



Report on Internal Investigations and Employee Accountability

Fiscal Year 2023



U.S. Customs and
Border Protection

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Leadership Message

I am pleased to present the annual *Report on Internal Investigations and Employee Accountability, Fiscal Year 2023*. The report is divided into three sections. The first section provides a description of the entire Investigative and Disciplinary process. It provides a description of the entire process, from the receipt of information in our Intake Center, throughout the investigation, and ultimately to the disciplinary outcome. It also provides information on key oversight, transparency, and accountability initiatives. The second section provides statistics on intake, investigative activity, and disciplinary actions in Fiscal Year 2023. The second section also provides information on key oversight, transparency, and accountability initiatives. The final section features summaries of significant cases completed during the fiscal year.

In accordance with the Privacy Act of 1974, we have omitted information identifying individual employees. Instead, we have presented data in aggregate and strove to ensure that case studies do not include any personally identifiable information.

Troy Miller
Senior Official Performing the Duties of Commissioner



List of Acronyms and Abbreviations

AS	Agriculture Specialist
AMO	Air and Marine Operations
BPA	U.S. Border Patrol Agent
BWC	Body Worn Camera
BCTF	Border Corruption Task Force
CBP	U.S. Customs and Border Protection
CBPO	Customs and Border Protection Officer
CRCL	Civil Rights and Civil Liberties
CSI	Crime Scene Investigations
DHS	Department of Homeland Security
DRB	Discipline Review Board
DUI	Driving Under the Influence
FBI	Federal Bureau of Investigation
FY	Fiscal Year
GOV	Government Owned Vehicle
HR	Human Resources
HRM	Office of Human Resources Management
IOD	Investigative Operations Directorate
JIC	Joint Intake Center
JICMS	Joint Integrity Case Management System
LCA	Last Chance Agreement
LER	Labor and Employee Relations
LESC	Law Enforcement Safety and Compliance
LUFRB	Local Use of Force Review Board
NGO	Non-Governmental Organization
NUFRB	National Use of Force Review Board
OFO	Office of Field Operations
OIDO	Office of Immigration Detention Ombudsman
OIG	Office of Inspector General
OPR	Office of Professional Responsibility
PREA	Prison Rape Elimination Act
SA	Special Agent
SAC	Special Agent in Charge
UNC	Undocumented Non-Citizen
USBP	U.S. Border Patrol

Introduction

Agency Overview

As the United States' unified border entity and largest law enforcement agency, U.S. Customs and Border Protection (CBP) takes a comprehensive approach to border management and control, combining border security, immigration, trade, and agriculture protection into one coordinated mission. The workforce is composed of 64,000 employees including law enforcement personnel and civilians working in administrative, professional, technical, and scientific positions.

Mission: Protect the American people, safeguard our borders, and enhance the nation's economic prosperity.

Vision: Enhancing the nation's security through innovation, intelligence, collaboration, and trust.



Core Values:

Vigilance is how we ensure the safety of all Americans. We are continuously watchful and alert to deter, detect, and prevent threats to our nation. We demonstrate courage and valor in the protection of our nation.

Service to Country is embodied in the work we do. We are dedicated to defending and upholding the Constitution of the United States. The American people have entrusted us to protect the homeland and defend liberty.

Integrity is our cornerstone. We are guided by the highest ethical and moral principles. Our actions bring honor to ourselves and our agency.

On a Typical Day in Fiscal Year (FY) 2023, CBP:

Processed:

- 1,081,030 passengers and pedestrians
- 100,350 truck, rail, and sea containers
- 236,572 incoming privately owned vehicles
- \$9.2 billion worth of imported products
- 100,527 entries of merchandise
- \$253 million in duties, taxes, and other fees, including more than \$233 million in duties

Encountered:

- 5,654 nationwide Border Patrol Title 8 apprehensions and Title 42 encounters between ports of entry*
- 3,116 nationwide Office of Field Operations (OFO) Title 8 inadmissible entries and Title 42 encounters at ports of entry*

Arrested:

44 wanted criminals at U.S. ports of entry

Performed:

118 rescues and significant medical lifesaving responses

Discovered:

- 231 pests at ports of entry
- 3,287 materials for quarantine (plant, meat, animal byproduct, and soil)

Seized:

- 2,339 pounds of drugs, including 78 pounds of fentanyl
- \$182,998 illicit currency
- \$6.6 million worth of products with Intellectual Property Rights violations

Intercepted:

5 fraudulent documents

Flew:

219 hours and floated 83 hours of enforcement missions over/in the United States

* This FY 2023 data includes Title 42 Expulsions from October 1, 2022 – May 11, 2023. The statistics provided are approximate daily averages of Fiscal Year 2023.

Operating in such a complex threat environment requires tremendous focus and a commitment to the highest standards of professionalism, personal conduct, and integrity. The American people have entrusted us to protect the homeland, and much of what we do draws high levels of public attention and scrutiny. Having a single employee engage in unprofessional behavior or misconduct violates the public trust and can pose a threat to our national and economic security.

Like other law enforcement agencies around the world, CBP remains vulnerable to the potential for unprofessional behavior and misconduct within its workforce. Because we are accountable to the American people and the travelers with whom we interact, our duty is to conduct thorough, timely investigations of alleged misconduct and corruption, evaluate employee misconduct, and impose consistent, fair, and prompt corrective action independent of any potential criminal sanctions imposed through the judicial system. We must also be transparent about such violations of law, policy, and standards of conduct and how we hold employees accountable for their actions.

CBP's Office of Professional Responsibility (OPR) and Office of Human Resources Management (HRM) are the primary entities responsible for internal investigations and employee accountability.

OPR safeguards and promotes the integrity and security of the CBP workforce. As an independent office reporting directly to the CBP Commissioner, OPR is responsible for:

- ensuring compliance with all CBP-wide programs and policies.
- administering policies relating to corruption, misconduct, or mismanagement.
- overseeing the physical, information, industrial, and operations security programs.
- screening potential CBP employees for suitability.
- administering pre-employment polygraph examinations.
- ensuring the suitability of current employees.
- educating employees concerning ethical standards and integrity responsibilities.
- receiving information and allegations of misconduct.
- investigating misconduct allegations.
- reviewing critical incidents.
- tracking, analyzing, and reporting trends related to employee misconduct.
- evaluating security threats to CBP employees, facilities, and sensitive information.

HRM leads and facilitates the development, maintenance, and oversight of human resources (HR) policies and procedures necessary to support the effectiveness, operational consistency, and statutory/regulatory compliance of all HR programs and functions. HRM is responsible for:

- administering Labor and Employee Relations (LER) programs on a national and local level covering all employees and the two employee unions, the National Border Patrol Council and the National Treasury Enforcement Union.
- managing the Workers' Compensation program.
- providing retirement and benefits advice and consultation.
- administering medical fitness programs, to include fitness for duty examinations and drug testing.

Reportable Matters

CBP Standards of Conduct sets forth expectations for employees' personal and professional conduct. It prohibits bribery, theft, misuse of funds, smuggling, drug possession, perjury, civil rights violations, and other violations of law. It also prohibits other serious misconduct that could jeopardize CBP's mission such as misuse of government Information Technology systems, falsification of official records, abuse of official position for personal gain, workplace violence or harassment, improper association, and willful misuse of government vehicle(s) or property.

CBP employees must report any activity that violates the Standards of Conduct, state, or federal criminal laws. Failure to report such violations may result in disciplinary action. CBP employees may also report other types of information on a variety of other matters including workplace disagreements and grievances, critical incidents, technology disruptions, lost property, evidence handling discrepancies, employee performance issues, and matters involving non-CBP facilities or individuals who have no affiliation to CBP. Contractors, other law enforcement agencies, members of the public, and advocacy groups may also report these types of violations to CBP as well as other allegations including mistreatment and unprofessional behavior.

