention reports are documents that are generated for every electronic device detained by CBP under the Border Search Authority (BSA) of Electronic Devices. SCBPO (b) (6), (b) (7)(C) said she also oversees programs pertaining to admissibility.

SCBPO (b) (6), (b) (7)(C) was asked to discuss the process of detaining electronic devices during a CBP inspection and she provided the following statements. SCBPO (b) (6), (b) (7)(C) also provided statements regarding the detention of (b) (6), (b) (7)(C) electronic devices in November, 2018.


SCBPO (b) (6), (b) (7)(C) cited CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018, and read two paragraphs verbatim from the Purpose section. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) clarified what she read and stated that all electronic devices are subject to search under the BSA.


SCBPO (b) (6), (b) (7)(C) stated that the search of electronic devices are limited to the information contained on them at the time of the CBP inspection. SCBPO (b) (6), (b) (7)(C) advised that one of the first steps in inspecting an electronic device is to disable its network capability by activating airplane mode.


[AGENT NOTE: Airplane Mode is defined as a setting on a smartphone or tablet for use on board aircraft, in which the device does not receive or transmit wireless signals and so does not interfere with the aircraft's communication/navigation systems.]


SCBPO (b) (6), (b) (7)(C) explained that there are various reasons why an electronic device cannot be examined at the time of the initial inspection and some of those reasons include, if the device is encrypted or if there is a technical issue. If the device is encrypted or if there is a technical issue, the devices are sent to the CBP Laboratory & Scientific Services Directorate (LSS) for assistance.

SCBPO (b) (6), (b) (7)(C) discussed the detention and review in continuation of border search of electronic devices and cited Section 5.4.1 of CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) stated that any electronic device detained longer than 5 days after the initial detention must be approved by the Port Director (PD) per policy. SCBPO (b) (6), (b) (7)(C) added extensions of detentions that exceed 15 days after the initial detention and every 7 days thereafter must be approved by the Director of Field Operations (DFO). SCBPO (b) (6), (b) (7)(C) stated that as the PM for border searches she acts on behalf of the DFO as an approving official. SCBPO (b) (6), (b) (7)(C) said it is the responsibility of the port to remain in contact with CBP LSS to determine when the detained electronic devices will be returned. SCBPO (b) (6), (b) (7)(C) reported that the port will then advise her via email if an extension is needed based on the information they received from CBP LSS. SCBPO (b) (6), (b) (7)(C) explained that approvals for extension exist for the purpose of tracking the

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>devices and to ensure they are returned to the owner as soon as possible.</p> <p>SCBPO (b) (6), (b) (7)(C) said as the PM for border searches, she reviews the electronic detention reports to determine if the policies pertaining to the 5 day extension deadlines are upheld by the ports. SCBPO (b) (6), (b) (7)(C) said the field office monitors the extensions through the use of an internal document referred to as a "morning report" which is sent to and reviewed by the DFO. SCBPO (b) (6), (b) (7)(C) said if a deadline is approaching, she will contact the port to determine if another extension is needed.</p> <p>SCBPO (b) (6), (b) (7)(C) stated that she reviewed the electronic detention reports pertaining to the detention of (b) (6), (b) (7)(C) electronic devices. SCBPO (b) (6), (b) (7)(C) verified that the CBPOs adhered to the guidelines within the Border Search of Electronic Devices Policy regarding the detention and return of (b) (6), (b) (7)(C) electronic devices.</p> <p>SCBPO (b) (6), (b) (7)(C) was asked to discuss a traveler's right to representation during a CBP inspection at a port of entry when seeking admission into the US. SCBPO (b) (6), (b) (7)(C) cited Title 8 of the Code of Federal Regulations (CFR) section 292.5 (b) and provided the following statements. (EXHIBIT 4)</p> <p>SCBPO (b) (6), (b) (7)(C) said that every person is an applicant for admission when they arrive at a port of entry. SCBPO (b) (6), (b) (7)(C) stated that unless a traveler is the subject of a criminal investigation or has been arrested, a person is not entitled to an attorney because the questions asked by CBP during an inspection are to determine admissibility. SCBPO (b) (6), (b) (7)(C) said if the traveler has questions, he/she can request to speak to a supervisor and that person will be given a "tear sheet." SCBPO (b) (6), (b) (7)(C) said the tear sheet provides the traveler with general information about CBP's authority.</p> <p>On July 10, 2019, SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed SCBPO (b) (6), (b) (7)(C) in the (b) (7)(E) terminal at (b) (7)(E) SCBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. SCBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 5)</p> <p>SCBPO (b) (6), (b) (7)(C) stated that he has been an SCBPO of the Tactical Terrorism Response Team (TTRT) since its inception in 2015. SCBPO (b) (6), (b) (7)(C) explained CBP's authority to detain electronic devices during border searches for admissibility into the US. SCBPO (b) (6), (b) (7)(C) said CBP's authority for the border searches of electronic devices is derived from CBP Directive: 3340-049A. (EXHIBIT 3) SCBPO (b) (6), (b) (7)(C) reported that a CBPO must receive supervisor approval in order to conduct an electronic media search. SCBPO (b) (6), (b) (7)(C) advised that the electronic device detention can be the result of discoveries made during the search pertaining to admissibility. SCBPO (b) (6), (b) (7)(C) cited the discovery of child pornography and terrorism related</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>content as a couple of examples that can result in detention of the device. SCBPO (b) (6), (b) (7)(C) said when an electronic device is detained, it is officially documented and the passenger is issued a copy of the detention form which is similar to a receipt. SCBPO (b) (6), (b) (7)(C) said the detention form is also part of the tracking process for the device(s). SCBPO (b) (6), (b) (7)(C) advised once a device is detained, the report must be uploaded into the system within 24 hours.</p> <p>SCBPO (b) (6), (b) (7)(C) said if the detention of a device exceeds 5 days, the PD must be notified and approve an extension, if it is needed. SCBPO (b) (6), (b) (7)(C) added that an email notification is subsequently sent to the corresponding CBP field office indicating a detained electronic device is being tracked by the port. SCBPO (b) (6), (b) (7)(C) stated 15 days after the detention of a device, approval for an extension is given by the DFO. SCBPO (b) (6), (b) (7)(C) said the notifications for approval are conducted via email for record purposes. SCBPO (b) (6), (b) (7)(C) said after that approval is required by the DFO every 7 days until the device is returned, seized, or destroyed. SCBPO (b) (6), (b) (7)(C) stated that each daily milestone, 5 days, 7 days, and 15 days are individually documented in the detention report.</p> <p>SCBPO (b) (6), (b) (7)(C) reported that when a detention deadline or milestone approaches, the port notifies the field office for approval. SCBPO (b) (6), (b) (7)(C) said a process of "checks and balances" exist within the supervisory chain of command which include himself as an SCBPO, a Chief CBPO (CCBPO), and the field office to manage and ensure the tracking policies are followed. SCBPO (b) (6), (b) (7)(C) verified that the detention process, to include the required approvals regarding (b) (6), (b) (7)(C) electronic devices, adhered to the policy in accordance with CBP Directive: 3340-049A.</p> <p>SCBPO (b) (6), (b) (7)(C) stated via email to SSA (b) (6), (b) (7)(C) dated, August 8, 2019, that the reason for the prolonged detention of (b) (6), (b) (7)(C) electronic devices was attributed to the government shutdown which resulted in a backlog at CBP LSS. (EXHIBIT 6)</p> <p>SCBPO (b) (6), (b) (7)(C) discussed CBP's authority to question travelers during the inspection process. According to SCBPO (b) (6), (b) (7)(C) if a traveler refuses to answer questions during an inspection pertaining to admissibility, then the traveler can be denied entry into the US.</p> <p>According to DHS Form 6051D number (b) (6), (b) (7)(C), (b) (7)(E) signed for his electronic device which was returned to him on March 21, 2019.</p> <p>On August 30, 2019, a local records check was conducted for CBPO (b) (6), (b) (7)(C) at the (b) (7)(E) (b) (7)(E) Police Department. The records check revealed no derogatory information.</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>On October 1, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) in the CBP Office of Field Operations (OFO) Offices located in the (b) (7)(E) terminal at (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 7)</p> <p>CBPO (b) (6), (b) (7)(C) reported that she has been an officer with CBP for approximately (b) (6), (b) (7)(C) years. CBPO (b) (6), (b) (7)(C) said she is currently assigned to TTRT and has been so for approximately one year.</p> <p>CBPO (b) (6), (b) (7)(C) advised at the time of (b) (6), (b) (7)(C) secondary inspection on November 23, 2018, she was new to TTRT and she served as the assisting officer to CBPO (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) reported that she was assigned to assist CBPO (b) (6), (b) (7)(C) in order to observe how he conducts inspections because he is an experienced TTRT officer. CBPO (b) (6), (b) (7)(C) also advised that she was assigned to assist CBPO (b) (6), (b) (7)(C) because she is fluent in Urdu.</p> <p>[AGENT NOTE: Urdu is defined as an Indic language closely related to Hindi, but written in the Persian script and having many loanwords from Persian and Arabic. It is the official language of Pakistan and is also widely used in India and elsewhere.]</p> <p>CBPO (b) (6), (b) (7)(C) stated that when she initially tried to talk to (b) (6), (b) (7)(C) he did not want to say anything. CBPO (b) (6), (b) (7)(C) added that when she spoke to him in Urdu, she said he "opened up" to her and reiterated that he did not want to talk because he is inspected all of the time. CBPO (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as a "nice guy."</p> <p>CBPO (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) refused to answer some questions about his relatives, but he did answer others. CBPO (b) (6), (b) (7)(C) added that each time (b) (6), (b) (7)(C) declined to answer a question, CBPO (b) (6), (b) (7)(C) would then ask him a different question. CBPO (b) (6), (b) (7)(C) said she does not recall if Mr. (b) (6), (b) (7)(C) requested an attorney. CBPO (b) (6), (b) (7)(C) indicated that if (b) (6), (b) (7)(C) asked for a lawyer, it would have been documented in the corresponding inspection report. CBPO (b) (6), (b) (7)(C) also indicated that a US citizen does not have the right to legal counsel for an inspection when re-entering the US.</p> <p>According to the inspection report, (b) (6), (b) (7)(C) was asked if he had any content sent to him on his phone that was associated with extremism, specifically (b) (7)(E) The inspection report cited that (b) (6), (b) (7)(C) claimed to have received a message with (b) (7)(E) referenced in a group chat. (b) (6), (b) (7)(C) stated that he thought it was a joke and he provided CBPOs with the name and phone number associated with the person who sent the message. CBPO (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C)</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>10. NARRATIVE</p> <p>did not provide the password for his phone and it was detained.</p> <p>Continuing on October 1, 2019, SSA (b) (6), (b) (7)(C) and SA (b) (6), (b) (7)(C) CBP OPR SAC (b) (7)(E) interviewed CBPO (b) (6), (b) (7)(C) in the CBP OFO Offices located in the (b) (7)(E) terminal at (b) (7)(E) CBPO (b) (6), (b) (7)(C) was provided and signed the following form: Administrative Warning Acknowledgement for Non-Bargaining Employees. CBPO (b) (6), (b) (7)(C) interview was audio/video recorded. (EXHIBIT 8)</p> <p>CBPO (b) (6), (b) (7)(C) reported that he has been an officer with CBP for approximately eleven years. CBPO (b) (6), (b) (7)(C) said he is currently assigned to TTRT and has been so for approximately four years. CBPO (b) (6), (b) (7)(C) said he has served as a training officer for CBPOs who are new to TTRT.</p> <p>CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was selected for a secondary inspection based on an (b) (7)(E) CBPO (b) (6), (b) (7)(C) advised that he did not (b) (7)(E) for (b) (6), (b) (7)(C) but he conducted the interview and inspection. CBPO (b) (6), (b) (7)(C) said he asked (b) (6), (b) (7)(C) "basic" questions about his trip to include, the purpose of his trip and where he visited. CBPO (b) (6), (b) (7)(C) reported as soon as he asked (b) (6), (b) (7)(C) questions about his family, he became "standoffish" and he did not want to answer. CBPO (b) (6), (b) (7)(C) stated one particular family member he asked (b) (6), (b) (7)(C) about had a visa to enter the US. CBPO (b) (6), (b) (7)(C) said he advised (b) (6), (b) (7)(C) that it was a person he would have provided information for in addition to being listed as point of contact. CBPO (b) (6), (b) (7)(C) said given the above reasons, he asked (b) (6), (b) (7)(C) why he refused to answer questions about an individual who is trying to enter the US. CBPO (b) (6), (b) (7)(C) said he was trying to verify information about that family member and establish familial ties.</p> <p>CBPO (b) (6), (b) (7)(C) denied that (b) (6), (b) (7)(C) invoked his right to legal counsel during the inspection. (audio/video timestamp: 11:23) CBPO (b) (6), (b) (7)(C) said if (b) (6), (b) (7)(C) requested an attorney during the inspection, he would have contacted his supervisor and documented it in his report. CBPO (b) (6), (b) (7)(C) said a US citizen does not have to answer questions. CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) answered some questions, but he refused to answer others. CBPO (b) (6), (b) (7)(C) indicated that (b) (6), (b) (7)(C) was not permitted to have an attorney present during an inspection because he was not under arrest.</p> <p>CBPO (b) (6), (b) (7)(C) provided the following statements regarding the inspection and detention of electronic devices. CBPO (b) (6), (b) (7)(C) stated that in most cases travelers provide the CBPOs access to their electronic devices. CBPO (b) (6), (b) (7)(C) said some travelers do not provide their passcode, but they allow the CBPOs to examine their devices. CBPO (b) (6), (b) (7)(C) indicated that the CBPOs do 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

002

10. NARRATIVE

need a warrant to inspect the electronic devices because it is within the scope of CBP's authority. CBPO (b) (6), (b) (7)(C) stated that if the device(s) do not contain derogatory information, they are immediately returned to the traveler. CBPO (b) (6), (b) (7)(C) said if the electronic devices are detained, then the traveler is issued a tear sheet and provided with a receipt for the detained items. CBPO (b) (6), (b) (7)(C) stated that a tear sheet is given to travelers prior to a media examination. CBPO (b) (6), (b) (7)(C) said the tear sheet contains information about CBP's border search authority and it includes information about the inspection of electronic devices in addition to other items.


CBPO (b) (6), (b) (7)(C) stated that he asked (b) (6), (b) (7)(C) for access to his cell phone, but (b) (6), (b) (7)(C) refused. According to the inspection report, (b) (6), (b) (7)(C) cell phone was detained because of an (b) (7)(E)

CBPO (b) (6), (b) (7)(C) reported that he asked (b) (6), (b) (7)(C) if he was advised on how to respond to CBP. CBPO (b) (6), (b) (7)(C) read from his inspection report and said (b) (6), (b) (7)(C) told him that he was told not to communicate with the United States government (USG) by an organization called CAIR. CBPO (b) (6), (b) (7)(C) stated that he did not recall what the acronym CAIR meant, but it is referenced in the inspection report as CAIR.