Regardless of the source, reports can be directed to the CBP Intake Center or the Department of Homeland Security (DHS) Office of Inspector General (OIG). The CBP Information Center is another option for reporting issues and primarily receives complaints related to travel, immigration, and trade from the public. Most of these complaints pertain to issues such as CBP's search authority (including allegations of rude or unprofessional behavior, bias, or discrimination), delays that cause inconvenience to the traveler, or non-specific complaints about missing property or property damage for which no video or corroborating evidence may exist.

CBP Intake Center

Online Complaint/Allegation Form: <https://help.cbp.gov>

Individuals may now report illegal activities via an online complaint form which walks them through a series of questions regarding the alleged misconduct.

Email: JointIntake@cbp.dhs.gov

Phone: 1-877-2INTAKE (option 5)

CBP Information Center

Online Complaint/Allegation Form: <https://help.cbp.gov>

Phone: 1-877-CBP-5511

DHS OIG

Online DHS OIG Complaint/Allegation Form: <http://www.oig.dhs.gov/hotline>

Phone: 1-800-323-8603 or Fax: 202-254-4297

In writing: DHS Office of Inspector General/MAIL STOP 0305 Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305



Part I: Overview of the Investigative and Disciplinary Processes

Intake

CBP Intake is the centralized intake point and clearinghouse for receiving, documenting, and processing all allegations of misconduct involving CBP employees and contractors. CBP Intake's online form, email, and telephone line operates 24 hours a day, 365 days a year, and ensures that all information received is thoroughly documented and assigned for investigation or review to the appropriate department.

CBP Intake is staffed by OPR Investigative Intake Specialists as well as employees from the DHS Office for Civil Rights and Civil Liberties (CRCL) and the DHS Office of the Immigration Detention Ombudsman (OIDO), who are liaisons between their agency and CBP OPR. These positions enhance the efficiency and effectiveness of deconfliction and collaboration between agencies.

The intake process is initiated upon receipt of an allegation of misconduct, complaint, or other report. CBP Intake records each instance, assigns a file number in the Joint Integrity Case Management System (JICMS), and classifies the matter into one of the following categories:

- **Criminal Misconduct:** Conduct in violation of federal criminal laws such as bribery, drug smuggling, money laundering, and human trafficking as well as conduct in violation of state and local laws such as domestic violence and driving under the influence of alcohol or drugs.
- **Serious Misconduct:** Substantive misconduct that could jeopardize CBP's mission such as conflict of interest, harassment, disclosure of law enforcement sensitive information, and falsification of official records.
- **Administrative Misconduct:** Misconduct of a lesser severity that is usually referred to CBP management such as hostile work environment, rude or discourteous conduct, and misuse of government property.
- **Interagency Cooperation:** Complaints or allegations shared with other agencies. Primarily related to migrant detention, these complaints or allegations may also include issues or individuals outside CBP jurisdiction.
- **Information Received:** Other matters that do not constitute misconduct, such as seizure discrepancies not indicative of tampering and lost/missing property with no indication of employee negligence. Because these reports warrant no action, they are typically closed.

Once documented and categorized, the file is then sent to CBP Intake Supervisors for review, approval, and routing to the appropriate DHS, CBP, or other entity based on the allegation type and severity, as Table 1 depicts.

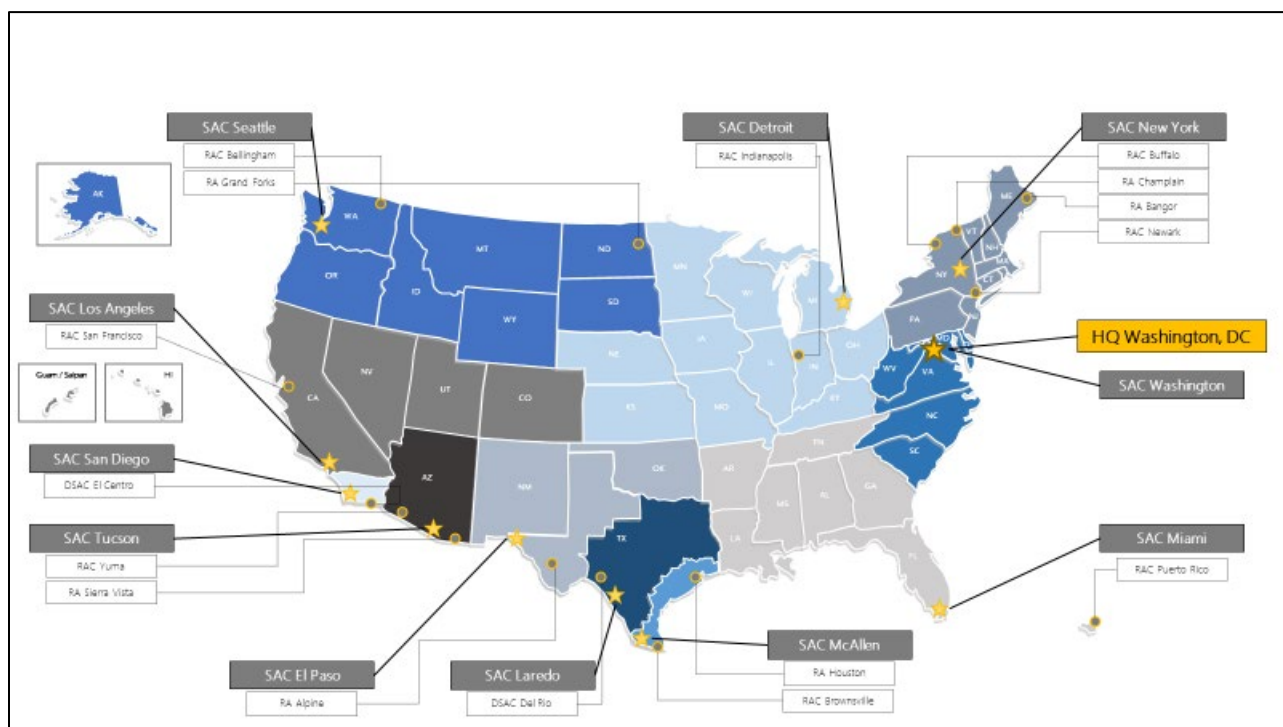
Table 1. Types of Allegations

Type of Allegation	Review and Routing
<p>Criminal and Serious Misconduct</p>	<p>In accordance with the DHS Management Directive 0810.1, allegations of criminal and serious misconduct are referred to the DHS OIG for independent review and determination. DHS OIG may hold the case and conduct its own investigation or DHS OIG and OPR may conduct the investigation jointly.</p> <p>OPR retains cases DHS OIG does not accept as well as those cases which do not meet the criteria for referral. These cases are sent to OPR field offices for further review and investigation.</p> <p>Allegations of sexual assault or sexual abuse are reviewed to determine whether the allegation falls under the purview of the Prison Rape Elimination Act (PREA) as outlined in 6 CFR Part 115 Subpart B. Once designated as a PREA case, it is reported to the CBP Privacy and Diversity Office Prevention of Sexual Abuse Coordinator.</p> <p>Alleged violations of civil rights and civil liberties are referred to the OPR CRCL Program Manager for review, coordination, and deconfliction with the DHS CRCL Program, as needed. CRCL files are routed to DHS OIG, OPR, and/or the Component for further investigation based on the severity of the allegations.</p>
<p>Administrative Misconduct</p>	<p>Cases involving lesser administrative misconduct are assigned back to the employee’s Component office for inquiry or immediate management action.</p> <p>The OPR National Fact Finder Program is available to assist Component management with administrative inquiries. OPR-trained Component Supervisors work collaboratively with OPR Investigative Field Officers who provide guidance throughout the process.</p> <p>Allegations of workplace harassment are reviewed by the OPR Harassment Program separate and distinct from the Equal Employment Opportunity counseling and investigative process. The Harassment Program Coordinator interviews the Complainant and Subject and determines whether there should be an administrative inquiry or a management intervention. Allegations that are not indicative of harassment are referred to Component liaison officers for administrative inquiry, management referral, or OPR investigation, per the regular process.</p>
<p>Interagency Cooperation</p>	<p>Complaints and allegations not involving CBP employees or contractors are shared with appropriate law enforcement and oversight entities.</p> <p>Complaints related to migrant detention are reviewed by an Immigration Detention Case Analyst from the DHS Office of Immigration Detention Office. This office retains for investigation allegations that do not meet the criteria for an OPR investigation. Examples of these types of issues include food, shelter, or condition issues. In addition, this office refers any misconduct allegations it identifies to OPR for investigation and in some cases, may conduct a joint investigation with OPR.</p>
<p>Information Received</p>	<p>Reports are logged in JICMS and closed, as no further action is warranted.</p>