[AGENT NOTE: The acronym CAIR stands for Council on American-Islamic Relations which is headquartered in Washington, DC.]

CBPO (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) cell phone was returned to him and the return was documented. (audio/video timestamp: 19:57) (EXHIBIT 9)

CBP OPR Personnel Security Division (PSD) reported that CBPO (b) (6), (b) (7)(C) currently holds a Top Secret Sensitive Compartmentalized Information security clearance.

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 002</p>
<p>Exhibit #1 – Email to the JIC dated May 16, 2019.</p> <p>Exhibit #2 – SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated June 27, 2019.</p> <p>Exhibit #3 – CBP Directive: 3340-049A Border Search of Electronic Devices, dated January 4, 2018.</p> <p>Exhibit #4 – Title 8 of the Code of Federal Regulations (CFR) section 292.5 (b)</p> <p>Exhibit #5 – SCBPO (b) (6), (b) (7)(C) audio/video recorded interview dated July 10, 2019.</p> <p>Exhibit #6 – Email from SCBPO (b) (6), (b) (7)(C) to SSA (b) (6), (b) (7)(C) dated August 8, 2019.</p> <p>Exhibit #7 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated October 1, 2019.</p> <p>Exhibit #8 – CBPO (b) (6), (b) (7)(C) audio/video recorded interview dated October 1, 2019.</p> <p>Exhibit #9 – Detention Notice And Custody Receipt For Detained Property DHS Form 6051D Number: (b) (6), (b) (7)(C)</p>	

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)
Sent: Thursday, May 16, 2019 4:29 PM
To: JOINT INTAKE
Subject: FW: Short Form for Complaints (b) (7)(E)
Attachments: 03.22.2019 (b) (6), (b) (7)(C), (b) (7)(E).pdf; 03.25.2019 (b) (6), (b) (7)(C) (b) (7)(E).pdf; 04.11.2019 (b) (6), (b) (7)(C), (b) (7)(E).pdf

Hello,

Would you please forward me the JICMS numbers once they've been created?

V/r,

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 16, 2019 1:31 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Short Form for Complaints (b) (7)(E)

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

Here is another Short Form request for three complaints combined.

Due: July 16, 2019

OFO office: (b) (7)(E) Field Office, (b) (7)(E)

Note: Request No. 2 is not asking for a document, and we have asked CRCL to clarify this. Please let us know if there are any documents that have the information requested in No. 2.

Thanks,

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, May 16, 2019 9:38 AM
To: JOINT INTAKE (b) (7)(E)
Cc: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Subject: Short Form for Complaints (b) (7)(E)

Dear CBP Colleagues:

The Office for Civil Rights and Civil Liberties (CRCL) has received three recent complaints from the (b) (7)(E) of the Council on American Islamic Relations ("CAIR") alleging that CBP has confiscated the mobile phones of travelers at the (b) (7)(E) and not returned the devices. The purpose of this email is to notify you

of the complaints, describe the allegations, and inform you that CRCL will investigate the complaints as short-forms, and request documents and information from CBP relating to the allegations. As the allegations in the three complaints are nearly identical, they have been combined into this single short form.

Complaint (b) (7)(E)

On March 25, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on March 9, 2019, CBP retained three iPhones belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E) CAIR also alleges that (b) (6), (b) (7)(C) invoked his constitutional right to counsel, but agents continued to question him.

Complaint (b) (7)(E)

On March 22, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on November 23, 2018, CBP retained a Samsung G930 T mobile phone belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E) CAIR also alleges that (b) (6), (b) (7)(C) invoked his constitutional right to counsel, but agents continued to question him.

Complaint (b) (7)(E)

On April 11, 2019, CRCL received correspondence from CAIR on behalf of (b) (6), (b) (7)(C) who alleges that on December 10, 2018, CBP retained a Samsung Galaxy Note 8 mobile phone belonging to (b) (6), (b) (7)(C) when he attempted to reenter the U.S. at (b) (7)(E)

In each of the above three complaints, CAIR alleges that CBP still retains the phones in spite of CBP directive No. 3340-049A, section 5.4.1 which states "the detention of devices ordinarily should not exceed five (5) days." CAIR argues in each instance that CBP does not have the right to retain the phones and makes several arguments rooted in constitutional law that CBP's seizure and continued retention of the property without a warrant violates the Fourth Amendment. CAIR requests the immediate return of the property; the return of any copies of data made from the mobile phones; and an explanation of CBP's reasons for seizing and retaining the property.

The purpose of this review is to investigate the complaints and information to determine whether CBP's actions in this instance complied with civil rights and civil liberties requirements and CBP policies.

As part of CRCL's investigation, we request the following documents, information, and materials from CBP:

- 1) Copies of all records, statements, and documents relating to CBP's questioning and inspection of (b) (6), (b) (7)(C) on March 9, 2019; (b) (6), (b) (7)(C) on November 23, 2018; and (b) (6), (b) (7)(C) on December 10, 2018.
- 2) If the electronic devices were indeed retained, please indicate whether and when they have been returned.
- 3) All policies, procedures, guidance, memoranda, and/or related documents regarding the search and/or seizure of travelers' mobile phones at airports.
- 4) All policies, procedures, guidance, memoranda, and/or related documents regarding what happens when a traveler being questioned by CBP requests an attorney.
- 5) Any other relevant documentation not otherwise requested.

Please provide to us the documents, materials, and information requested above by COB on July 16, 2019. Please let us know if CBP does not possess or cannot make available any of the documents or information that we request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to "[i]nterview[] persons and obtain[] other information deemed by CRCL to be

relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. CRCL requests the information above in accordance with these authorities.

Thank you for your assistance with this request. Please let me know if you have any questions.

(b) (6), (b) (7)(C)
Contract Support Investigator
Compliance Branch
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(b) (6), (b) (7)(C)



CAIR
(b) (7)(E)

Council on American-Islamic Relations

(b) (7)(E)

PLEASE TAKE NOTE
OF ADDRESS CORRECTION

(b) (7)(E)

Department of Homeland Security
Office for Civil Rights and Civil Liberties

MAR 22 2019

March 9, 2019

RECEIVED

VIA CERTIFIED MAIL

Port Director (b) (6), (b) (7)(C)
U.S. Customs and Border Protection

(b) (7)(E)

Re: Seizure and Continued Retention of (b) (6), (b) (7)(C) Samsung G930 T Cellphone at (b) (7)(E) (b) (7)(E) on November 23, 2018 by U.S. Customs and Border Protection ("CBP")

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

The (b) (7)(E) of the Council on American Islamic Relations ("CAIR" (b) (7)(E) represents (b) (6), (b) (7)(C). On November 23, 2018, CBP retained a Samsung cellphone ("Property") of our client while he attempted to reenter the United States at the (b) (7)(E) Terminal of (b) (7)(E). (b) (7)(E) CBP still retains possession of the Property. Pursuant to CBP Directive No. 3340-049A, section 5.4.1, "the detention of devices ordinarily should not exceed five (5) days." Currently, CBP has had possession of (b) (6), (b) (7)(C) phone for nearly four-months in clear violation of the policy and in continued violation of his Constitutional rights.

The search, seizure, and continued retention of (b) (6), (b) (7)(C) Property is unlawful without a warrant supported by probable cause. Recent judicial decisions have repeatedly made clear that cell phones are entitled to heightened Fourth Amendment protections, and this remains true at the border. See, e.g., *Alasaad v. Nielsen*, 2018 U.S. Dist. LEXIS 78783 *3 (D. Mass. May 9, 2018) (denying a government motion to dismiss on a Fourth Amendment challenge to warrantless digital device searches and seizures at the border); *United States v. Kim*, 103 F. Supp. 3d 32, 54-58 (D.D.C. 2015) (finding that off-border search and copying of a laptop computer without a warrant was unreasonable); *Carpenter v. United States*, 585 U.S. ___, 2018 U.S. LEXIS 3844 (2018) (holding that cell phone transmission to a third party did not vitiate Fourth Amendment protections, as is typically mandated by the third-party doctrine); *Riley v. California*, 134 S. Ct. 2473 (2014) (holding that the search incident to arrest exception to the warrant requirement does not apply to cell phone searches). Therefore, without a warrant, CBP's seizure and continued retention of (b) (6), (b) (7)(C) Property violates his Fourth Amendment rights.

We are also informed that two agents from the U.S. Department of Homeland Security ("DHS") questioned (b) (6), (b) (7)(C) after his Property was seized and continued to question him repeatedly after he requested an attorney. Questioning (b) (6), (b) (7)(C) after he invoked his right to counsel is a violation of his Fifth Amendment rights.

WASHINGTON D.C.

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CAIR^{(b) (7)(E)} requests the immediate return of ^{(b) (6), (b) (7)(C)} property, the return of any copies of data made from his cellphone, and an explanation of CBP's stated reasons for seizing ^{(b) (6), (b) (7)(C)} Property and for retaining it for over three months.

Please do not hesitate to contact me at ^{(b) (6), (b) (7)(C)} if you have any questions or would like to discuss this further.

Sincerely,

^{(b) (6), (b) (7)(C)}
Staff Attorney
CAIR^{(b) (7)(E)}

ccs:
U.S. Customs and Border Protection

^{(b) (7)(E)}

U.S. Attorney's Office

^{(b) (7)(E)}

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
^{(b) (7)(E)}
Washington, D.C. 20528



CAIR
(b) (7)(E)

Council on American-Islamic Relations

(b) (7)(E)

(b) (7)(E)
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Quality Assurance
MAR 19 2018
CRDSMAIL # 2

Office for Civil Rights & Civil Liberties
US Department of Homeland Security
(b) (7)(E)
Washington, D.C. 20528

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DHS-CRDS
2019 MAR 19 AM 7:42





2019.03.21

(b) (7)(E)

: FILE NAME

(Date received; Last name; ex: 2018.12.01 Doe)

TRANSLATION

INCOMING CORRESPONDENCE

DO NOT WRITE

BUSINESS OPERATIONS USE ONLY

The CRCL Business Operations Section ("BizOps") received the attached general incoming correspondence on 3/21/19. Based upon initial assessment, BizOps is (select one):

FORWARDING TO YOU (X) FOR REVIEW AND PROCESSING, AND ANY ACTION YOU CONSIDER APPROPRIATE (select one).

<input checked="" type="checkbox"/>	Compliance (Mail box)	FOIA Officer (PrivacyFOIA; CRCL FOIA; Bradley White)	Institute (Mail box)	OGC (Steve McCleary / OGC MS 0485)
	EEO (MS 0191)	HQ EEO (Mail box)	Officer (via Crystal West)	Other:

RESPONDING TO THE SENDER WITH NO JURISDICTION AND ADVISEMENT TO CONTACT (select all applicable).

	CBP INFO Center	DOS Bureau of Consular Affairs	ICE ERO DRIL (formerly PAO/CDH)	USCIS
	DHS OIG	EEOC	ICE HIS	USCIS OMB
	DHS TRIP	FEMA	ICE OPR	USSS
	DOJ	HHS	JIC	VA OIG
	DOJ CRD SLS	HHS OCR	Office of Privacy	How to File a Complaint
	DOS	IC3	TSA CR	Other:

TAKING NO ADDITIONAL ACTION AND FILING IN ACCORDANCE WITH RECORDS RETENTION POLICY BECAUSE (select all applicable).

	Return Address Not Available	CRCL Already Responded	CRCL was CCed as an FYI	Other:
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If you believe this correspondence is not within your section's jurisdiction, indicate so below with any additional advisement instructions - then, return same to BizOps:

Reviewed by: _____ on _____ Date: _____

NOT WITHIN SECTION'S JURISDICTION (select, if applicable)

ADVISE SENDER TO CONTACT (select all applicable)

	CBP INFO Center	DOS Bureau of Consular Affairs	ICE ERO DRIL (formerly PAO/CDH)	USCIS
	DHS OIG	EEOC	ICE HSI	USCIS OMB
	DHS TRIP	FEMA	ICE OPR	USSS
	DOJ	HHS	JIC	VA OIG
	DOJ CRD SLS	HHS OCR	Office of Privacy	How to File a Complaint
	DOS	IC3	TSA CR	Other:

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

EXHIBIT 2

(b) (7)(E)



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

STAR WITNESS - AUDIO/VIDEO

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

June 27, 2019

Original DVD is retained in OPR
SAC/(b) (7)(E) Case Folder

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
OFFICIAL USE ONLY

EXHIBIT 3

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 3340-049A

DATE: January 4, 2018

ORIGINATING OFFICE: FO:TO

SUPERSEDES: Directive 3340-049

REVIEW DATE: January 2021

SUBJECT: BORDER SEARCH OF ELECTRONIC DEVICES

1 PURPOSE. To provide guidance and standard operating procedures for searching, reviewing, retaining, and sharing information contained in computers, tablets, removable media, disks, drives, tapes, mobile phones, cameras, music and other media players, and any other communication, electronic, or digital devices subject to inbound and outbound border searches by U.S. Customs and Border Protection (CBP). These searches are conducted in furtherance of CBP's customs, immigration, law enforcement, and homeland security responsibilities and to ensure compliance with customs, immigration, and other laws that CBP is authorized to enforce and administer.

These searches are part of CBP's longstanding practice and are essential to enforcing the law at the U.S. border and to protecting border security. They help detect evidence relating to terrorism and other national security matters, human and bulk cash smuggling, contraband, and child pornography. They can also reveal information about financial and commercial crimes, such as those relating to copyright, trademark, and export control violations. They can be vital to risk assessments that otherwise may be predicated on limited or no advance information about a given traveler or item, and they can enhance critical information sharing with, and feedback from, elements of the federal government responsible for analyzing terrorist threat information. Finally, searches at the border are often integral to a determination of an individual's intentions upon entry and provide additional information relevant to admissibility under the immigration laws.

2 POLICY

2.1 CBP will protect the rights of individuals against unreasonable search and seizure and ensure privacy protections while accomplishing its enforcement mission.

2.2 All CBP Officers, Border Patrol Agents, Air and Marine Agents, Office of Professional Responsibility Agents, and other officials authorized by CBP to perform border searches shall adhere to the policy described in this Directive and any implementing policy memoranda or musters.