OPR Internal Investigations

All allegations of criminal and serious misconduct, which have either been declined by the DHS OIG or were not subject to referral, are routed to one of the 11 OPR field offices throughout the United States, as Figure 1 depicts. Led by Special Agents in Charge (SACs), these offices (SAC offices) are in Seattle, Los Angeles, San Diego, Tucson, El Paso, Laredo, McAllen, Detroit, New York, Washington, DC, and Miami. Each SAC office receives allegations involving CBP employees assigned in its respective area of responsibility. The Special Investigations Unit in Washington, DC, investigates sensitive matters, including some involving members of the Senior Executive Service.

Figure 1: CBP OPR Field Office Areas of Responsibility



OPR investigations generally include the following investigative steps:

- Interviewing the complainant and witnesses.
- Identifying and interviewing the employee.
- Collecting evidence.
- Reviewing documents.
- Visiting the location of the incident.
- Reviewing officers’ Body Worn Camera (BWC) videos.
- Reviewing any other photographic or video evidence.

OPR investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered and analyzed. OPR investigative activity centers on suspected CBP employee criminal and serious misconduct, criminal activity impacting CBP operations, and matters of national security involving targeted CBP personnel.

Figure 2: Topics of OPR Investigative Activity



Oversight and Review

On October 1, 2022, OPR assumed full oversight responsibility for responding to and processing CBP-related critical incidents involving serious injury, death, or destruction of property, including the coordination of these incidents with external investigative and prosecutive entities. Suspected misconduct is referred to CBP Intake for further investigation.

Use of Force

When CBP officers and agents use force, specially trained OPR personnel respond to the scene directed by an OPR Incident Commander. This team gathers facts and evidence related to the incident and prepares investigative reports. In cases involving deadly force or serious injury, the Incident Commander coordinates with local, state, and other federal authorities that also have investigative jurisdiction to ensure the investigation is thorough and complete.

CBP reviews all use of force cases through a review board concept. Administrative in nature, the review board process begins after the initial criminal review is complete. Review boards can make recommendations regarding tactics, training, equipment, and policy, which the boards refer to the appropriate CBP office for evaluation and feasibility assessment. The CBP Law Enforcement Safety and Compliance (LESC) Directorate tracks recommendations. Suspected misconduct is referred to the CBP Intake Center for further investigation. Ultimately, the component program office takes any potential disciplinary action in coordination with HRM, if appropriate. (See Table 6 for additional information.)

The National Use of Force Review Board (NUFRB) reviews all significant use of force incidents, including those involving the use of firearms, and uses of force that result in serious bodily injury or death. Chaired by the Executive Director of the LESC, the NUFRB contains seven voting members who are senior management officials from US Border Patrol (USBP), OFO, Air and Marine Operations (AMO), Laboratory and Scientific Services, ICE OPR, DHS Office of Civil Rights and Civil Liberties, and the Civil Rights Division of the Department of Justice. Non-voting members include subject matter experts from OPR and CBP's Office of Public Affairs, the Office of Chief Counsel, and the Office of Human Resources Management.

The Local Use of Force Review Boards (LUFRB) review all less-lethal use of force incidents not addressed by the NUFRB. Chaired by an OPR Supervisory Criminal Investigator, the LUFRBs are composed of three voting members from CBP's law enforcement components AMO, USBP, and OFO. The LUFRBs also include non-voting members from the Office of Chief Counsel and the Law Enforcement Safety and Compliance Directorate. The boards use subject matter experts to assist in the reviews to provide technical explanations when needed.

In Custody and Other Deaths

The 2013 Death in Custody Reporting Act requires all federal law enforcement agencies to submit to the Department of Justice's Federal Death in Custody Reporting Program, information about the death of any person who is:

1. Detained, under arrest, or in the process of being arrested by a federal law enforcement officer (or by a state or local law enforcement officer while participating in a federal law enforcement operation, task force, or other capacity).
2. Being transported to, incarcerated at, or detained at any:
 - a. Facility (including immigration or juvenile facilities) pursuant to a contract with a federal law enforcement agency,
 - b. State or local government facility used by a federal law enforcement agency,
 - c. Federal correctional or pre-trial detention facility located within the United States.

A death is CBP-related if it occurs with a nexus to CBP operations, CBP assets, or within CBP controlled facilities, regardless of whether the death occurred in custody or not in custody. CBP uses the following criteria to differentiate between in custody and not in custody deaths and reporting requirements, as they pertain to CBP operations.

Figure 3: Definitions of In Custody and Other Deaths

In Custody (Reportable)	Not in Custody (Reportable)	Not Reportable
Subject dies in the process of being physically detained by CBP	Subject dies while attempting to elude CBP but not being actively pursued (including falls from border barriers)	Subject discovered in medical distress and dies in the field or en route to hospital (not in a CBP vehicle)
Subject dies after being detained or arrested or while being escorted to a CBP vehicle	Subject dies before, during, or after primary or outbound inspection at a port of entry (unless referred to secondary or due to use of force)	Subject discovered in medical distress and dies during initial lifesaving efforts at hospital
Subject dies due to vehicle collision, is struck by a vehicle, or dies by any other means while being actively pursued by CBP	Subject dies before, during, or after primary inspection at a USBP checkpoint (unless referred to secondary or due to use of force)	Remains discovered by CBP personnel
Subject dies due to actions of CBP while attempting to detain or arrest subject (e.g., struck by CBP vehicle)	Subject that is not detained or arrested dies while being transported in a CBP-owned vehicle or other conveyance with the sole purpose of obtaining immediate medical care	Discovery of deceased individuals by other agencies
Subject dies while being transported by, or in the custody of, a CBP contractor	Subject dies while processing of import/export paperwork or while paying import/export fees	Deaths resulting from an enforcement action in which CBP personnel did not participate
Subject dies in a CBP holding facility or in route to a CBP holding facility		Subject found deceased by CBP personnel in connection with a search and rescue operation
Subject dies as a result of any use of force by CBP personnel		
Subject dies while undergoing secondary inspection or detained by CBP personnel for any other reason		
Subject dies after being admitted to a medical facility while still in CBP's legal custody		

OPR conducts a review of any death that occurs with a connection to CBP operations CBP assets, or within BP-controlled facilities, regardless of whether the death occurred in custody or not in custody. OPR initiates the review upon notification of a CBP-related death from a CBP operational component. In response, the OPR field office in that area of responsibility activates designated on-duty criminal investigators to respond to the scene to document the circumstances surrounding the incident and begin the investigation. A headquarters-based Death Review Team oversees each review to ensure consistency and completion and to provide the responding agents with operational support.

The purpose of each death review is to:

- Initiate a review and document the facts and circumstances surrounding the incident.

- Ensure compliance with relevant rules, regulations, and laws.
- Identify any potential gaps in training, policy, or procedure to mitigate incidents in the future.
- Initiate misconduct case if warranted.

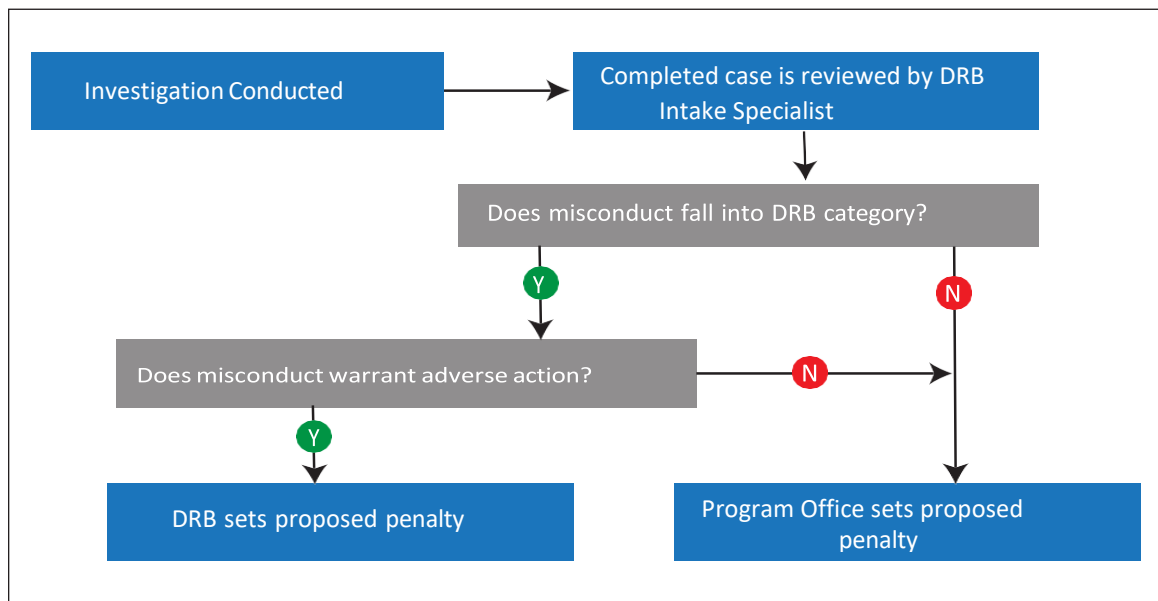
OPR drafts Congressional and public notifications of deaths in custody, assists the Offices of Public Affairs and Congressional Affairs in responding to inquiries, and publishes an annual report to Congress and a companion report for public release.

Employee Accountability and Discipline

Once the investigation, inquiry, or management review of an allegation is complete, deciding officials thoroughly reviews materials to determine whether the report and evidence collected substantiates the allegation. HRM then transfers the case to the appropriate official to propose discipline, whether that is the Discipline Review Board (DRB) or the employee's local management. The DRB considers cases based on the following types of misconduct. Other misconduct not identified below is handled by local management.

- Senior Executive Service misconduct
- Significant public, Congressional, or media interest
- Out of Policy National Use of Force Review Board Determinations
- Accidental discharge of a weapon that results in injury
- Drug Trafficking
- Noncitizen/migrant smuggling
- Bribery
- Possession/Use of Illegal Drugs (excludes positive drug tests)
- Intentional Disclosure of Sensitive Information
- Driving Under the Influence (DUI) with Aggravating Factors or Multiple DUIs
- Serious Criminal Activity
- Domestic violence (includes arrests and resulting indefinite suspension)
- Dishonesty
- Serious white-collar crimes
- Adverse findings of sexual abuse of detainees by CBP employees in CBP holding facilities or violations of associated sexual abuse policies and violations of civil rights or civil liberties; or
- Adverse findings of discriminatory or retaliatory conduct by CBP employees in violation of Equal Employment Opportunity or merit systems protection laws.

Figure 4: Discipline Intake Process



In accordance with CBP’s Delegations of Authority, the authority to propose or decide disciplinary action is generally delegated to supervisory and managerial officials at the lowest organizational level. In August 2023, CBP established a centralized group of Deciding Officials to decide disciplinary actions proposed by the DRB. The final disposition of proposed discipline taken at the local level is determined by a deciding official in the employee’s chain of command unless a conflict of interest exists. Discipline, whether formal or informal action, is imposed to deter misconduct that affects the efficiency of the service and to encourage conduct that complies with the Agency’s standards of conduct, standard operating procedures, policies, and office practices. Formal disciplinary actions include reprimand, suspension, demotion, last chance agreement¹ (LCA), and removal from federal service. Informal action refers to oral or written counseling.

In accordance with 5 U.S.C. § 7513(a), Cause and Procedure, HRM and component management ensure that the employee’s rights are preserved throughout the discipline process and that all decisions rendered are fair, consistent, and for “such cause as will promote the efficiency of the service.”

¹ In a Last Chance Agreement, the employee’s removal is held in abeyance for the duration of the agreement period and the employee serves a suspension. If the employee commits misconduct during the LCA period, the removal is effected immediately.

Part II: Fiscal Year 2023 By the Numbers

Intake

CBP Intake received **9,376** reports in FY 2023, a 10 percent decrease from the **10,371** reports received in FY 2022. Table 2 lists the reports by type.

Table 2. Reports Received by CBP Intake FY 2022 vs. FY 2023

Intake by Type	FY 2022	FY 2023	Percent Change
Criminal Misconduct	902	763	-10%
Non-Criminal Serious Misconduct	5,059	3,974	-21%
Administrative Misconduct	3,055	3,304	+8%
Information Received	1,207	966	-20%
Interagency Cooperation/Referral	148	369	+139%
Total	10,371	9,376	-10%

Eighty-six percent of the 9,376 reports to CBP Intake in FY 2023 (8,041) indicated criminal, serious, and administrative misconduct. Table 3 shows this is 11 percent lower than FY 2022, although the percentage of overall reports received is nearly the same (reports indicative of misconduct received in FY 2022 represented 87 percent of all reports received or 9,016 of 10,371).

Reports classified as Information Received are closed with no action warranted. Reports classified as Interagency Cooperation/Referral relate to individuals and/or issues outside CBP's jurisdiction, which are referred to the appropriate law enforcement agency.

Table 3. Reports Indicative of Misconduct FY 2022 vs. FY 2023

	FY 2022	FY 2023	Percent Change
Reports Indicative of Misconduct:			
Criminal Misconduct			
Non-Criminal Serious Misconduct	9,016	8,041	-11%
Administrative Misconduct			

Once documented and categorized, CBP Intake routes the reports to the appropriate DHS, CBP, or other entity based on issue type and severity. Table 4 lists the routing of the 8,041 matters reported to CBP Intake indicative of criminal, serious, and administrative misconduct.

Table 4. Case Activity Post Intake FY 2023

Action	Cases
Cases opened for investigation by CBP OPR	880
Cases retained for investigation or review by DHS OIG	77
Cases opened for administrative inquiry by the CBP Fact Finder Program	100
Cases of lesser administrative misconduct referred to CBP program management for review/action	6,624
Cases referred to other law enforcement agencies	45
Cases closed because no investigation or action warranted	315
Total	8,041

Employee Arrests

Employees are required to report to CBP Intake instances in which they are arrested, cited, detained, or indicted for violations of law. For ease of discussion, we collectively refer to these instances as arrests.