2.3 This Directive governs border searches of electronic devices – including any inbound or outbound search pursuant to longstanding border search authority and conducted at the physical border, the functional equivalent of the border, or the extended border, consistent with law and agency policy. For purposes of this Directive, this excludes actions taken to determine if a device functions (e.g., turning a device on and off); or actions taken to determine if physical contraband is concealed within the device itself; or the review of information voluntarily provided by an individual in an electronic format (e.g., when an individual shows an e-ticket on an electronic device to an Officer, or when an alien proffers information to establish admissibility). This Directive does not limit CBP’s authority to conduct other lawful searches of electronic devices, such as those performed pursuant to a warrant, consent, or abandonment, or in response to exigent circumstances; it does not limit CBP’s ability to record impressions relating to border encounters; it does not restrict the dissemination of information as required by applicable statutes and Executive Orders.

2.4 This Directive does not govern searches of shipments containing commercial quantities of electronic devices (e.g., an importation of hundreds of laptop computers transiting from the factory to the distributor).

2.5 This Directive does not supersede *Restrictions on Importation of Seditious Matter*, Directive 2210-001A. Seditious materials encountered through a border search should continue to be handled pursuant to Directive 2210-001A or any successor thereto.

2.6 This Directive does not supersede *Processing Foreign Diplomatic and Consular Officials*, Directive 3340-032. Diplomatic and consular officials encountered at the border, the functional equivalent of the border (FEB), or extended border should continue to be processed pursuant to Directive 3340-032 or any successor thereto.

2.7 This Directive applies to searches performed by or at the request of CBP. With respect to searches performed by U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agents exercise concurrently-held border search authority that is covered by ICE’s own policy and procedures. When CBP detains, seizes, or retains electronic devices, or copies of information therefrom, and conveys such to ICE for analysis, investigation, and disposition (with appropriate documentation), the conveyance to ICE is not limited by the terms of this Directive, and ICE policy will apply upon receipt by ICE.

3 DEFINITIONS

3.1 **Officer.** A Customs and Border Protection Officer, Border Patrol Agent, Air and Marine Agent, Office of Professional Responsibility Special Agent, or any other official of CBP authorized to conduct border searches.

3.2 **Electronic Device.** Any device that may contain information in an electronic or digital form, such as computers, tablets, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players.

3.3 **Destruction.** For electronic records, destruction is deleting, overwriting, or degaussing in compliance with CBP Information Systems Security Policies and Procedures Handbook, CIS HB 1400-05C.

4 **AUTHORITY/REFERENCES.** 6 U.S.C. §§ 122, 202, 211; 8 U.S.C. §§ 1225, 1357, and other pertinent provisions of the immigration laws and regulations; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a(d), and other pertinent provisions of customs laws and regulations; 31 U.S.C. § 5317 and other pertinent provisions relating to monetary instruments; 22 U.S.C. § 401 and other laws relating to exports; Guidelines for Detention and Seizures of Pornographic Materials, Directive 4410-001B; Disclosure of Business Confidential Information to Third Parties, Directive 1450-015; Accountability and Control of Custody Receipt for Detained and Seized Property (CF6051), Directive 5240-005.

The plenary authority of the Federal Government to conduct searches and inspections of persons and merchandise crossing our nation's borders is well-established and extensive; control of the border is a fundamental principle of sovereignty. "[T]he United States, as sovereign, has the inherent authority to protect, and a paramount interest in protecting, its territorial integrity." *United States v. Flores-Montano*, 541 U.S. 149, 153 (2004). "The Government's interest in preventing the entry of unwanted persons and effects is at its zenith at the international border. Time and again, [the Supreme Court has] stated that 'searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border.'" *Id.* at 152-53 (quoting *United States v. Ramsey*, 431 U.S. 606, 616 (1977)). "Routine searches of the persons and effects of entrants [into the United States] are not subject to any requirement of reasonable suspicion, probable cause, or warrant." *United States v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985). Additionally, the authority to conduct border searches extends not only to persons and merchandise entering the United States, but applies equally to those departing the country. *See, e.g., United States v. Boumelhem*, 339 F.3d 414, 422-23 (6th Cir. 2003); *United States v. Oduyayo*, 406 F.3d 386, 391-92 (5th Cir. 2005); *United States v. Oriakhi*, 57 F.3d 1290, 1296-97 (4th Cir. 1995); *United States v. Ezeiruaku*, 936 F.2d 136, 143 (3d Cir. 1991); *United States v. Cardona*, 769 F.2d 625, 629 (9th Cir. 1985); *United States v. Udofot*, 711 F.2d 831, 839-40 (8th Cir. 1983).

As a constitutional matter, border search authority is premised in part on a reduced expectation of privacy associated with international travel. *See Flores-Montano*, 541 U.S. at 154 (noting that "the expectation of privacy is less at the border than it is in the interior"). Persons and merchandise encountered by CBP at the international border are not only subject to inspection under U.S. law, they also have been or will be abroad and generally subject to the legal authorities of at least one other sovereign. *See Boumelhem*, 339 F.3d at 423.

In addition to longstanding federal court precedent recognizing the constitutional authority of the U.S. government to conduct border searches, numerous federal statutes and regulations also authorize CBP to inspect and examine all individuals and merchandise entering or departing the United States, including all types of personal property, such as electronic devices. *See, e.g., 8 U.S.C. §§ 1225, 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1581, 1582, 1589a, 1595a; see also 19 C.F.R. § 162.6* ("All persons, baggage, and merchandise arriving in the Customs territory of

the United States from places outside thereof are liable to inspection and search by a Customs officer.”). These authorities support CBP’s enforcement and administration of federal law at the border and facilitate the inspection of merchandise and people to fulfill the immigration, customs, agriculture, and counterterrorism missions of the Department. This includes, among other things, the responsibility to “ensure the interdiction of persons and goods illegally entering or exiting the United States”; “detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States”; “safeguard the borders of the United States to protect against the entry of dangerous goods”; “enforce and administer all immigration laws”; “deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband”; and “conduct inspections at ports of entry to safeguard the United States from terrorism and illegal entry of persons.” 6 U.S.C. § 211.

CBP must conduct border searches of electronic devices in accordance with statutory and regulatory authorities and applicable judicial precedent. CBP’s broad authority to conduct border searches is well-established, and courts have rejected a categorical exception to the border search doctrine for electronic devices. Nevertheless, as a policy matter, this Directive imposes certain requirements, above and beyond prevailing constitutional and legal requirements, to ensure that the authority for border search of electronic devices is exercised judiciously, responsibly, and consistent with the public trust.

5 PROCEDURES

5.1 Border Searches

5.1.1 Border searches may be performed by an Officer or other individual authorized to perform or assist in such searches (e.g., under 19 U.S.C. § 507).

5.1.2 Border searches of electronic devices may include searches of the information stored on the device when it is presented for inspection or during its detention by CBP for an inbound or outbound border inspection. The border search will include an examination of only the information that is resident upon the device and accessible through the device’s operating system or through other software, tools, or applications. Officers may not intentionally use the device to access information that is solely stored remotely. 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.

5.1.3 **Basic Search.** Any border search of an electronic device that is not an advanced search, as described below, may be referred to as a basic search. In the course of a basic search, with or without suspicion, an Officer may examine an electronic device and may review and analyze information encountered at the border, subject to the requirements and limitations provided herein and applicable law.

5.1.4 Advanced Search. An advanced search is any search in which an Officer connects external equipment, through a wired or wireless connection, to an electronic device not merely to gain access to the device, but to review, copy, and/or analyze its contents. In instances in which there is reasonable suspicion of activity in violation of the laws enforced or administered by CBP, or in which there is a national security concern, and with supervisory approval at the Grade 14 level or higher (or a manager with comparable responsibilities), an Officer may perform an advanced search of an electronic device. Many factors may create reasonable suspicion or constitute a national security concern; examples include the existence of a relevant national security-related lookout in combination with other articulable factors as appropriate, or the presence of an individual on a government-operated and government-vetted terrorist watch list.

5.1.5 Searches of electronic devices will be documented in appropriate CBP systems, and advanced searches should be conducted in the presence of a supervisor. In circumstances where operational considerations prevent a supervisor from remaining present for the entire advanced search, or where supervisory presence is not practicable, the examining Officer shall, as soon as possible, notify the appropriate supervisor about the search and any results thereof.

5.1.6 Searches of electronic devices should be conducted in the presence of the individual whose information is being examined unless there are national security, law enforcement, officer safety, or other operational considerations that make it inappropriate to permit the individual to remain present. Permitting an individual to remain present during a search does not necessarily mean that the individual shall observe the search itself. If permitting an individual to observe the search could reveal law enforcement techniques or potentially compromise other operational considerations, the individual will not be permitted to observe the search itself.

5.2 Review and Handling of Privileged or Other Sensitive Material

5.2.1 Officers encountering information they identify as, or that is asserted to be, protected by the attorney-client privilege or attorney work product doctrine shall adhere to the following procedures.

5.2.1.1 The Officer shall 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 assist CBP in identifying privileged information.

5.2.1.2 Prior to any border search of files or other materials over which a privilege has been asserted, the Officer will contact the CBP Associate/Assistant Chief Counsel office. In coordination with the CBP Associate/Assistant Chief Counsel office, which will coordinate with the U.S. Attorney's Office as needed, Officers will ensure the segregation of any privileged material from other information examined during a border search to ensure that any privileged material is handled appropriately while also ensuring that CBP accomplishes its critical border security mission. This segregation process will occur through the establishment and employment of a Filter Team composed of legal and operational representatives, or through another appropriate measure with written concurrence of the CBP Associate/Assistant Chief Counsel office.

5.2.1.3 At the completion of the CBP review, unless any materials are identified that indicate an imminent threat to homeland security, copies of materials maintained by CBP and determined to be privileged will be destroyed, except for any copy maintained in coordination with the CBP Associate/Assistant Chief Counsel office solely for purposes of complying with a litigation hold or other requirement of law.

5.2.2 Other possibly sensitive information, such as medical records and work-related information carried by journalists, shall be handled in accordance with any applicable federal law and CBP policy. Questions regarding the review of these materials shall be directed to the CBP Associate/Assistant Chief Counsel office, and this consultation shall be noted in appropriate CBP systems.

5.2.3 Officers encountering business or commercial information in electronic devices shall treat such information as business confidential information and shall protect that information from unauthorized disclosure. Depending on the nature of the information presented, the Trade Secrets Act, the Privacy Act, and other laws, as well as CBP policies, may govern or restrict the handling of the information. Any questions regarding the handling of business or commercial information may be directed to the CBP Associate/Assistant Chief Counsel office or the CBP Privacy Officer, as appropriate.

5.2.4 Information that is determined to be protected by law as privileged or sensitive will only be shared with agencies or entities that have mechanisms in place to protect appropriately such information, and such information will only be shared in accordance with this Directive.

5.3 Review and Handling of Passcode-Protected or Encrypted Information

5.3.1 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 presented with an electronic device containing information that is protected by a passcode or encryption or other security mechanism, an Officer may request the individual's assistance in presenting the electronic device and the information contained therein in a condition that allows inspection of the device and its contents. Passcodes or other means of access may be requested and retained as needed to facilitate the examination of an electronic device or information contained on an electronic device, including information on the device that is accessible through software applications present on the device that is being inspected or has been detained, seized, or retained in accordance with this Directive.

5.3.2 Passcodes and other means of access obtained during the course of a border inspection will only be utilized to facilitate the inspection of devices and information subject to border search, will be deleted or destroyed when no longer needed to facilitate the search of a given device, and may not be utilized to access information that is only stored remotely.

5.3.3 If an Officer is unable to complete an inspection of an electronic device because it is protected by a passcode or encryption, the Officer may, in accordance with section 5.4 below, detain the device pending a determination as to its admissibility, exclusion, or other disposition.

5.3.4 Nothing in this Directive limits CBP's ability, with respect to any device presented in a manner that is not readily accessible for inspection, to seek technical assistance, or to use external equipment or take other reasonable measures, or in consultation with the CBP Associate/Assistant Chief Counsel office to pursue available legal remedies, to render a device in a condition that allows for inspection of the device and its contents.

5.4 Detention and Review in Continuation of Border Search of Information

5.4.1 Detention and Review by CBP

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. Devices must be presented in a manner that allows CBP to inspect their contents. Any device not presented in such a manner may be subject to exclusion, detention, seizure, or other appropriate action or disposition.

5.4.1.1 Approval of and Time Frames for Detention. Supervisory approval is required for detaining electronic devices, or copies of information contained therein, for continuation of a border search after an individual's departure from the port or other location of detention. Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent level manager approval is required to extend any such detention beyond five (5) days. Extensions of detentions exceeding fifteen (15) days must be approved by the Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or other equivalent manager, and may be approved and re-approved in increments of no more than seven (7) days. Approvals for detention and any extension thereof shall be noted in appropriate CBP systems.

5.4.1.2 Destruction. Except as noted in section 5.5 or elsewhere in this Directive, if after reviewing the information pursuant to the time frames discussed in section 5.4, there is no probable cause to seize the device or the information contained therein, any copies of the information held by CBP must be destroyed, and any electronic device must be returned. Upon this determination, the copy of the information will be destroyed as expeditiously as possible, but no later than seven (7) days after such determination unless circumstances require additional time, which must be approved by a supervisor and documented in an appropriate CBP system and which must be no later than twenty-one (21) days after such determination. The destruction shall be noted in appropriate CBP systems.

5.4.1.3 Notification of Border Search. When a border search of information is conducted on an electronic device, the individual subject to search will be notified of the purpose and authority for such search, how the individual may obtain more information on reporting concerns about their search, and how the individual may seek redress from the agency if he or she feels aggrieved by a search. If the Officer or other appropriate CBP official determines that the fact of conducting this search cannot be disclosed to the individual transporting the device without

impairing national security, law enforcement, officer safety, or other operational interests, notification may be withheld.

5.4.1.4 Custody Receipt. If CBP determines it is necessary to detain temporarily an electronic device to continue the search, the Officer detaining the device shall issue a completed Form 6051D to the individual prior to the individual's departure.

5.4.2 Assistance

Officers may request assistance that may be needed to access and search an electronic device and the information stored therein. Except with respect to assistance sought within CBP or from ICE, the following subsections of 5.4.2 govern requests for assistance.

5.4.2.1 Technical Assistance. Officers may sometimes need technical assistance to render a device and its contents in a condition that allows for inspection. For example, Officers may encounter a device or information that is not readily accessible for inspection due to encryption or password protection. Officers may also require translation assistance to inspect information that is in a foreign language. In such situations, Officers may convey electronic devices or copies of information contained therein to seek technical assistance.

5.4.2.2 Subject Matter Assistance – With Reasonable Suspicion or National Security Concern. Officers may encounter information that requires referral to subject matter experts to determine the meaning, context, or value of information contained therein as it relates to the laws enforced or administered by CBP. Therefore, Officers may convey electronic devices or copies of information contained therein for the purpose of obtaining subject matter assistance when there is a national security concern or they have reasonable suspicion of activities in violation of the laws enforced or administered by CBP.