Upon receipt by CBP Intake, OPR opens an investigation to document the facts and circumstances surrounding the arrest. OPR further investigates to determine whether there is any connection to the workplace and if the employee also violated any policies, rules, or procedures. OPR forwards the results of the administrative investigation to HRM for disposition.

CBP Intake received 246 reports of employee arrest in FY 2023², nearly 10 percent more than the 224 arrests reported in FY 2022. These are included in the total intake described above and also appear in Table 5 by category according to the nature of the offense.

- Nearly half (48 percent) of all arrests reported to CBP Intake are in the Drug/Alcohol Related Misconduct category. These include a range of offenses, but primarily involve employees operating motor vehicles under the influence of alcohol and drugs, public intoxication, and possession of controlled substances.
- 20 percent of all arrests were in the Domestic/Family Misconduct category and involved the employee inflicting physical violence upon his or her spouse, ex-spouse, co-habitant, domestic partner, or date. This does not include violence inflicted upon children.
- Just 2 percent of all reported arrests were in the Corruption category, however the criminal activity is the most significant, as it involved the employee misusing his or her official position for personal gain.
- 8 employees were arrested more than one time during FY 2023.

² Arrests reported, retrieved, and current as of 12/1/2023.

Table 5. Employee Arrests Reported to CBP Intake in FY 2022 and FY 2023

Arrest Offense Category	FY 2022	FY 2023
Corruption Illegal activity for personal gain that involved the misuse or abuse of the knowledge, access, or authority granted by virtue of official position or that violated or facilitated the violation of the laws that CBP enforces.	3	5
Assault Any willful attempt or threat to inflict injury upon another person. Excludes domestic or sexual assault or adults and any assault of children.	15	9
Civil Rights Violations Actions that violate the rights afforded by the U.S. Constitution, particularly civil liberties, due process, equal protection under the law and freedom from discrimination. This includes actions on duty.	3	1
Crimes Involving Children Any illicit activity involving a child under the age of 18 including sexual acts.	10	11
Domestic/Family Misconduct Physical violence inflicted upon or disturbances that involves an adult spouse, ex-spouse, co-habitant, domestic partner, or date.	43	50
Drug/Alcohol Related Misconduct Range of violations involving drugs and alcohol, primarily operating a vehicle under the influence of alcohol, public intoxication, and possession of controlled substances.	98	118
Impeding the Criminal Justice System Range of actions that inhibit the practices and institutions of government directed at upholding social control, deterring and mitigating crime.	5	8
Minor Offenses Nuisance offenses including disorderly conduct, public urination, and fighting.	3	4
Miscellaneous Misconduct Arrests not otherwise classified.	7	2
Property Crimes Array of criminal activity involving the destruction, damage, or theft of material property.	10	9
Sexual Misconduct Any type of illicit activity of a sexual nature committed by or upon an adult.	3	5
Threatening Behavior Threatening, harassing, and stalking others.	2	3
Traffic/Driving Misconduct Violations that do not involve alcohol.	7	10
Violent Crimes Any act which results in serious harm and/or injury to another person. Excludes all crimes against children and sexual violence against adults.	2	0
Weapons Violations Primarily relating to firearms.	8	7
White Collar Crime A variety of non-violent crimes typically committed for financial gain.	5	4
TOTAL REPORTED ARRESTS	224	246

Despite the requirement to report, employees sometimes delay reporting and, in some cases fail to report such arrests. As a result, the numbers listed here represent all arrests reported as of the date the data was queried. If arrests are reported later or are identified via OPR’s continuous evaluation research program, OPR adds them to the FY count in which the event took place. A portion of the arrests described above are the result of investigations carried out by OPR.

OPR publishes [Reported Employee Arrest Data](https://www.cbp.gov/newsroom/stats/reported-employee-arrests) monthly on the CBP Accountability and Transparency page of the CBP public website (<https://www.cbp.gov/newsroom/stats/reported-employee-arrests>).

OPR Investigative Activity

OPR opened 880 new investigations based on reports made to CBP Intake during FY 2023.

This is 17 percent less than the 1,059 cases opened in FY 2022. The decrease reflects the lower number of reports to CBP Intake and OPR’s continued efforts to prioritize criminal and serious misconduct and refer lesser administrative matters to CBP program offices for management review.

OPR completed 885 investigations during FY 2023. This includes some cases opened in previous fiscal years and is 10 percent more than the 803 investigations OPR completed in FY 2022.

Table 6. OPR Investigative Activity FY 2022 and FY 2023

Investigative Activity	FY 2022	FY 2023	Percent Change
Investigations Opened	1,059	880	-17%
Investigations Completed	803	885	+10%

OPR’s investigative activity resulted in:

Table 7. OPR Investigative Outcomes FY 2023

Investigative Outcomes	
10 Indictments	\$6,625 in fines/fees/restitution/special assessments
12 Arrests	193 Personnel Actions
2 Convictions	1 Employee Debarment

OPR Oversight Activity

Use of Force

OPR initiated 1,068 use of force review cases in FY 2023.

- 24 resulted in serious injury or death
- 1,044 incidents involved less lethal force or no serious injury or death

CBP convened three NUFRBs in FY 2023 and reviewed eight cases. The cases involved 10 officers/agents and 12 uses of force which resulted in serious injury or death. Table 8. Lists the results of the NUFRBs.

Table 8. National Use of Force Review Board FY 2023

Outcomes	Number
Uses of force within policy	10
Uses of force outside policy	2
Incidents in which other misconduct referred to CBP Intake	1
Recommendations for tactics, training, policy, or equipment	6

CBP convened 57 LUFRBs during FY 2023 and reviewed 781 cases involving less lethal force or no serious injury or death. Table 9 provides the results of the LUFRBs.

Table 9. Local Use of Force Boards FY 2023

LUFRB Outcomes	Number
Uses of force within policy	751
Uses of force outside policy	30

Employee Drug Testing

CBP is committed to the Drug Free Workplace Program and mandates a drug-free workplace even though there are several states that have legalized the use of marijuana. As the guardians of our nation’s borders, CBP is the leader among other federal agencies in the interdiction of illegal drugs. As a result, illegal drug use is unacceptable. Although the number of tests conducted has varied, the rate of employees testing positive for drugs has consistently remained extremely small.

Employees in Testing Designated Positions are subject to selection for random drug testing. System algorithms use a statistically valid stratified sampling method to randomly select locations and employees within each selected location.

In FY 2023, CBP conducted 9,434 random drug tests, a 13 percent increase from FY 2022. Of these, 21 employees tested positive for the following substances: marijuana (9), amphetamines (7), cocaine (4), and semi-synthetic opioids (1). Three employees refused the drug test, which is considered a positive result.

Employee Accountability and Disciplinary Outcomes

HRM received and closed 10,196 complete cases³ from OPR and CBP component management in FY 2023. This is a 4 percent increase from the number of cases received, adjudicated, and closed in FY 2022 (9,779).

- CBP program management determined that 54 percent of the allegations were not supported by a preponderance of the evidence and did not warrant disciplinary action.

Table 10 lists the disciplinary actions in FY 2023.

- 15 percent (1,531/10,196) cases resulted in formal disciplinary action from a reprimand to removal from federal service.
- 31 percent (3,162/10,196) cases resulted in informal disciplinary action in the form of verbal or written counseling.