5.4.2.3 Approvals for Seeking Assistance. Requests for assistance require supervisory approval and shall be properly documented and recorded in CBP systems. If an electronic device is to be detained after the individual's departure, the Officer detaining the device shall execute a Form 6051D and provide a copy to the individual prior to the individual's departure. All transfers of the custody of the electronic device will be recorded on the Form 6051D.

5.4.2.4 Electronic devices should be transferred only when necessary to render the requested assistance. Otherwise, a copy of data from the device should be conveyed in lieu of the device in accordance with this Directive.

5.4.2.5 When an electronic device or information contained therein is conveyed for assistance, the individual subject to search will be notified of the conveyance unless the Officer or other appropriate CBP official determines, in consultation with the receiving agency or other entity as appropriate, that notification would impair national security, law enforcement, officer safety, or other operational interests. If CBP seeks assistance for counterterrorism purposes, if a relevant national security-related lookout applies, or if the individual is on a government-operated and government-vetted terrorist watch list, the individual will not be notified of the conveyance, the existence of a relevant national security-related lookout, or his or her presence on a watch list.

When notification is made to the individual, the Officer will annotate the notification in CBP systems and on the Form 6051D.

5.4.3 Responses and Time for Assistance

5.4.3.1 Responses Required. Agencies or entities receiving a request for assistance in conducting a border search are expected to provide such assistance as expeditiously as possible. Where subject matter assistance is requested, responses should include all appropriate findings, observations, and conclusions relating to the laws enforced or administered by CBP.

5.4.3.2 Time for Assistance. Responses from assisting agencies or entities are expected in an expeditious manner so that CBP may complete the border search in a reasonable period of time. Unless otherwise approved by the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager, responses should be received within fifteen (15) days. If the assisting agency or entity is unable to respond in that period of time, the Director Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager may permit extensions in increments of seven (7) days.

5.4.3.3 Revocation of a Request for Assistance. If at any time a CBP supervisor involved in a request for assistance is not satisfied with the assistance provided, the timeliness of assistance, or any other articulable reason, the request for assistance may be revoked, and the CBP supervisor may require the assisting agency or entity to return to CBP all electronic devices provided, and any copies thereof, as expeditiously as possible, except as noted in 5.5.2.3. Any such revocation shall be documented in appropriate CBP systems. When CBP has revoked a request for assistance because of the lack of a timely response, CBP may initiate the request with another agency or entity pursuant to the procedures outlined in this Directive.

5.4.3.4 Destruction. Except as noted in section 5.5.1 below or elsewhere in this Directive, if after reviewing information, probable cause to seize the device or the information from the device does not exist, CBP will retain no copies of the information.

5.5 Retention and Sharing of Information Found in Border Searches

5.5.1 Retention and Sharing of Information Found in Border Searches

5.5.1.1 Retention with Probable Cause. Officers may seize and retain an electronic device, or copies of information from the device, when, based on a review of the electronic device encountered or on other facts and circumstances, they determine there is probable cause to believe that the device, or copy of the contents from the device, contains evidence of a violation of law that CBP is authorized to enforce or administer.

5.5.1.2 Retention of Information in CBP Privacy Act-Compliant Systems. Without probable cause to seize an electronic device or a copy of information contained therein, CBP may retain only information relating to immigration, customs, and other enforcement matters if such retention is consistent with the applicable system of records notice. For example, information

collected in the course of immigration processing for the purposes of present and future admissibility of an alien may be retained in the A-file, Central Index System, TECS, and/or E3 or other systems as may be appropriate and consistent with the policies governing such systems.

5.5.1.3 Sharing Generally. Nothing in this Directive limits the authority of CBP to share copies of information contained in electronic devices (or portions thereof), which are retained in accordance with this Directive, with federal, state, local, and foreign law enforcement agencies to the extent consistent with applicable law and policy.

5.5.1.4 Sharing of Terrorism Information. Nothing in this Directive is intended to limit the sharing of terrorism-related information to the extent the sharing of such information is authorized by statute, Presidential Directive, or DHS policy. Consistent with 6 U.S.C. § 122(d)(2) and other applicable law and policy, CBP, as a component of DHS, will promptly share any terrorism information encountered in the course of a border search with entities of the federal government responsible for analyzing terrorist threat information. In the case of such terrorism information sharing, the entity receiving the information will be responsible for providing CBP with all appropriate findings, observations, and conclusions relating to the laws enforced by CBP. The receiving entity will be responsible for managing retention and disposition of information it receives in accordance with its own legal authorities and responsibilities.

5.5.1.5 Safeguarding Data During Storage and Conveyance. CBP will appropriately safeguard information retained, copied, or seized under this Directive and during conveyance. Appropriate safeguards include keeping materials in locked cabinets or rooms, documenting and tracking copies to ensure appropriate disposition, and other safeguards during conveyance such as password protection or physical protections. Any suspected loss or compromise of information that contains personal data retained, copied, or seized under this Directive must be immediately reported to the CBP Office of Professional Responsibility and to the Port Director; Patrol Agent in Charge; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager.

5.5.1.6 Destruction. Except as noted in this section or elsewhere in this Directive, if after reviewing information, there exists no probable cause to seize the information, CBP will retain no copies of the information.

5.5.2 Retention by Agencies or Entities Providing Technical or Subject Matter Assistance

5.5.2.1 During Assistance. All electronic devices, or copies of information contained therein, provided to an assisting agency or entity may be retained for the period of time needed to provide the requested assistance to CBP or in accordance with section 5.5.2.3 below.

5.5.2.2 Return or Destruction. CBP will request that at the conclusion of the requested assistance, all information be returned to CBP as expeditiously as possible, and that the assisting agency or entity advise CBP in accordance with section 5.4.3 above. In addition, the assisting agency or entity should destroy all copies of the information conveyed unless section 5.5.2.3 below applies. In the event that any electronic devices are conveyed, they must not be destroyed;

they are to be returned to CBP unless seized by an assisting agency based on probable cause or retained per 5.5.2.3.

5.5.2.3 Retention with Independent Authority. If an assisting federal agency elects to continue to retain or seize an electronic device or information contained therein, that agency assumes responsibility for processing the retention or seizure. Copies may be retained by an assisting federal agency only if and to the extent that it has the independent legal authority to do so – for example, when the information relates to terrorism or national security and the assisting agency is authorized by law to receive and analyze such information. In such cases, the retaining agency should advise CBP of its decision to retain information under its own authority.

5.6 Reporting Requirements

5.6.1 The Officer performing the border search of information shall be responsible for completing all after-action reporting requirements. This responsibility includes ensuring the completion of all applicable documentation such as the Form 6051D when appropriate, and creation and/or updating records in CBP systems. Reports are to be created and updated in an accurate, thorough, and timely manner. Reports must include all information related to the search through the final disposition including supervisory approvals and extensions when appropriate.

5.6.2 In instances where an electronic device or copy of information contained therein is forwarded within CBP as noted in section 5.4.1, the receiving Officer is responsible for recording all information related to the search from the point of receipt forward through the final disposition.

5.6.3 Reporting requirements for this Directive are in addition to, and do not replace, any other applicable reporting requirements.

5.7 Management Requirements

5.7.1 The duty supervisor shall ensure that the Officer completes a thorough inspection and that all notification, documentation, and reporting requirements are accomplished.

5.7.2 The appropriate CBP second-line supervisor shall approve and monitor the status of the detention of all electronic devices or copies of information contained therein.

5.7.3 The appropriate CBP second-line supervisor shall approve and monitor the status of the transfer of any electronic device or copies of information contained therein for translation, decryption, or subject matter assistance from another agency or entity.

5.7.4 The Director, Field Operations; Chief Patrol Agent; Director, Air Operations; Director, Marine Operations; Special Agent in Charge; or equivalent level manager shall establish protocols to monitor the proper documentation and recording of searches conducted pursuant to this Directive and the detention, transfer, and final disposition of electronic devices or copies of

information contained therein in order to ensure compliance with the procedures outlined in this Directive.

5.7.5 Officers will ensure, in coordination with field management as appropriate, that upon receipt of any subpoena or other request for testimony or information regarding the border search of an electronic device in any litigation or proceeding, notification is made to the appropriate CBP Associate/Assistant Chief Counsel office.

6 **MEASUREMENT.** CBP Headquarters will continue to develop and maintain appropriate mechanisms to ensure that statistics regarding border searches of electronic devices, and the results thereof, can be generated from CBP systems using data elements entered by Officers pursuant to this Directive.

7 **AUDIT.** CBP Management Inspection will develop and periodically administer an auditing mechanism to review whether border searches of electronic devices are being conducted in conformity with this Directive.

8 **NO PRIVATE RIGHT CREATED.** This Directive is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits on any person or party.

9 **REVIEW.** This Directive shall be reviewed and updated, as necessary, at least every three years.

10 **DISCLOSURE.** This Directive may be shared with the public.

11 **SUPERSEDES.** Procedures for Border Search/Examination of Documents, Paper, and Electronic Information (July 5, 2007) and Policy Regarding Border Search of Information (July 16, 2008), to the extent they pertain to electronic devices; CBP Directive No. 3340-049, Border Searches of Electronic Devices Containing Information (August 20, 2009).



Acting Commissioner

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

EXHIBIT 4

(b) (7)(E)



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

8 CFR § 292.5 - Service upon and action by attorney or representative of record.

CFR

§ 292.5 Service upon and action by attorney or representative of record.

(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of the attorney or representative of record, or the person himself if unrepresented.

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs. Provided, that nothing in this paragraph shall be construed to provide any applicant for admission in either primary or secondary inspection the right to representation, unless the applicant for admission has become the focus of a criminal investigation and has been taken into custody.

OFFICIAL USE ONLY
OFFICE OF INTERNAL AFFAIRS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

EXHIBIT 5

(b) (7)(E)



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U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

STAR WITNESS - AUDIO/VIDEO

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

July 10, 2019

Original DVD is retained in OPR

SAC/(b) (7)(E) Case Folder

OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS

EXHIBIT 6

(b) (7)(E)



OFFICIAL USE ONLY
DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 8, 2019 4:20 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Follow Up Question

(b) (6), (b) (7)(C) media was detained on 11/23/2018 and not returned until 3/21/2019. Proper procedures were followed throughout the detainment to include extensions from the Port Director (PD) of (b) (7)(E) and the Director of Field Operation (DFO) (b) (7)(E)

Unfortunately for (b) (6), (b) (7)(C) we the Government ran into a shutdown during this period of detainment. To our understanding LSS was down to one person in their office during the shutdown creating a backlog of devices for their review.

(b) (6), (b) (7)(C) became one of many that ran into this same situation. When CBP was returned the media from LSS on 3/19/2019 we made immediate arrangements for the return of (b) (6), (b) (7)(C) device. (b) (6), (b) (7)(C) came to the airport on 3/21/2019 and signed for the return of his device.

Hope this helps!

V/r

(b) (6), (b) (7)(C)
Acting Chief-Tactical Operations
Tactical Terrorism Response Team
(b) (7)(E)
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)
HSDN: (b) (6), (b) (7)(C)
JWICS (b) (6), (b) (7)(C)



NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

From: (b) (6), (b) (7)(C)
Sent: Thursday, August 8, 2019 4:01 PM
To: (b) (6), (b) (7)(C)
Subject: Follow Up Question

Good Afternoon Sir,

Per our discussion, what was the reason for the prolonged detention of (b) (6), (b) (7)(C) electronic device which was initially detained on 11/23/2018?

Thanks in advance.

Very Respectfully,

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

Senior Special Agent

CBP OPR - (b) (7)(E)

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

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

EXHIBIT 7

(b) (7)(E)



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

STAR WITNESS - AUDIO/VIDEO

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

October 1, 2019

Original DVD is retained in OPR
SAC/(b) (7)(E) Case Folder

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNAL AFFAIRS
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EXHIBIT 8

(b) (7)(E)



DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY
OFFICIAL USE ONLY

STAR WITNESS - AUDIO/VIDEO
CBPO(C)(7)(C) (b) (9) (b)
October 1, 2019
Original DVD is retained in OPR
SAC/(E)(7)(b) Case Folder

OFFICIAL USE ONLY
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U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

EXHIBIT 9

(b) (7)(E)



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U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY

(b) (7)(E)

DEPARTMENT OF HOMELAND SECURITY

(b) (7)(E)

DETENTION NOTICE AND CUSTODY RECEIPT FOR DETAINED PROPERTY

Handbook 5200-09

1. Held for other agency? Yes [] No [X]
Name of Agency:
2. Certified Mail No.
3. Investigative Case No.
4. General Order No.
5. Exodus Command Center Notified?
[] Yes [X] No
Date: Time:

6. Port Code (b) (7)(E)
7. Date of Detention (mm/dd/yyyy) 11/23/2018
8. Time (Use 24 Hours) 1145
9. Entry Number
10. Detained from:
Name: (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)
Telephone No. (b) (6), (b) (7)(C) (father)
11. Seal or Other ID No. (b) (6), (b) (7)(C)
12. Misc. Nos.
13. Remarks: Samsung Galaxy S7
14. FPF No. (For DHS Lab Use Only)
15. Point of Contact Information - Send all correspondence to: (b) (6), (b) (7)(C)
Telephone No. () Fax No. ()
16. Additional Information/Action Request from Importer/Exporter/Subject
17. Reason for Detention: (b) (7)(E)
18. Tests or Inquiries to be Conducted:

19. PROPERTY (By Line Item) Attach DHS Form 58 if conveyance

Table with 6 columns: a. Line Item No., b. Description, c. Packages Number Type, d. Measurement Qty. UM, e. Est. Dom. Value, f. Samples Sent to DHS Lab Date. Row 1: 001 Samsung SM-G930T, 01 EA, \$, Yes [X] No [] 11/23/18.

20. Detaining Officer Name CBPO (b) (6), (b) (7)(C)
Print Date 11/23/2018

21. ACCEPTANCE/CHAIN OF CUSTODY

Table with 5 columns: a. Line Item No., b. Description, c. Print Name/Title/Organization, d. Signature, e. Date. Rows include items like 'SAMSUNG SM-G930T' and 'As stated above' with dates from 11/23/18 to 3/21/2019.

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/exporter/subject requests a longer detention period through the Port Director.

DHS 6051A Continuation Sheet Attached? Yes [] No [X]

Previous editions are obsolete

DHS Form 6051D (08/09)

Detention Notice and Custody Receipt for Detained Property

BLOCK DESCRIPTIONS (Fill in all sections that apply)

1. Held for other agency Enter an "X" in the appropriate box to indicate yes or no. If yes, provide agency name.
2. Certified Mail No. Enter number from Post Office receipt.
3. Investigative Case No. Enter OI Investigative Case Number or IA File Number Only.
4. General Order No. Enter the 15 digit General Order Number.
5. Exodus Command Center Enter an "X" on the appropriate box to indicate yes or no. If yes, provide date and time. (Export detentions only)
6. Port Code Enter the Port Code.
7. Date of Detention Enter date of detention in month/day/year.
8. Time Enter time of incident in 24-hour format (e.g. 1600).
9. Entry No. Enter the Entry Number.
10. Detained from Enter the name, address and telephone number of the person whose property has been detained.
11. Seal or Other ID No. Enter Baggage Claim Number, Evidence Bag Number, DHS seal, or any other identification attached to the property.
12. Misc. Nos. Enter other agency case number, for example.
13. Remarks Enter any remarks which may be relevant or which may be of assistance in storing or maintaining the property. Reference any previous DHS 6051D number.
14. FPF No. Enter the FPF Number. (For DHS Lab Use Only)
15. Point of Contact Information Enter the local CBP office, SAIC, Port, or FPF address and telephone number, as appropriate.
16. Additional Information Enter the information and/or action request from party-in-interest
17. Reason for Detention Enter explanation of why the item(s) is/are being detained.
18. Tests or Inquires to be Conducted Enter the process being conducted to determine if item(s) is/are in violation.
19. Property Enter information in items 19a through 19f.
- 19a. Line Item No. Enter group items by tariff number or SEACATS category code. Line item number corresponds to the line item number in SEACATS.
- 19b. Description Enter brief description of detained item.
- 19c. Packages Enter the number and type of packaging containing the property. (e.g. BX=box, BA=bale, EN=envelope)
- 19d. Measurement The block contains the quantity of the detained item given in the units of measure entered in the Unit of Measurement block. For NARCOTICS, the net weight is entered.
- 19e. Estimated Domestic Value Enter the estimated domestic value of the item seized.
- 19f. Samples Sent to Lab Enter an "X" in the box to determine if a sample was sent to the DHS Lab and list the date sent.
20. Detaining Officer Name Enter printed name of detaining officer, sign and date (first officer taking custody of the property). This initiates the Chain of Custody for all items described in Block 19. Signature is for ALL line items, including any DHS 6051A continuation sheet(s).
21. Acceptance/Chain of Custody
- 21a. Line Item No. Enter the line item number(s) from Block 19 being accepted. (e.g. 1,2,3 and 5; or 1-3, 5)
- 21b. Description Enter item(s) being accepted. The word "ALL" or equivalent is NOT acceptable.
- 21c. Print Name Enter the name/title/organization of the individual accepting custody of item(s)
- 21d. Signature Have individual accepting custody of item(s) sign in this block.
- 21e. Date Enter date custody is accepted.

DHS Form 6051D (08/09)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Management Referral - (b) (7)(E)
Date: Monday, August 26, 2019 3:25:27 PM

Subject: (b) (7)(E) Management Referral # (b) (7)(E)

Synopsis:

On July 21, 2019, (b) (6), (b) (7)(C) arrived at (b) (7)(E) on board (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was referred as an Augmented rule finding. (b) (6), (b) (7)(C) was processed by the Tactical Terrorism Response Team. (b) (6), (b) (7)(C) spoke to two supervisors prior to departing the Federal Inspection Service Area. On July 22, 2019, (b) (6), (b) (7)(C) filed a complaint of discrimination against the officer that processed him.

Management Findings:

On July 21, 2019, (b) (6), (b) (7)(C) arrived at (b) (7)(E) on (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) presented an Afghan passport, (b) (6), (b) (7)(C) Identification card and a Letter of Acceptance for admission. (b) (6), (b) (7)(C) was the subject of an (b) (7)(E) and was referred to passport control secondary.

(b) (6), (b) (7)(C) was upset that (b) (6), (b) (7)(C) were not exempt from inspection upon returning to the United States.

(b) (6), (b) (7)(C) claimed that TTRT (b) (6), (b) (7)(C) ignored his (b) (6), (b) (7)(C) and his explanation that he is a linguist. TTRT (b) (6), (b) (7)(C) documented the fact that (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) linguist and in possession of a (b) (6), (b) (7)(C) but did not give (b) (6), (b) (7)(C) any type of exemption from inspection.

SCBPO (b) (6), (b) (7)(C) took notice of the (b) (6), (b) (7)(C) interview and witnessed TTRT (b) (6), (b) (7)(C) asking basic interview questions and attempting to explain the exam process. SCBPO (b) (6), (b) (7)(C) witnessed TTRT (b) (6), (b) (7)(C) offers for (b) (6), (b) (7)(C) to speak with a supervisor and witnessed (b) (6), (b) (7)(C) decline each time. (b) (6), (b) (7)(C) did speak with Supervisory Customs and Border Protection Officer (SCBPO) (b) (6), (b) (7)(C) prior to departing and SCBPO (b) (6), (b) (7)(C) reaffirmed that (b) (6), (b) (7)(C) was not profiled based on his beard, that the questioning was routine and not because he was deemed a threat to the United States.

SCBPO (b) (6), (b) (7)(C) was also able to speak with (b) (6), (b) (7)(C) prior to him departing from the Federal Inspection Service (FIS) Area. SCBPO (b) (6), (b) (7)(C) explained the process and possible reason for being inspected. (b) (6), (b) (7)(C) also admitted to SCBPO (b) (6), (b) (7)(C) that TTRT (b) (6), (b) (7)(C) was professional throughout the inspection but wasn't overly nice.

Recommendation:

Each of (b) (6), (b) (7)(C) allegations are Unfounded

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

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

Cell:

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

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

Sent: Monday, August 12, 2019 3:22 PM

To:

Cc:

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

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

Subject: Management Referral - (b) (7)(E)

Good afternoon,

Attached for management's review & dissemination as they deem appropriate: (b) (7)(E)

(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.

Thanks!

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

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

(b) (7)(E)



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

OCT 18 2019

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

CBP Officer

(b) (7)(E)

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

This is to inform you that an investigation has been completed regarding allegations of you discriminating against a traveler based on religious affiliation or belief. (IA # **(b) (7)(E)**)

I have reviewed the relevant information available and based upon the findings, no action will be taken against you.

This case is considered closed.

Sincerely,

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

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

Assistant Port Director, Tactical

(b) (7)(E)

Acknowledgement of Receipt:

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

Signature

Date

10/24/19

(b) (7)(E)



U.S. Customs and
Border Protection

OCT 17 2019

MEMORANDUM FOR: Labor and Employee Relations (b) (6), (b) (7)(C)
(b) (7)(E)

FROM: Assistant Port Director
(b) (7)(E)

SUBJECT: Management Referral (b) (7)(E) A civilian alleged that he was
subjected to discrimination by an unknown CBPO, due to his
religion.

Please see the attached documents, along with memorandum from Deputy Chief CBPO (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Upon review of all available information, there is no evidence to support the allegation that
CBPO (b) (6), (b) (7)(C) profiled (b) (6), (b) (7)(C) based on his religious affiliation or beliefs. All CBP
protocol and procedures were properly followed. It is the recommendation of this office that the
matter be closed with no further action.

Attachments

(b) (7)(E)



U.S. Customs and Border Protection

October 09, 2019

MEMORANDUM FOR: Assistant Port Director
 Passenger Operations, (b) (7)(E)

FROM: Deputy Chief CBP Officer (b) (6), (b) (7)(C)
 Tactical Operations, (b) (7)(E)

SUBJECT: Management Referral (b) (7)(E) A civilian alleged that he was subjected to discrimination by an unknown CBPO, due to his religion.

On August 28, 2019, (b) (6), (b) (7)(C) of the Customs and Border Protection (CBP) Compliments and Complaints Branch forwarded a complaint (Reference # (b) (7)(E) received from (b) (6), (b) (7)(C) to the Joint Intake Center (JIC), Washington, D.C. and the Office for Civil Rights and Civil Liberties (CRCL). (b) (6), (b) (7)(C) alleged that an unknown CBP officer (CBPO) subjected him and his family to discrimination due to their religion, when he and his family were departing the United States from (b) (7)(E). The CBPO was later identified as CBPO (b) (6), (b) (7)(C) currently assigned to the Tactical Terrorism Response Team (TTRT) at (b) (7)(E).

In his complaint, (b) (6), (b) (7)(C) stated that he was stopped by CBP officers who lied to him and interrogated him for one hour. He stated that they scared him and his wife, treated them like fugitives and made them feel like terrorists just because they are Muslims. He stated the officers asked him questions about his immediate family members and why they were traveling to (b) (6), (b) (7)(C) that day. He concluded by demanding answers before he goes to the media.

On September 23, 2019, this matter was referred to management at the port of (b) (7)(E) for determination.

CBP systems checks revealed that on August 06 2019 (b) (7)(E) TTRT CBPO (b) (6), (b) (7)(C) conducted an outbound interview of passenger (b) (6), (b) (7)(C) a United States Citizen. (b) (6), (b) (7)(C), (b) (7)(E)

(b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E) was departing the United States via (b) (6), (b) (7)(C) Airlines (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C). He was traveling with his wife, (b) (6), (b) (7)(C) and their two children, ages (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) entered an outbound inspection

report in (b) (7)(E) which consisted of (b) (6), (b) (7)(C) responses to the asked interview questions. Prior to this encounter (b) (6), (b) (7)(C) had two inbound secondary inspections recorded in (b) (7)(E) respectively.

Video footage of the alleged encounter with (b) (6), (b) (7)(C) was no longer available due to the fact that the retention period had passed by the time this complaint was received.

CBPO (b) (6), (b) (7)(C) was asked to provide a statement recalling his encounter with (b) (6), (b) (7)(C). On September 30, 2019, he submitted his statement in which he stated that (b) (6), (b) (7)(C) was stopped for an outbound examination based upon a (b) (7)(E) posted in CBP systems. The (b) (7)(E) pertains to U.S. citizens (b) (7)(E). (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated that he conducted the interview, which included obtaining additional background information from both (b) (6), (b) (7)(C) and his wife to satisfy the (b) (7)(E). He stated that (b) (6), (b) (7)(C) fully cooperated and willingly answered all questions asked. CBPO (b) (6), (b) (7)(C) further stated that (b) (6), (b) (7)(C) (wife) appeared conflicted and troubled by the encounter. He concluded by stating "there was nothing said or done during this encounter that would put in to question my integrity, professional behavior, understanding of cultural and religious backgrounds and most importantly my standards of conduct and ethical behavior as expected by the agency."

CBPO (b) (6), (b) (7)(C) was identified as a witness to the inspection. He was also asked to provide a statement recalling the encounter with (b) (6), (b) (7)(C). On September 30, 2019, CBPO (b) (6), (b) (7)(C) submitted his statement in which he stated that CBPO (b) (6), (b) (7)(C) was the lead interviewer for (b) (6), (b) (7)(C) outbound inspection while he provided support. He stated that the encounter started without incident and continued that way for its entirety. He further stated that the children seem happy and unaffected. He also stated that he overheard (b) (6), (b) (7)(C) ask why he was being stopped and CBPO (b) (6), (b) (7)(C) provided an answer within the allowable parameters. He recalled that (b) (6), (b) (7)(C) appeared to have issues with being selected for an examination. He concluded by stating that at no time did (b) (6), (b) (7)(C) raise their voices or display any signs of hostility, and the family boarded their flight without any further incident.


It should be noted that CBP is responsible for inspecting all international travelers and is prohibited by law from singling out travelers based on their religious beliefs. CBP does not collect data on, nor utilize, any systems that identify or categorize travelers based on religion. Therefore, CBPO (b) (6), (b) (7)(C) would not have any knowledge of the subject's religious beliefs prior to interviewing him that day. Moreover, as previously mentioned, the stop was mandated as a result of a (b) (7)(E) posted in CBP systems. (b) (6), (b) (7)(C) was one of hundreds of travelers either arriving or departing from JFK that same day, who received some type of secondary examination by CBP.

CBPO (b) (6), (b) (7)(C) has an entrance on duty date of (b) (6), (b) (7)(C). His current grade level is GS (b) (6), (b) (7)(C) and he is currently assigned to the Tactical Division as a TTRT officer. He has no record of prior discipline.

Upon review of all available information, there is no evidence to support the allegation that CBPO (b) (6), (b) (7)(C) profiled (b) (6), (b) (7)(C) based on his religious affiliation or beliefs. All CBP

protocol and procedures were properly followed. It is the recommendation of this office that the matter be closed with no further action.

Attachments

 <p>DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p>REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 001</p>
<p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1102 Harassment-Discriminatory (b) (7)(E) (b) (7)(E)</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Initial Report</p>	<p>6. TYPE OF REPORT Allegation</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC Travelers alleged they were subjected to discrimination due to their religion, (b) (7)(E)</p>		
<p>9. SYNOPSIS On August 28, 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 he and his family were subjected to discrimination due to their religion.</p>		
<p>10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>11. COMPLETION DATE 04-SEP-2019</p>	<p>14. ORIGIN OFFICE Joint Intake Center</p>
<p>12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>13. APPROVED DATE 05-SEP-2019</p>	<p>15. TELEPHONE NUMBER 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>		



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 August 28, 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 he and his family were subjected to discrimination due to their religion.

The following is a re-creation of the email submitted to the JIC. No changes have been made to grammar, punctuation, or spelling.

<BEGIN>

Complaint: Outbound inspection at POE.

Discussion Thread

FOUO Law Enforcement Sensitive (b) (6), (b) (7)(C) 08/28/2019 08:40 AM

TECS ID: (b) (7)(E) Outbound inspection. Neg results.

Customer 08/28/2019 08:34 AM

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

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

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


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

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

There were 3 officers in civilian clothing

2 white male (one is a bit chubby wearing blue jeans and second is short and slim) and 1 darker face (might be middle eastern) by first name (b) (6), (b) (7)(C) I believe and he's the one most aggressive and rude and scary and most unprofessional especially when he got upset when my wife took my (b) (6), (b) (7)(C) to the bathroom.

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

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

10. NARRATIVE

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

(Always do right, this will gratify some people and astonish the rest)

Sent from my iPhone

Additional information needed.

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

Subject
Additional information needed.

Discussion Thread
Response Via Email (Public Information Officer) 08/28/2019 08:01 AM
Good Morning,

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 August 6, 2019.

In order to accurately review and respond to your concerns, we need more information. Please provide your name, mailing address and telephone number, as well as, your date-of-birth, passport number, the CBP Officer's name or description, and the color of their uniform.


Thank you for contacting us, we hope to hear from you shortly.