Table 10. FY 2023 Disciplinary Actions

Formal Disciplinary Actions	
Type	Number of Cases
Removal	77
Termination during Probation	98
Last Chance Agreement	17
Demotion	15
Indefinite Suspension	23
Adverse Suspension (15 days or more)	68
Non-adverse Suspension (1-14 days)	447
Reprimand	786
Informal Disciplinary Actions	
Counseling	3,162
Total Disciplinary Actions	4,693

Disciplinary Outcomes Related to Employee Arrests

HRM received completed reports of investigation on 157 of the 246 arrests reported to CBP Intake in FY 2023. Table 11 lists the outcomes for the employee arrests⁴.

³ As of 9/30/2023.

⁴ As of 1/16/2024.

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Table 11. Disciplinary Outcomes Related to FY 2023 Employee Arrests

Arrest Category and Outcomes	# of Cases	Arrest Category and Outcomes	# of Cases
Corruption	5	Miscellaneous Misconduct	2
Still under investigation	5	Action unwarranted	2
Assault	9	Property Crimes	9
Action pending	2	Action pending	1
Counseling	1	Action unwarranted	1
Still under investigation	6	Still under investigation	6
		Termination	1
Civil Rights Violations	1	Sexual Misconduct	5
Still under investigation	1	Action pending	1
		Still under investigation	4
Crimes Involving Children	11	Threatening Behavior	3
Action pending	1	Action pending	1
Still under investigation	9	Still under investigation	2
Reprimand	1		
Domestic/Family Misconduct	50	Traffic/Driving Misconduct	10
Action pending	16	Action pending	3
Action unwarranted	3	Action unwarranted	2
Adverse suspension	1	Hold	2
Combined with another case	1	Non-adverse suspension	1
Hold	2	Still under investigation	1
Non-adverse suspension	2	Removal	1
Still under investigation	23		
Resignation	1		
Retirement	1		
Drug/Alcohol Misconduct	118	Weapons Violations	7
Action pending	55	Action pending	2
Action unwarranted	3	Action unwarranted	1
Adverse suspension	7	Non-adverse suspension	1
Combined with another case	11	Still under investigation	3
Counseling	1		
Hold	2		
Non-adverse suspension	19		
Still under investigation	13		
Removal	2		
Reprimand	1		
Resignation	3		
Termination	1		
Impeding the Criminal Justice System	8	White Collar Crime	4
Action pending	2	Action pending	1
Still under investigation	6	Still under investigation	3
Minor Offenses	4		
Action pending	1		
Action unwarranted	1		
Counseling	1		
Still under investigation	1		

Disciplinary Outcomes Related to Uses of Force

HRM received reports for 31 of the 33 use of force incidents that were deemed outside policy or referred to CBP Intake for other misconduct. (See Table 8 and Table 9.) Table 12 lists the disciplinary actions or status. Nineteen of the 30 cases did not warrant action. All 3 of the uses of force resulting in serious injury or death are pending either with the Discipline Review Board or are still open for investigation⁵.

Table 12. Disciplinary Outcomes Related to FY 2023 Use of Force Incidents Outside Policy/Referred to the JIC

Disciplinary Outcomes	Less Lethal Uses of Force (LUFRB)	Significant Injury/Death Uses of Force (NUFRB)
Disciplinary Action Unwarranted	19	0
Disciplinary Action Pending	6	0
Counseling	3	0
Reprimand	1	0
Case Pending	1	3
Total Cases Outside Policy/Referred to CBP Intake	30	3 (2/1)

Disciplinary Outcomes Related to Positive Drug Tests

HRM received reports on all the 21 positive drug tests and the 3 refusals; Table 13 lists the outcomes. Fifteen cases resulted in the employee leaving CBP either by removal, termination during a probationary period, or through resignation⁶.

Table 13. Disciplinary Outcomes Related to FY 2023 Positive Drug Tests

Disciplinary Outcomes	Cases
Removals	6
Probationary Terminations	2
Resignations	7
Disciplinary Action Pending	8
Case Pending	1
Total Number of Positive Drug Tests (including refusals)	24

⁵ As of 3/20/2024.

⁶ As of 3/20/2024.

New and Noteworthy in FY 2023

Body Worn Camera Footage

OPR special agents (SAs) frequently respond to critical incidents, especially those involving serious bodily injury or the use of deadly force. Upon arriving at the scene, OPR SAs ensure the scene is safe and secure, ensure medical assistance is provided, coordinate with other law enforcement partners, separate subjects and witnesses, collect evidence, and document the scene in its entirety. As part of this process, OPR SAs seize all BWCs that captured footage during the incident. That footage is uploaded to the cloud-based storage system immediately, and OPR SAs view the BWC footage as part of the investigative process. OPR SAs conduct interviews of all witnesses to the incident. OPR SAs also request a voluntary statement from the employee/subject involved in the incident.

When OPR SAs conduct an interview of the employee/subject involved in the incident, OPR SAs conduct a cognitive interview of the incident with the employee. After the employee's initial statement, the employee views his or her own BWC footage with the OPR SAs for memory recall. The employee then continues their interview and provides additional information to their statement. OPR SAs conducting a bifurcated administrative inquiry into the incident, despite any potential criminal charges pending against the employee/subject involved in the incident, may conduct a compelled interview, per collective bargaining union agreements.

During FY 2023, the Investigative Operations Directorate (IOD) publicly released BWC footage of three critical incidents, which were documented by U.S. Border Patrol agents (BPAs) wearing and activating their assigned BWCs during a deadly use of force incident. CBP is committed to the expeditious release of the BWC footage of all incidents as soon as it is appropriate to do so, without impacting the ongoing law enforcement investigation. This policy aligns with the May 25th, 2022, Executive Order on Advancing Effective Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

Below is a summary of the three incidents released from FY 2023. For each of the following incidents, OPR will assess compliance with policies on the part of the BPAs involved in this incident. At the conclusion of OPR's review, CBP's National Use of Force Review Board (NUFRB) will review each incident:

1. On May 18, 2023, USBP Ajo Border Patrol Station BPAs responded to a Tohono O'odham Nation Police Department (TOPD) request for assistance regarding a report of shots fired near a residence west of the Menagers Dam Village, Arizona. BPAs met with a TOPD officer and followed him to the residence. The TOPD officer and BPAs encountered a male individual outside the residence. The individual threw a sheathed machete toward the officer, which landed a few feet from the officer's feet, as they approached. The man abruptly extended his right arm away from his body and three BPAs fired their service weapons striking the individual several times. The man fell to the ground and BPAs administered lifesaving efforts; however, a doctor telephonically pronounced the man deceased at the scene.

2. On April 2, 2023, BPAs observed a sports utility vehicle circumvent a USBP checkpoint located on Interstate 10, about 23 miles west of Las Cruces, New Mexico, and initiated a vehicle pursuit. Upon terminating the vehicle pursuit, the driver exited the vehicle and began walking away while being confronted by BPAs. For several minutes, BPAs walked with the driver while attempting to persuade him to stop. A BPA then moved in to attempt to physically restrain the driver and the driver advanced to meet the BPA. The driver fell to the ground, swinging a wooden club multiple times and striking the BPA on the ground. The driver struck the BPA a second time as he stood over him and was preparing to do so again when three of the BPAs on scene fired their CBP-issued firearms, striking the driver. The driver was pronounced deceased at the scene of the incident.
3. On March 14, 2023, a USBP remote camera operator observed multiple suspected undocumented migrants load into a BMW sedan, approximately one mile north of the Port of Entry at Sasabe, Arizona. A few miles north, two BPAs observed the BMW pass their location driving northbound and began to follow. The BPAs activated their emergency equipment to conduct a vehicle stop. The BMW failed to yield, and a pursuit ensued. The BMW turned westbound down Brown Bear Canyon Road, and the agents continued to pursue the vehicle. The driver of the BMW turned the vehicle to the south 3.8 miles west of SR 286, while attempting to turn around. BPAs exited their vehicles and approached the BMW. One BPA reached into the vehicle as the vehicle moved in reverse. The driver of the BMW continued to move the vehicle backwards as the BPA attempted to hold the driver's left arm. The vehicle stopped, and the driver changed gears and started turning the steering wheel with his right hand while the BPA was holding him by his left forearm, which was outside and below the driver's side window. The BPA drew his CBP-issued handgun and fired one time, fatally striking the driver of the BMW.