Regards,

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

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

Customer By Web Form 08/26/2019 11:56 AM
i was traveling to (b) (6), (b) (7)(C) my country of birth) with my wife(US BORN citizen) while she was


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

10. NARRATIVE

wearing the hijab and my 2 kids age of (b) (6), (b) (7)(C) and while i was going to board the flight to (b) (6), (b) (7)(C); was stopped by 3 CBP agents who lied to me and interrogated us for an hour in front of all the travelers boarding the flight and also scared my wife and myself as i we were fugitives especially when we are US citizens and have been visiting (b) (6), (b) (7)(C) since 2006. they asked for my brothers phones numbers, emails, addresses, asked for my social media accounts and my wife's and made us fell as if we were terrorists just because we are Muslims they asked about my deceased parents and why was i going to (b) (6), (b) (7)(C) This is ridiculous and i need an answer ASAP BEFORE i send this to the media.

i wait to hear back from you
thank you


Question Reference (b) (7)(E)
 Category Level 1: Land Border, Airport, or Seaport
 Category Level 2: (b) (7)(E)
 Category Level 3: (b) (7)(E)
 Date Created: 08/26/2019 11:56 AM
 Last Updated: 08/28/2019 08:01 AM
 Status: In Progress
 Cntry Code If Not US:
 Phone Number:
 First Name:
 Middle Name:
 Last Name:
 Suffix:
 Other Name:
 City:
 State/Provence:
 Country:
 Postal Code:
 DOB: //
 Passport #:
 Issuing Country:
 Alien #:
 I-94 #:
 Trusted Traveler ID#:
 Carrier-Vessel Name:

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

10. NARRATIVE

Flight Number:
 Dist Field Office: **(b) (7)(E)**
 Border Patrol Sector:
 Badge Number:
 Incident Date: 08/06/2019 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:
 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

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

10. NARRATIVE

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) 08/28/2019 08:01 AM
 Good Morning,

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 August 6, 2019.

In order to accurately review and respond to your concerns, we need more information. Please provide your name, mailing address and telephone number, as well as, your date-of-birth, passport number, the CBP Officer's name or description, and the color of their uniform.

Thank you for contacting us, we hope to hear from you shortly.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 001</p>
<p>10. NARRATIVE</p> <p>Regards,</p> <p>(b) (6), (b) (7)(C)</p> <p>U.S. Customs and Border Protection CBP Information Center Compliments and Complaints Branch</p> <p>Customer 08/26/2019 11:56 AM i was traveling to (b) (6), (b) (7)(C) my country of birth) with my wife(US BORN citizen) while she was wearing the hijab and my 2 kids age of (b) (6), (b) (7)(C) and while i was going to board the flight to (b) (6), (b) (7)(C) was stopped by 3 CBP agents who lied to me and interrogated us for an hour in front of all the travelers boarding the flight and also scared my wife and myself as i we were fugitives especially when we are US citizens and have been visiting (b) (6), (b) (7)(C) since 2006. they asked for my brothers phones numbers, emails, addresses, asked for my social media accounts and my wife's and made us fell as if we were terrorists just because we are Muslims they asked about my deceased parents and why was i going to (b) (6), (b) (7)(C) This is ridiculous and i need an answer ASAP BEFORE i send this to the media. i wait to hear back from you thank you</p> <p>Primary Contact First Name: Last Name: Organization: Login: (b) (6), (b) (7)(C)</p> <p>Title: Contact Type: Email: (b) (6), (b) (7)(C)</p> <p>Email - Alternate #1: Email - Alternate #2: Office Phone: Mobile Phone: Fax:</p>	


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

10. NARRATIVE


Assistant Phone:
Home Phone:
Street
City
State/Province
Postal Code
Country


Additional Information


<END>

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

None

 <p>DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p>REPORT OF INVESTIGATION</p>		<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 001</p>
<p>3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/1610 General Misconduct-Other Non-criminal (b) (7)(E)</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS Initial Report</p>	<p>6. TYPE OF REPORT Allegation</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC RIG, Traveler alleged CBPO spoke to him using profanity; Traveler alleged CBPO's behavior was inappr</p>		
<p>9. SYNOPSIS On September 16, 2019, 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 (b) (6), (b) (7)(C) According to the information provided by the DHS OIG, (b) (6), (b) (7)(C) alleged U.S. Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) spoke to him using profanity. (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) behavior was inappropriate.</p>		
<p>10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>11. COMPLETION DATE 18-SEP-2019</p>	<p>14. ORIGIN OFFICE Joint Intake Center</p>
<p>12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP OPR Special Agent</p>	<p>13. APPROVED DATE 18-SEP-2019</p>	<p>15. TELEPHONE NUMBER 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 ONGOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>001</p>
<p>10. NARRATIVE</p> <p>DETAILS OF INVESTIGATION</p> <p>On September 16, 2019, 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 (b) (6), (b) (7)(C). According to the information provided by the DHS OIG, (b) (6), (b) (7)(C) alleged U.S. Customs and Border Protection Officer (CBPO) (b) (6), (b) (7)(C), (b) (7)(E) spoke to him using profanity. (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) behavior was inappropriate.</p> <p>The following is a re-creation of the DHS/OIG Referral submitted to the JIC. No changes have been made to grammar, punctuation, or spelling.</p> <p><BEGIN></p> <p>(b) (6), (b) (7)(C) arrived to (b) (7)(E) on alleges CBP Officer (b) (6), (b) (7)(C) spoke to him with profanity and an accusing tone. (b) (6), (b) (7)(C) is a (b) (7)(E) law enforcement officer and felt that Officer (b) (6), (b) (7)(C) behavior was inappropriate. (b) (6), (b) (7)(C) states that during secondary inspection Officer (b) (6), (b) (7)(C) called him by name and asked him to step aside. (b) (6), (b) (7)(C) asked him intrusive questions because of the country that he visited. (b) (6), (b) (7)(C) phone rang as his ride was waiting outside to pick him and his wife and 3-month-old baby up from the airport. (b) (6), (b) (7)(C) yelled, "Don't answer the fucking phone" and almost snatched the phone out of his hand. (b) (6), (b) (7)(C) addressed (b) (6), (b) (7)(C) and told him to stop the use of profanity. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) he is a U.S Citizen and a law enforcement officer in the state (b) (6), (b) (7)(C), (b) (7)(E) believes he was treated this way because of his name. (b) (6), (b) (7)(C) asked to speak to a supervisor and was refused. Officer (b) (6), (b) (7)(C) escorted (b) (6), (b) (7)(C) II of the way outside of the airport. (b) (6), (b) (7)(C) includes he has a recording of the incident in case an investigator would need the recording.</p> <p><END></p>	

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

None

(b) (7)(E)



U.S. Customs and Border Protection

March 13, 2020

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

CBP Officer

(b) (7)(E)

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

This is to inform you that Management Referral (b) (7)(E) of which you were the subject, has been completed. The complaint makes the allegation that you conducted an inspection, abused and detained a passenger because of his religion on April 28, 2019.

Based on the facts of the complaint, I determined that these allegations are unfounded.

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)

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

Assistant Area Port Director (Passenger Operations)
U.S. Customs and Border Protection

(b) (7)(E)

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

RECEIVED ACKNOWLEDGEMENT:

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

Date

3/13/2020

From: (b) (6), (b) (7)(C)
To:
Cc:
Subject: RE: Area Port of (b) (7)(E) Management Referral (b) (7)(E)
Date: Friday, March 27, 2020 8:30:17 AM

This case was determined “Unfounded” by OPR. Therefore, I am closing this case with no action.

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

Please file in our tracker and close this case.

Thank you.

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 26, 2020 5:03 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: Area Port of (b) (7)(E) Management Referral (b) (7)(E)

ALCON,

The attached documents are in reference to Area Port of (b) (7)(E) Management Referral (b) (7)(E)

Please provide your response to the MFO/TFO Integrity Officer; (b) (6), (b) (7)(C) by C.O.B. 05/11/2020.

For all questions or concerns, please feel free to contact me.

Thank you,

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 6, 2020 9:52 AM
To: (b) (6), (b) (7)(C)
Subject: RE: New Case, Port of (b) (7)(E)

Good morning, Sir,

Please find the attached documents for the below case for the Area Port of (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E) – CBPO allegedly mishandling (b) (7)(E) unauthorized TECS queries.

This case was remanded by the DRB on 2/20, but held per your request due to international TDY.

Please let me know if there is anything else I can provide/do to assist.

Thank you!

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

Labor and Employee Relations Specialist
U. S. Customs and Border Protection

(b) (7)(E)

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

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

Fax: [REDACTED]

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

REPORT OF INVESTIGATION

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



THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL AGENCY ACTION, NO PORTION OF THE REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF U.S. CUSTOMS AND BORDER PROTECTION

 <p align="center">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p align="center">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 002
3. TITLE (b) (6), (b) (7)(C), (b) (7)(E) CBP OFFCR/0802 Conflict of Interest-Misuse of Position (b) (7)(E)		
4. FINAL RESOLUTION		
5. STATUS Closing Report	6. TYPE OF REPORT Blue Book	7. RELATED CASES
8. TOPIC Allegation CBPO (b) (6), (b) (7)(C) made unauthorized TECS queries and mishandled law enforcement intelligence.		
9. SYNOPSIS On December 10, 2019, the Joint Intake Center (JIC) received an email from U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) (b) (6), (b) (7)(C), (b) (7)(E) BPA (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) may have made unauthorized TECS queries and may be mishandling sensitive law enforcement intelligence. Investigation revealed CBPO (b) (6), (b) (7)(C) is assigned to the Tactical Terrorism Response Team (TTRT), and is a (b) (7)(E) CBPO (b) (6), (b) (7)(C) duties necessitate him to share sensitive law enforcement intelligence with other law enforcement agencies. On January 30, 2020, CBPO (b) (6), (b) (7)(C) was interviewed. CBPO (b) (6), (b) (7)(C) explained as a member of the TTRT he interacts with various other law enforcement agencies. CBPO (b) (6), (b) (7)(C) declared all of the allegations presented by BPA (b) (6), (b) (7)(C) were conducted as part of his official duties with CBP.		
(b) (6), (b) (7)(C)	11. COMPLETION DATE 06-FEB-2020	14. ORIGIN OFFICE CBP OPR SAC (b) (7)(E)
	13. APPROVED DATE 10-FEB-2020	15. TELEPHONE NUMBER (b) (6), (b) (7)(C)
	<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>	
<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>		

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

ALLEGATION ONE: CBPO (b) (6), (b) (7)(C) made unauthorized TECS queries: Unfounded

ALLEGATION TWO: CBPO (b) (6), (b) (7)(C) mishandled sensitive law enforcement intelligence: Unfounded

PROSECUTORIAL ACTION: N/A

On December 10, 2019, the JIC received an email from CBP/BPA (b) (6), (b) (7)(C), (b) (7)(E) BPA (b) (6), (b) (7)(C) alleged CBPO (b) (6), (b) (7)(C) may have made unauthorized TECS queries and may be mishandling law enforcement intelligence information (Exhibit #1).

On January 10, 2020, this case was referred to the CBP Office of Professional Responsibility (OPR), Special Agent in Charge (SAC) (b) (7)(E) office for investigation.

The case was assigned to Senior Special Agent (SSA) (b) (6), (b) (7)(C)


On January 16, 2020, SSA (b) (6), (b) (7)(C) contacted Chief of Staff (b) (6), (b) (7)(C) Area Port of (b) (7)(E) (b) (7)(E) to inquire as to what were CBPO (b) (6), (b) (7)(C) duties at the Area Port of (b) (7)(E) in December 2019. Chief of Staff (b) (6), (b) (7)(C) informed SSA (b) (6), (b) (7)(C) CBPO (b) (6), (b) (7)(C) was assigned to the TTRT.

On January 16, 2020, SSA (b) (6), (b) (7)(C) conducted a (b) (7)(E) inquiry for CBPO (b) (6), (b) (7)(C) Results were negative.

On January 16, 2020, SSA (b) (6), (b) (7)(C) spoke with BPA (b) (6), (b) (7)(C), (b) (7)(E) Sector Intelligence Unit, (b) (7)(E) regarding the information BPA (b) (6), (b) (7)(C) forwarded to the JIC. BPA (b) (6), (b) (7)(C) reiterated the information he had provided in his email, and was concerned why a CBPO would be discussing and disseminating law enforcement intelligence information.

Agent Note: BPA (b) (6), (b) (7)(C) allegation encompassed a CBP (b) (7)(E) For the purposes of this report, the (b) (7)(E) name will not be identified, and will be referred to (b) (7)(E)

On January 21, 2020, SSA (b) (6), (b) (7)(C) conducted a TEC query on (b) (7)(E) has three TECS records. BPA (b) (6), (b) (7)(C) was listed as the record owner in two of the TECS Records. The other TECS record revealed Special Agent (SA) (b) (6), (b) (7)(C) Homeland Security Investigation (HSI), (b) (7)(E)

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p>	<p>1. CASE NUMBER</p> <p>(b) (7)(E)</p> <p>PREPARED BY</p> <p>(b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>(b) (7)(E) as the listed record owner.</p> <p>On January 21, 2020, SSA (b) (6), (b) (7)(C) spoke with CBPO (b) (6), (b) (7)(C) supervisor, Supervisory Customs and Border Protection Officer (SCBPO) (b) (6), (b) (7)(C) SSA (b) (6), (b) (7)(C) questioned SCBPO (b) (6), (b) (7)(C) if CBPO (b) (6), (b) (7)(C) duties as a TTRT member would necessitate sharing law enforcement intelligence information with the Drug Enforcement Agency (DEA), and other law enforcement agencies. SCBPO (b) (6), (b) (7)(C) informed SSA (b) (6), (b) (7)(C) it would.</p> <p>On January 30, 2020, CBPO (b) (6), (b) (7)(C) was interviewed by CBP/OPR SSA (b) (6), (b) (7)(C) and SSA (b) (6), (b) (7)(C). The interview took place at the CBP (b) (7)(E). CBPO (b) (6), (b) (7)(C) was provided with a General Notice and Weingarten Rights Form prior to the interview which he acknowledged he understood with his signature. CBPO (b) (6), (b) (7)(C) was advised verbally of Title 18 USC 1001 (Making False Statements to a Federal Agent). This interview was audio and video recorded. The recording identifying number is (b) (7)(E) (Exhibit #2).</p> <p>CBPO (b) (6), (b) (7)(C) explained his present duties encompass being a (b) (7)(E) (b) (7)(E) CBPO (b) (6), (b) (7)(C) explained the duties of a (b) (7)(E) (Exhibit #2, timestamp 03:53).</p> <p>CBPO (b) (6), (b) (7)(C) was questioned if he was with the (b) (7)(E) program in 2019. CBPO (b) (6), (b) (7)(C) stated he was (Exhibit #2, timestamp 04:15).</p> <p>CBPO (b) (6), (b) (7)(C) was questioned if he was familiar with (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated he was. CBPO (b) (6), (b) (7)(C) added he was considering him/her for possible recruitment based on previous information he/she had provided (Exhibit #2, timestamp 04:27).</p> <p>CBPO (b) (6), (b) (7)(C) was questioned as to his relationship with (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated it was only official business (Exhibit #2, timestamp 04:42).</p> <p>CBPO (b) (6), (b) (7)(C) was questioned how he met (b) (7)(E) CBPO (b) (6), (b) (7)(C) answered he first met (b) (7)(E) father. Then approximately two years later, (b) (7)(E) father contacted CBPO (b) (6), (b) (7)(C), (b) (7)(E) father informed CBPO (b) (6), (b) (7)(C), (b) (7)(E) was going through a divorce and had some immigration questions. (b) (7)(E) father asked CBPO (b) (6), (b) (7)(C) if he would speak with (b) (7)(E) CBPO (b) (6), (b) (7)(C) agreed to answer (b) (7)(E) questions (Exhibit #2, timestamp 04:50).</p> <p>CBPO (b) (6), (b) (7)(C) explained in the summer of 2019, he was contacted by (b) (7)(E) divulged to CBPO (b) (6), (b) (7)(C) he/she was being forced into drug trafficking and requested guidance/assistance</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

(Exhibit #2, timestamp 06:03).

CBPO (b) (6), (b) (7)(C) was questioned the last time he had contact with (b) (7)(E) CBPO (b) (6), (b) (7)(C) answered a few weeks ago (Exhibit #2, timestamp 06:45).

CBPO (b) (6), (b) (7)(C) was questioned if (b) (7)(E) was registered as a (b) (7)(E) with CBP. CBPO (b) (6), (b) (7)(C) explained (b) (7)(E) is registered in the CBP recruitment data base and is going through the approval process, but is not yet fully registered (Exhibit #2, timestamp 06:57).

CBPO (b) (6), (b) (7)(C) was questioned if the information he provided to DEA was part of his official duties. CBPO (b) (6), (b) (7)(C) stated it was. CBPO (b) (6), (b) (7)(C) explained the case he worked with DEA was based on the information he had received from (b) (7)(E) (Exhibit #2, timestamp 08:47).

CBPO (b) (6), (b) (7)(C) was questioned if he had ever socialized with (b) (7)(E) CBPO (b) (6), (b) (7)(C) stated he had not (Exhibit #2, timestamp 09:52).

On January 30, 2020, at the conclusion of CBPO (b) (6), (b) (7)(C) interview, CBPO (b) (6), (b) (7)(C) opened the CBP (b) (7)(E) tracking program and revealed to SSA (b) (6), (b) (7)(C) on December 12, 2019, CBPO (b) (6), (b) (7)(C) documented (b) (7)(E) as a (b) (7)(E) and he/she is going through the normal approval process.

CBPO (b) (6), (b) (7)(C) presently holds a top security clearance.

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

002

Exhibit #1 – BPA (b) (6), (b) (7)(C) email to the JIC.

Exhibit #2 – CBPO (b) (6), (b) (7)(C) interview recording.

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 PROFESSIONAL RESPONSIBILITY
O F F I C I A L U S E O N L Y

From: (b) (6), (b) (7)(C)
Sent: Tuesday, December 10, 2019 11:35 AM
To: (b) (6), (b) (7)(C), (b) (7)(E)
Subject: [REDACTED]

ALCON:

I have been tracking an (b) (6), (b) (7)(C), (b) (7)(E) Through intel work I figured that the guy that was running the (b) (6), (b) (7)(C), (b) (7)(E) was removed (b) (6), (b) (7)(C) after he was arrested in (b) (6), (b) (7)(C) At the time he was (b) (6), (b) (7)(C) and was in possession of a gun. It seemed that after his removal, [REDACTED] continued to run the (b) (6), (b) (7)(C), (b) (7)(E) We got some alien loads which tied [REDACTED] back to [REDACTED]. On 11/03/19, I received email notifications that (b) (6), (b) (7)(C) had queried one of my alerts on [REDACTED]. I made contact with him and told him that I had been investigating [REDACTED] for some time. I gave him (b) (7)(E) license plates and [REDACTED] Facebook page. He told me that [REDACTED] was a source and that everything [REDACTED] had provided for the past 6 months had been verified. He told me that he was going to share what I provided on an upcoming meeting and he would let me know. He also told me that [REDACTED] could provide information on alien and coke loads that were coming (b) (6), (b) (7)(C) on an almost weekly basis. He stated that this would work even better because the loads could be intercepted in my AOR and not burn [REDACTED] (who was now residing (b) (6), (b) (7)(C) Apparently [REDACTED] moved to (b) (7)(E)

Through the grapevine, one BPA met another while on detail and had mentioned [REDACTED]. I was contacted by BPA-I (b) (6), (b) (7)(C), (b) (7)(E) and he asked me about [REDACTED]. Apparently, Officer (b) (6), (b) (7)(C) had gone to DEA touting [REDACTED] as a source for cocaine loads. For whatever reason, DEA wanted nothing to do with (b) (6), (b) (7)(C) and [REDACTED]. As I understand it, Officer (b) (6), (b) (7)(C) met [REDACTED] off duty while stationed in (b) (7)(E). He transferred to (b) (7)(E) and [REDACTED] is also now (b) (7)(E). It is also my understanding that Officer (b) (6), (b) (7)(C) is not part of a task force and in his position as an officer in the airport would have no use for alien and cocaine loads transiting through the interstates.

Concerns:

If [REDACTED] is a legit (b) (7)(E) how come I never received notifications when the (b) (7)(E) were queried for [REDACTED] background/security checks. [REDACTED] is a (b) (6), (b) (7)(C)

According to Officer (b) (6), (b) (7)(C) [REDACTED] is aware of loads being ran by [REDACTED]. Last week (b) (7)(E) got an alien load in which (b) (6), (b) (7)(C) was one of the drivers. HSI responded and took (b) (6), (b) (7)(C) and another co-driver. Someone mentioned that the alien load was used as a decoy for 50 keys of coke to get through. No one was notified that an alien load was coming. It was pulled over by (b) (7)(E) (b) (7)(E) and they contacted BP because they suspected they had an alien load. Nine subjects were arrested.

Has any of the information that I provided, been given to [REDACTED]?

What is the relationship between (b) (6), (b) (7)(C) and [REDACTED]?

DEA had cases on (b) (6), (b) (7)(C)

If there is knowledge and awareness of alien and narcotics loads, who is getting notified to intercept them?

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

Border Patrol Agent-Intelligence

(b) (7)(E)

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

O F F I C I A L U S E O N L Y
D E P A R T M E N T O F H O M E L A N D S E C U R I T Y
U . S . C U S T O M S A N D B O R D E R P R O T E C T I O N
O F F I C E O F P R O F E S S I O N A L R E S P O N S I B I L I T Y

(b) (7)(E)

EXHIBIT 2
Interview Recording



(b) (7)(E)



U.S. Customs and Border Protection

April 11, 2017

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

CBP Officer
U.S. Customs & Border Protection

(b) (7)(E)

Dear Officer (b) (6), (b) (7)(C)

This is to inform you that a management inquiry has been completed concerning an allegation that you were disrespectful and unprofessional during the processing of a bi-racial couple.

Based on the facts of management's inquiry, I am pleased to inform you that I have determined that the allegations against you are unfounded. Therefore, I have closed the file on this matter and there will be no further action taken.

I hope you understand that this inquiry was necessary in the interest of CBP as well as your own interest. Thank you for your cooperation in this matter.

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

Sincerely,

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

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

Assistant Port Director
U.S. Customs and Border Protection

(b) (7)(E)

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

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

Date

4/12/2017

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2017 11:50 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: (b) (6), (b) (7)(C), (b) (7)(E)
Attachments: (b) (6), (b) (7)(C), (b) (7)(E)

Please see below. I concur with WC (b) (6), (b) (7)(C) recommendation to close with no action.

Thank you.

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

Assistant Port Director, Passenger
Area Port of (b) (7)(E)
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2017 4:40 PM
To: (b) (6), (b) (7)(C)
Subject: RE: (b) (6), (b) (7)(C), (b) (7)(E)

Based on the attached statements from the Officers and Supervisor I would consider this unfounded. No further action will be taken.

(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: Tuesday, February 07, 2017 8:15 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: (b) (6), (b) (7)(C), (b) (7)(E)

(A)PD (b) (6), (b) (7)(C)

Attached is a Management Referral concerning CBPO (b) (6), (b) (7)(C), (b) (7)(E) Once this matter is reviewed and if it is concluded that no action is necessary, please provide an explanation of the findings, and specify whether the allegation(s) are:

- Unsubstantiated – The evidence was inadequate to reach a conclusion. The allegation could not be proved or disproved.
- Unfounded – The allegation has no foundation in fact. The evidence disproved the allegation.

If it is concluded that disciplinary action is necessary, please provide a closing memorandum with supporting documentation for the recommended action to be taken. Please let me know if you have any questions or concerns.

Thank you,

(b) (6), (b) (7)(C)
Labor-Employee Relations Specialist
(b) (7)(E)
Customs and Border Protection
(b) (7)(E)
O (b) (6), (b) (7)(C)
F:
Email: (b) (6), (b) (7)(C)

This communication may contain sensitive data that must be controlled and not to be released to the public or personnel who do not have a valid "need-to-know." Such data are subject to the For Official Use Only provisions in [DHS Management Directive 11042.1](#). Data containing Personally Identifiable Information (PII) must be secured in accordance with the [DHS Handbook for Safeguarding Sensitive Personally Identifiable Information](#) dated October 31, 2008. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C), (b) (7)(E)
Subject: FW: (b) (6), (b) (7)(C), (b) (7)(E)
Date: Wednesday, October 4, 2017 1:23:10 PM
Attachments: (b) (7)(E)

Good Afternoon,

The attached referral is being forwarded for informational awareness.

DHS OIG determined the secondary inspection was conducted properly.

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

The (b) (7)(E) considers the case closed unless there are other circumstances that you feel that it should remain open for corrective action.

Thank you,
(b) (6), (b) (7)(C)
Integrity Officer
U.S. Customs and Border Protection
(b) (7)(E) Field Office
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, September 26, 2017 10:15 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: (b) (6), (b) (7)(C), (b) (7)(E)

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

Please see attached for review and appropriate management action.

Thank you,

(b) (6), (b) (7)(C)
Labor and Employee Relations Specialist
Office of Human Resource Management
(b) (7)(E)

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

cell

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

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

Reference #	(b) (7)(E)
Status	New
Assigned To	(b) (6), (b) (7)(C)
Product	Discrimination Other (Discrimination)
Category	Land Border, Airport, or Seaport (b) (7)(E)
Disposition	Travelers US Citizen/US Residen
SLA	Not specified
Queue	Complaints
Date Created	11/27/2016 11:43 PM
Date Initial Solution Response	None
Last Updated	12/09/2016 09:40 AM
Customer SmartSense	+1 (on -3 to +3 scale)
Staff SmartSense	+1 (on -3 to +3 scale)
Response Needed	Yes
Language	English
Dist Field Office	(b) (7)(E)
PLOR	Not Warranted
Privacy Issue	No
Employee Conduct	Unprofessional
Referred out of CIC	No
Form Type	Compliment
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)

12/09/2016 09:40 AM

Thank you for contacting the Compliments/Complaints Branch of the CBP INFO Center concerning your experience at the (b) (7)(E). I regret you had a bad experience and you can be assured CBP takes employee misconduct very seriously and has clear policies against abuse of authority. Complaints of unprofessional conduct are recorded and investigated and the appropriate action is taken against CBP Officers who have violated these rules. I have forwarded your concerns to the appropriate agency within the Department of Homeland Security for whatever action deems appropriate. However, further communication may not be forthcoming as the Privacy Act prohibits any disclosure of discipline taken towards CBP personnel.

To keep our borders secure, everyone who arrives at a U.S. port of entry is subject to inspection. We do not assume that you have done anything wrong. As part of the inspection process, CBP officers must verify the identity of the person, determine the admissibility of the traveler, and look for a variety of other prohibited items. You may be asked questions on:

- Your citizenship
- The nature of your trip, and
- Anything you are bringing back to the United States that you did not have with you when you left.

Unless exempt by diplomatic status, all travelers entering the United States, including U.S. citizens, participate in routine Customs processing. We may also examine your baggage, including electronic equipment, or your car, which we have the legal authority to do. The authority to delay and speak with travelers derives from the United States Code (section citations below) enables CBP to prevent the entry of persons who are inadmissible under the Immigration and Nationality Act, and to prevent the smuggling of merchandise, including narcotics and other contraband items, into the United States.

The exact legal citation for our *search* authority can be found in Title 19 of the United States Code, Sections 482, 1467, 1496, 1581 and 1582. All persons, baggage, and other merchandise arriving in or leaving the United States are subject to inspection and *search* by CBP officers. Various laws (including 8 United States Code (U.S.C.) 1357, 19 U.S.C. 482, 1581, 1582) enforced by CBP authorize such *searches*.

The Supreme Court decisions have upheld the [doctrine](#) that CBP's *search* authority is unique and does not violate the fourth amendment's protection against unreasonable *searches* and seizures. However, with this authority, CBP expects all of its officers to conduct their duties in a professional manner, and treat each traveler respectfully.

CBP understands that such *searches* are unpleasant and invasive, we have developed strict guidelines for the conditions under which such a *search* would be conducted.

Compliments/Complaints Branch

FOUO Law Enforcement Sensitive (b) (6), (b) (7)(C)
DOB - (b) (6), (b) (7)(C)

12/09/2016 09:40 AM

Customer

11/27/2016 11:43 PM

Dear Sir or Madam,

My name is (b) (6), (b) (7)(C)

USA Passport (b) (6), (b) (7)(C)

Came from (b) (6), (b) (7)(C)

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

November 27, 2016

After visiting (b) (6), (b) (7)(C) arrived 11/10 -11/24) and (b) (6), (b) (7)(C) 11/24 - 11/27)

Stopped by US customs

And reason was I lost a lot of weight which surprised me because I took the same trip to (b) (6), (b) (7)(C) 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 anything to help them and make their jobs easier. But what had happened after the officer returned my passport and told me to go, so I asked him why it was important the question of who violated me as a child (very personal and he found it when he went through my iPhone without my permission and genuinely doesn't like to share)

He immediately asked for my phone back and to unlock it again and step back and started to go through it and write and opened my personal apps like Facebook and others, which intimidated me a big time and I felt unsafe and in fear.

I asked to talk to a supervisor but no one would help even outside. After more than 16 hours of flight I had to walk to the international terminal to talk to someone.

I'm violated and discriminated 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

From:
To:

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

Cc:

Subject: Contact (b) (6), (b) (7)(C), (b) (7)(E) TECS Record Request

Date: Monday, August 26, 2019 5:19:17 PM

Attachments: (b) (6), (b) (7)(C), (b) (7)(E) [CPB Info Center.pdf](#)

Hello CBP Colleagues,

On July 30, 2019, CRCL received a referral from the CBP INFO Center (b) (7)(E) consisting of a submission by (b) (6), (b) (7)(C) regarding his experience at the (b) (7)(E) (b) (7)(E) on July 21, 2019. (b) (6), (b) (7)(C) stated that he worked for the (b) (6), (b) (7)(C) as a (b) (6), (b) (7)(C). Despite presenting a (b) (6), (b) (7)(C) alleged that the CBPOs at the (b) (7)(E) profiled him because of his ethnicity and bearded appearance.