Robb Elementary School Shooting Investigation

On May 24, 2022, CBP personnel responded to a request for assistance from the Uvalde Police Department regarding a reported shooter at Robb Elementary School. The shooting resulted in the deaths of 21 individuals and the injury of 17 others. OPR received information concerning the CBP response to the shooting at the school, which included CBP's use of force. In May 2022, OPR assembled a team of investigative, operational, technical, analytical, and legal experts. The team reviewed available video evidence; interviewed CBP personnel; examined publicly available materials; researched commonly accepted practices for critical incident planning, preparing, and training; and analyzed other findings from prior active shooter events.

OPR investigators who interviewed those who went inside Robb Elementary School completed specialized interview training focused on trauma informed cognitive interview techniques. Starting in February 2023 and concluding in August 2023, OPR interviewed 193 CBP employees in connection with this critical incident review. OPR compiled the investigative findings and submitted its Case Closing Report to the Commissioner. CBP publicly released the OPR Case Closing Report on September 12th. Before releasing the report, OPR met with victims' families and CBP employees to discuss the report in a respectful and dignified manner.

OPR Hiring Initiative

In FY 2023, OPR continued expanding its investigative operations as part of the 350 positions included in the FY 2022 Congressional appropriation. This expanded mission set included increased capacity for review of critical incidents, procurement fraud, Prison Rape Elimination Act (PREA) and sexual assault expertise, and more proactive investigations. OPR expanded its recruitment outreach to target applicants with diverse backgrounds and experience levels via in-person and virtual events at venues throughout the United States. OPR achieved 83 percent of the Congressional appropriation hiring target in 2023, filling vacancies in both law enforcement and non-law enforcement positions.

In April 2023, OPR IOD received 1811 Criminal Investigator Direct Hire Authority from the Office of Personal Management (OPM). This authorization allows applicants from excepted service agencies (such as Naval Criminal Investigative Service, Federal Bureau of Investigations [FBI], etc.) to apply for OPR Criminal Investigator positions, thereby increasing the diversity and qualifications of our applicant pool. This authority runs through September 20, 2025, or until OPR IOD fills all 1811 Criminal Investigator positions.

OPR Criminal Investigator Training

To support OPR's expanded mission of significant incident scene response, processing, and investigation, OPR continued to train its criminal investigators in several related disciplines. Throughout Fiscal Year 2023, OPR criminal investigators completed the following training:

- Basic 80-hour Crime Scene Investigations (CSI) – 52 criminal investigators trained
- Advanced CSI – 27 criminal investigators trained
- FLETC's 7-week CSI – 1 criminal investigator trained
- Advanced photography – 13 criminal investigators trained
- Shooting Incident Reconstruction – 36 criminal investigators trained
- Traffic Collision Investigation, Basic – 26 criminal investigators trained
- Traffic Collision, Advanced – 23 criminal investigators trained
- Vehicle Dynamics – 21 criminal investigators trained
- Traffic Crash Reconstruction, Levels 1 & 2 – 4 criminal investigators trained
- Death Investigation – 10 criminal investigators trained

External Stakeholder Engagement

In the *Report on Internal Investigations and Employee Accountability, Fiscal Year 2021*, CBP introduced OPR's newly defined core mission areas: Investigations, Oversight & Review, Protective Operations, and Prevention & Awareness. Unmistakably the most important element in CBP's endeavor to increase transparency and accountability is external stakeholder engagement, a critical function in OPR's Prevention & Awareness mission and a key initiative across CBP and highlighted in the *2023 CBP Integrity and Accountability Strategy*.

In FY 2023, CBP increased its stakeholder engagement efforts regarding incidents that prompted widespread public concern, to include critical incident and in custody deaths. As part of CBP's commitment to transparency and in coordination with CBP's Intergovernmental Public Liaison, Office of Congressional Affairs and Office of Public Affairs, OPR participated in several information sharing events with Members of Congress, Non-Governmental Organizations (NGOs), and the media. Most notable for OPR in FY 2023 was its participation in key NGO events, including an inaugural OPR event in September. These events provided information to update and educate stakeholders on matters ranging from the transfer of CBP's critical incident response capability to OPR, the mass shooting in Uvalde, Texas, and corruption in CBP.

CBP remains committed to transparency, accountability, and an effective dialog with stakeholders. As part of its FY 2024 strategy, CBP plans to increase the number of oversight briefings and information sharing, and host more educational events at OPR field office locations.

Part III: FY 2023 Notable Cases

The Report on Internal Investigations and Employee Accountability, Fiscal Year 2023 concludes with actual examples of employees who violated the Standards of Conduct, as well as applicable statutes, regulations, and rules governing conduct. Although the conduct described in the following pages is deeply troubling, only a small percentage of CBP's workforce engaged in this conduct. These case summaries demonstrate CBP's commitment to thoroughly investigating and bringing to justice agency personnel who violate the public's trust. In addition, these summaries highlight the effectiveness of CBP's misconduct reporting systems, cooperation with other investigative agencies, internal investigative capabilities, and our commitment to transparency.

The individuals in this section were arrested, indicted, or convicted, in FY 2023. Additionally, the section contains examples of employees who were subject to personnel action because of misconduct in FY 2023.⁷



CBP Intake received information alleging a Customs and Border Protection Officer (CBPO) employing a live-in caretaker with no legal documentation to work in the United States. OPR identified the individual who appeared to be working and/or living at the residence. The CBPO acknowledged to OPR she had knowingly admitted the female into the United States in violation of her immigration status. OPR arrested the CBPO for violation of 8 USC § 1324, Bringing in or Harboring Certain Aliens. The CBPO was sentenced to 3 years of supervised release, 150 hours of community service, and a \$1,500 fine. The CBPO later resigned.



OPR received information regarding an individual detained for violating his non-immigrant visa status. The individual alleged to be working for a BPA, driving trucks for the BPA's family trucking company. OPR determined that United States transportation companies are allowed to hire nonimmigrant visa drivers to transport goods, but only under certain conditions. The BPA involved in the hiring the drivers did not meet these conditions and created fraudulent documents to secure I-94, Arrival and Departure Permits, for the nonimmigrant visa cardholders. The BPA medically retired, and the OPR arrested the BPA, who later pleaded guilty to violation of 18 USC § 371, Conspiracy to Commit Offense or Defraud the United States. The sentencing for the BPA is pending, and the court has not yet set a sentencing date.



OPR received information regarding an altercation between a CBPO and a member of the traveling public. A review of video surveillance shows the CBPO forcing the traveler headfirst into a row of chairs and twisting his arm behind his back. The traveler refused medical attention and was allowed to enter the United States. The grand jury issued a true bill indictment returned for allegedly violating 18 USC § 242, Deprivation of Rights Under Color of Law, two counts, and 18 USC §1519, Destruction, Alteration,

⁷ All outcomes are current as of 09/06/2024.

or Falsification of Records in Federal Investigation, one count. OPR and DHS OIG arrested the CBPO, who was later suspended indefinitely. A bench trial resulted in a guilty verdict on all counts. Sentencing is pending.



In conjunction with the FBI Border Corruption Task Force (BCTF) and DHS OIG, OPR investigated an allegation that a BPA stole \$500 USD from an undocumented non-citizen's (UNC) personal property as he escorted her to the port of entry for a voluntary return to Mexico. The UNC stated that the BPA told her he could get her back into the United States for \$5000 USD. The BPA obtained her cellular phone number, called her several times, and ultimately provided her with the date, time, and location to arrive to enter the United States. On the designated day, while off-duty and in uniform, the BPA approached two CBP employees near the limit line and stated that he needed to speak to the female UNC. The BPA escorted her around the inspection area and into the United States, advising her that he would accept payment once at the vehicle. Before arriving at the vehicle, OPR, FBI, and DHS OIG arrested the BPA. The BPA resigned from his position and was indicted for violations of 18 USC § 1343 and 1346, Wire Fraud Deprivation of Honest Services of a Public Official; 18 USC § 201, Bribery of a Public Official; and 8 USC § Bringing in Certain Aliens. The BPA pleaded guilty to 18 USC § 201, Bribery of a Public Official, and the other charges were dismissed. He was sentenced to 18 months imprisonment, one year of supervised release, and a \$100 assessment.



CBP Intake received information alleging a BPA maliciously sent sexually explicit pictures of a woman to third parties without her knowledge or consent. OPR contacted the Deputy County Attorney, who accepted the case for prosecution under statutes of Computer Tampering and Unlawful Disclosure of Images Depicting States of Nudity or Specific Sexual Activities. (Both violations are felonies under state law.) OPR provided testimony to the local Superior Court Grand Jury. The BPA was indicted under Computer Tampering, a class 5 felony, and two counts of Unlawful Disclosure of Images Depicting States of Nudity or Specific Sexual Activities, a class 4 felony. The court issued an arrest warrant. Following the arrest, the local police and OPR executed a search warrant at the residence of the BPA, which resulted in the seizure of several cell phones, digital media, computers, and various documents. Later, the CBP revoked the BPA's law enforcement authority, and he was suspended indefinitely. The court case is pending prosecutorial action.




CBP Watch contacted OPR regarding verbal threats made by a male subject against a BPA and his family. The BPA encountered the subject during a secondary inspection at a checkpoint. During the encounter, the subject became agitated and sped away from the checkpoint. The subject then fled on foot. The BPA and his canine then tracked the subject and found him hiding near a tree. The BPA described the subject's actions as threatening due to the subject having removed his shirt, wrapped it around his hands, and presenting himself in a fighting stance. After the BPA gave verbal commands, the subject became noncompliant and attempted to make physical threats toward the BPA. The subject lay on the ground, and another BPA handcuffed the subject. The subject continued to make verbal threats to the BPA to include that he would come back to get BPA and his family. Later, a United States Magistrate Judge found probable cause for violation 18 USC § 115 (a)(1)(B) and (b)(4), Threats to Assault an

Employee of the United States, and signed the criminal complaint in addition to issuing an arrest warrant and notice to appear to the subject. The subject was arrested and later pleaded guilty. He was sentenced to 8 months imprisonment and 36 months of supervised release.


OPR initiated an investigation pertaining to an allegation that a CBPO had provided false military orders to request leave. The CBPO allegedly submitted two military orders, requesting three days of military leave. OPR determined the military orders were fraudulent, and the CBPO was placed on leave restriction status because of excessive absences. The CBPO requested several days of sick leave and provided a fraudulent doctor's note. OPR reviewed previous military orders and doctors' notes and determined that the CBPO had provided fraudulent documents for a total of 95 hours of leave, for a total of \$3615.65. Later, a misdemeanor information was filed for 18 USC § 641, Theft of Government Property. During the CBPO's arraignment, he pleaded guilty to a misdemeanor information charging him with allegedly violating 18 USC § 641. The CBPO subsequently resigned from CBP. Ultimately, the CBPO was ordered to forfeit the \$3,615.65 and to pay a court fine of \$5,000 and a special assessment fee payment of \$25.00.

OPR and Homeland Security Investigations arrested a CBPO pursuant to a federal arrest warrant for allegedly violating 18 USC § 1343 – Wire Fraud. The CBPO allegedly defrauded a domestic airline by providing fraudulent military orders to obtain free travel via “buddy passes.” Following the arraignment of the CBPO, bond was set at \$75,000. The conditions of release include location monitoring, via an ankle monitor, and an order to refrain from transiting via airports. The CBPO was indefinitely suspended. The CBPO ultimately pleaded guilty to violating 18 USC § 641, Theft of Public Money by knowingly, willfully, and without lawful authority to embezzle, steal, purloin, and covert to his own use money and things of value of the United States and a department and agency thereof: to wit, money of CBP, the aggregate value of which exceeded \$1,000 by fraudulently using the benefit of Military Leave inclusive of the submission of counterfeit military orders. The CBPO was sentenced to 10 months imprisonment and 2 years supervised release. In addition, he was ordered to pay \$100,000 in restitution to the airline, \$3,000 in restitution, and a \$200 assessment.


OPR initiated an investigation of a Supervisory CBP Agriculture Specialist (SCBPAS) for multiple financial anomalies. The investigation revealed a disparity of at least \$1,550 every 4 weeks between his income and expenses. The SCBPAS and his spouse previously signed a theft affidavit with their homeowner's insurance company and submitted about \$865,308.52 of stolen items for reimbursement. The insurance company paid out \$127,876.39. OPR discovered that the SCBPAS and his wife had received three separate checks from the insurance company, totaling \$91,560.87. Later, the SCBPAS' wife admitted to creating and submitting false receipts to obtain compensation for the replacement of allegedly stolen items. The SCBPAS denied knowledge of the falsified receipts; however, he stated he had filed the claim with his insurance. The local District Attorney's Office received the case for review and accepted the case. A formal complaint was filed against the SCBPAS and spouse in violation of Fraudulent Insurance Claim (10 counts), Grand Theft (1 count), and Money Laundering (2 counts). OPR and local jurisdictions arrested the SCBPAS and his spouse. The SCBPAS and his spouse pleaded Not Guilty on the violations. The SCBPAS was indefinitely suspended. A pretrial hearing is scheduled for later in 2024.




An auditor failed to report for duty on multiple occasions. A management inquiry revealed that she also failed to complete the mandatory Regulatory Audit Basic Training course and to obtain an official government passport to travel internationally. The training course and the official government passport are conditions of employment. CBP removed the auditor in FY 2023.



A BPA on administrative duties (law enforcement authority was suspended) used a marked government owned vehicle (GOV) to follow a vehicle suspected of human smuggling. He placed the government owned vehicle diagonally in front of the suspect vehicle. He approached and detained the driver without having law enforcement authority nor supervisory approval. He denied witnessing the suspect vehicle loading the undocumented noncitizens, reporting the incident to dispatch, placing his hands on the driver and was not forthright on his exact location during the incident. The BPA was removed from CBP in FY 2023.



A Budget Analyst was arrested during FY 23 and charged with three counts of Misdemeanor Intoxicated Endangerment. During the police stop he stated he was a federal official, he was 'pretty high up in the food chain' and again stated he was federal employee. He also failed to timely report the arrest and provided inaccurate information regarding the arrest. In FY 2023, the Budget Analyst was removed from CBP.



A CBPO was charged criminally for an alleged use of excessive force incident in August 2019 and was placed on an indefinite suspension pending the outcome of the criminal case. The CBPO was convicted in September 2022, in the United States Court of one felony count of 18 U.S.C. § 242, Deprivation of Rights Under Color of Law and one felony count of 18 U.S.C. § 1519, Falsification of Records in Federal Investigation. As a result of this conviction, the CBPO was prohibited from possessing a firearm under 18 U.S.C. § 922(g)(l) and was removed from CBP in FY 2023.



U.S. Customs and Border Protection