In order to help CRCL determine how to process this matter, can you please provide TECS records relating to (b) (6), (b) (7)(C) inspection at (b) (7)(E) on July 21, 2019?

Thanks,

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

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

Policy Advisor, Compliance Branch

[Office for Civil Rights and Civil Liberties](#)

U.S. Department of Homeland Security

(b) (6), (b) (7)(C)(desk) | (b) (6), (b) (7)(C)(mobile)

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights or civil liberties by employees and officials of DHS. CRCL also reviews allegations that DHS employees, programs, or activities failed to accommodate an individual's disability under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794(a). Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e).

(b) (7)(E)



U.S. Customs and
Border Protection

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Acting Assistant Port Director, Passenger Operations
(b) (7)(E)

FROM: (b) (6), (b) (7)(C)
Chief, CBP Officer
(b) (7)(E)

SUBJECT: (b) (7)(E)
Discriminatory and Unprofessional Behavior
CBPO (b) (6), (b) (7)(C)

Attached please find a complaint filed by a passenger regarding the above subject. An administrative inquiry was conducted into the allegation that this employee behaved in a discriminatory and unprofessional manner towards a passenger.

Details of Administrative Inquiry

Allegation: Employee used profanity and discriminated against a passenger.

Prior Similar Discipline: None

Table of Offenses:

- Discriminatory Behavior – Use of critical, demeaning, or degrading remarks, comments, observations, statements, or actions based on another’s race, color, age, sexual orientation, religion, sex, national origin, or disability.
- Disruptive Behavior – Use of discourteous, unprofessional, derogatory, or otherwise inappropriate language, gestures, or conduct toward members of the public.

First Offense:

- Discriminatory Behavior – Written reprimand to 3-day suspension
- Disruptive Behavior – Written reprimand to 5-day suspension

Findings: On September 16, 2019, the Joint Intake Center, Washington, D.C., received an email from the U. S. Department of Homeland Security (DHS) Office of Inspector General (OIG), forwarding the allegation of (b) (6), (b) (7)(C). According to the information provided by the DHS OIG, (b) (6), (b) (7)(C) alleged Customs and Border Protection (CBP) Officer (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) spoke to him using profanity and behaved inappropriately. (b) (6), (b) (7)(C) believes he was treated this way because of his name. (b) (6), (b) (7)(C) alleges that during secondary inspection, his phone rang as his ride was waiting outside to pick him, his wife, and (b) (6), (b) (7)(C) baby up from the airport. In response to the phone ringing, Officer (b) (6), (b) (7)(C) yelled, "Don't answer the fucking phone" and almost snatched the phone out of his hand. (b) (6), (b) (7)(C) states that he addressed Officer (b) (6), (b) (7)(C) and told him to stop the use of profanity.

In his statement, Officer (b) (6), (b) (7)(C) a member of the Tactical Terrorism Response Team, explains that on September 8, 2019, (b) (6), (b) (7)(C) arrived at (b) (7)(E) on board (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C). He had departed (b) (7)(E) on August 22, 2019, and traveled to (b) (6), (b) (7)(C) accompanied by his wife and child, was met in Baggage Control, (b) (7)(E) Officer (b) (6), (b) (7)(C) introduced himself and informed (b) (6), (b) (7)(C) that he had been selected for a secondary inspection, and that it should take approximately 20 minutes. (b) (6), (b) (7)(C) stated he had to make a phone call, but was asked to please not use his phone at that time. Officer (b) (6), (b) (7)(C) walking alongside (b) (6), (b) (7)(C) wife and child to Secondary, was at least 20 paces ahead of (b) (6), (b) (7)(C). When he turned to see where (b) (6), (b) (7)(C) was, he found him in the process of placing a call. Officer (b) (6), (b) (7)(C) turned and approached (b) (6), (b) (7)(C) telling him to not make the call. When face-to-face with (b) (6), (b) (7)(C) Officer (b) (6), (b) (7)(C) in a normal tone of voice, told (b) (6), (b) (7)(C) "to put the 'F' phone away." (Not the complete curse word. He used a partial expletive using the first letter only as in the "F" sound.) Officer (b) (6), (b) (7)(C) states that this regrettably gave (b) (6), (b) (7)(C) the "... ammo for going on the offensive." (b) (6), (b) (7)(C) while seated with Officer (b) (6), (b) (7)(C) stated that he had been singled out because of his name, and that he knows how CBP operates. He also added that he is in state law enforcement and when he pulls Officer (b) (6), (b) (7)(C) over, he will not treat him so terribly. He stated that he knows his rights as a U.S. citizen and he does not have to answer any questions and could walk out of the airport anytime he wants. (b) (6), (b) (7)(C) was asked what type of state law enforcement he performs, and he quickly flashed a badge in his wallet and would not say what his duties or agency were. (b) (6), (b) (7)(C) attempted to command and dictate the questioning; and in response, Officer (b) (6), (b) (7)(C) told him that at the conclusion of his interview, he would answer his questions and get a supervisor for him. (b) (6), (b) (7)(C) went on to state that he trains CBP, ICE and, other federal agency employees because he is a (b) (6), (b) (7)(C) deflected basic questions by again stating that he knows how CBP operates. When Officer (b) (6), (b) (7)(C) asked him how he knew, (b) (6), (b) (7)(C) explained that he had been in the process to become a CBP Officer, but had to withdraw for personal reasons. Once the basic questioning was completed, (b) (6), (b) (7)(C) was advised that he was free to go, and that (b) (6), (b) (7)(C) would escort him and his family out of the inspection area. Officer (b) (6), (b) (7)(C) also advised him that he would answer all of his questions and call for his supervisor; however, because his supervisor was at another terminal, he did not know how quickly she could arrive. (b) (6), (b) (7)(C) chose to depart and not wait.

Recommendation: Based on a review of the complaint and the employee's statement, there is no indication that (b) (6), (b) (7)(C) selection for a secondary examination was discriminatory. Regarding (b) (6), (b) (7)(C) allegation that Officer (b) (6), (b) (7)(C) used profanity when addressing him, Officer (b) (6), (b) (7)(C) denies this in his statement. However, upon reflection, Officer (b) (6), (b) (7)(C) does

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

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understand that he may have been more successful in gaining (b) (6), (b) (7)(C) cooperation had he phrased his command in a more appropriate manner. No action is recommended in this case.

APPROVED / DATE 12/13/19 DISAPPROVED / DATE _____

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

Acting Assistant Port Director
Passenger Operations

(b) (7)(E)

Attachment

CBP Vaughn Index
CLEAR v. CBP; 19-CV-07079

Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 1	Encounters at Ports of Entry Identify Individuals with Potential Links to International Terrorism	3	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information detailing statistics and data related to terrorism linked inspections. This data includes both location of inspection and information collected. Such information is not generally known or publicly disclosed. Disclosure of this law enforcement data would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing investigations and operations.
Withheld in Full 2	WLS Category Codes 04-09-2019	2	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes. Such internal category codes may lead to unauthorized access of CBP systems. Such information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing investigations and operations.

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 3	2015 stamp guide	40	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, specifically with regard to inspecting immigration documents for fraud. Additionally, this non-public information reveals law enforcement terminology, techniques and procedures used to assess a person's admissibility when trying to enter the United States. Release of this document would enable those intending to enter the United States using fraudulent documents to do so with greater ease. Such information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing law enforcement operations.
Withheld in Full 4	Tactical Terrorism Response Team Curriculum v2	2	(b)(7)(E)	Exemption (b)(7)(E) has been applied to details, training, techniques, and objectives which the Agency considers law enforcement sensitive information. Additionally, this non-public information reveals law enforcement terminology, techniques and procedures used to assess a person's admissibility when trying to enter the United States. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing investigations.

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 5	TTRT Officer Reference Job Aid 2020	35	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes. Release of these category codes may assist unauthorized access to CBP systems. Further, the document includes information related to different interview and vetting methods and techniques. Additionally, this non-public information reveals law enforcement terminology, techniques and procedures used to assess a person's admissibility when trying to enter the United States. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 6	TTRT Officer Reference Job Aid 2029	38	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes. Further, the document includes information related to different interview and vetting methods and techniques. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 7	TTRT Officers Reference_072016	33	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes. Further, the document includes information related to different interview and vetting methods and techniques. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 8	TTRT Officers Reference	39	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes. Further, the document includes information related to different interview and vetting methods and techniques. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 9	2.CTD TTRT101	28	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, enforcement unit structures, and chains of command. Further, information included in this document details location of certain enforcement teams and enforcement actions. Finally, this document contains information related to specific inspections by CBP with individuals of interest to the Agency. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 10	Map of TTRT Locations	1	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, detailing locations of certain enforcement teams and enforcement actions. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 11	Culture and Religious Awareness Class	57	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to different interview and vetting methods and techniques, which if known could assist those illicit actors seeking to avoid detection. Additionally, this document contains specific information related to inspections completed by CBP with persons of interest. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 12	SOP Border Search of Electronic Devices March 2019 (Title of this document has been altered to protect information exempt under (b)(7)(E))	27	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including internal CBP systems and processes. Further, the document includes information related to different enforcement techniques and their applicability for use, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 13	CBP Counter proliferation Efforts – TTRT Training	18	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats. Additionally, this document contains information related to how CBP targets certain individuals for relevant inspections, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 14	CND 101_20200205	10	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including how CBP utilizes information to determine what individuals and/or information will be subject to relevant inspections, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.
Withheld in Full 15	CTD 10 TTRT Orientation 20200304	17	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, enforcement unit structures, and chains of command. Further, information included in this document details location of certain enforcement teams and enforcement actions, which if known could assist those illicit actors seeking to avoid detection. Finally, this document contains information related to specific inspections by CBP with individuals of interest to the Agency. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 16	Memorandum – Importance of Targeting Rules	1	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 17	Muster – [redacted]October 7, 2016	1	(b)(7)(E)	<p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats. Additionally, this document contains information related to how CBP addresses certain scenarios related to counter-terrorism, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p> <p>This title of this document was partially redacted for the same rationale as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 18	Muster – Updated Guidance [redacted]	2	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats. This document also addresses how to process individuals should certain circumstances arise, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 19	Nomination Referrals	18	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats, including known and suspected terrorists; and includes information explaining law enforcement techniques and procedures, including internal CBP systems and category codes.. This document also addresses how to process individuals should specific circumstances arise, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Finally, this document contains information on internal CBP codes and processes. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.
Withheld in Full 20	Op [redacted] Plan (Title of this document has been altered to protect information exempt under (b)(7)(E))	2	(b)(7)(E)	Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure, which would interfere with enforcement proceedings. The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 21	Operation [redacted] (Title of this document has been altered to protect information exempt under (b)(7)(E))	4	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 22	Operation [redacted] (Title of this document has been altered to protect information exempt under (b)(7)(E))	5	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>
Withheld in Full 23	Operation [redacted] Plan (Title of this document has been altered to protect information exempt under (b)(7)(E))	3	(b)(7)(E)	<p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Withheld in Full 24	Operation [redacted] (Title of this document has been altered to protect information exempt under (b)(7)(E))	2	(b)(7)(E)	<p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>
Withheld in Full 25	Operation [redacted] (Title of this document has been altered to protect information exempt under (b)(7)(E))	4	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 26	Operation [redacted]	5	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied to information compiled for law enforcement purposes and operation details, target activity, location(s), techniques, and objectives which the Agency considers law enforcement sensitive information, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of this information would reveal both law enforcement techniques and internal Agency procedure, which would interfere with enforcement proceedings.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 27	TOC Watchlisting Overview	15	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats. Additionally, this document contains information related to how CBP targets certain individuals for relevant inspections, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 28	TTP_[redacted] Presentation	12	(b)(7)(E)	<p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats, which if known could assist those illicit actors seeking to avoid detection. This document also addresses how certain enforcement actions can be utilized by CBP to meet mission critical challenges. This information is not generally known or publicly disclosed. Finally, this document contains information on internal CBP codes and processes. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 29	TTRT [redacted] SOP [redacted] BSI 2018	8	(b)(7)(E)	<p>Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures, including information related to how CBP addresses certain threats, which if known could assist those illicit actors seeking to avoid detection. This document also addresses how certain enforcement actions can be utilized by CBP to meet mission critical challenges. This information is not generally known or publicly disclosed. Finally, this document contains information on internal CBP codes and processes. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 30	TTRT [redacted] Accomplishments	13	(b)(6) (b)(7)(C) (b)(7)(E)	<p>Exemptions (b)(6) and (b)(7)(C) have been applied within these documents to names, personally identifiable information and other identifying details of government employees, including CBP, that would identify those individuals if released. Government employees, including CBP law enforcement officers, have a protectable privacy interest in their identities that would be threatened by disclosure. Release of such information would constitute an unwarranted invasion of personal privacy.</p> <p>Exemption (b)(7)(E) has been applied, which includes information detailing statistics and data related to terrorism linked inspections. This data includes both location of inspection and information collected, which if known could assist those illicit actors seeking to avoid detection. Such information is not generally known or publicly disclosed. Disclosure of this law enforcement data would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing investigations and operations.</p> <p>The title of this document has been redacted under Exemption (b)(7)(E) for the same reasons as above.</p>
Withheld in Full 31	OCC_Border Search of Electronic Device Presentation February 2020	29	(b)(5)	<p>This document is a presentation by CBP legal counsel for CBP personnel. As such, it consists of attorney-client privileged information and communication. During the communications at issue, CBP attorneys were acting within their capacity as legal counsel for CBP, and the communications were for the purpose of rendering legal services. As such, this document is privileged and protected from disclosure under Exemption (b)(5).</p>

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Document Number	Description	Pages	Exemption	Basis for Exemption
Withheld in Full 32	Enhanced Communication Course	377	(b)(7)(E)	Exemption (b)(7)(E) has been applied, which includes information explaining law enforcement techniques and procedures. Specifically, this document addresses questioning techniques and instruction regarding the detection of deceptive indicators, which if known could assist those illicit actors seeking to avoid detection. This information is not generally known or publicly disclosed. Finally, this document contains information on internal CBP codes and processes. Disclosure of law enforcement techniques and procedures and internal agency investigative practices would be debilitating and detrimental to both CBP and the law enforcement community, and it would enable individuals to alter their patterns of conduct, adopt new methods of operation, relocate, change associations, and effectuate other countermeasures, thereby corrupting the integrity of ongoing operations.