



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

February 24, 2014

Esteban Manzanares
Border Patrol Agent
U.S. Customs and Border Protection
Rio Grande Valley Border Patrol Sector

(b) (7)(E)

Agent Manzanares:

In a letter that you received on July 30, 2013, Assistant Chief Patrol Agent (ACPA) **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** proposed that you be suspended from duty without pay for three (3) calendar days for the following charge: **NEGLIGENT PERFORMANCE OF DUTIES**.

I have given full and careful consideration to the notice of proposed disciplinary action, as well as the supporting material. I have noted that although you were given an opportunity to present an oral and/or written reply to the charge, you and your Union Representative **(b) (6), (b) (7)(C)** presented an oral reply on December 12, 2013. After much deliberation and careful review of the evidence presented before me, I find that the charges are sustained and that disciplinary action is warranted.

In reaching my decision, I considered the nature and seriousness of the misconduct in relationship to your duties and responsibilities as a Border Patrol Agent. You acknowledged in your oral reply that **(b) (5)** **(b) (5)** **(b) (5)** **(b) (5)** an Agent you are to remain cognizant of your surroundings and of the actions going on around you. **(b) (5)** **(b) (5)** **(b) (5)** **(b) (5)** However, as it is my intent to correct the behavior, I have decided to mitigate the penalty to a Letter of Reprimand as I believe this is the minimum action necessary to do so and promote the efficiency of the service.

Therefore, this Letter of Reprimand for **NEGLIGENT PERFORMANCE OF DUTIES** will be filed in your Official Personnel Folder (OPF) for a period not to exceed two years effective upon your receipt of this decision. This action is being taken for just and sufficient cause in order to promote the efficiency of the U.S. Customs and Border Protection.

I must caution you that any subsequent misconduct of any kind may result in a more severe penalty proposal.

You have the right to contest this action through one of the avenues outlined below. You may select only one avenue and your selection will be considered final on the date any dispute or complaint is filed.

1. You may file a grievance in accordance with Article 32(I)(1) of the Negotiated Agreement. A grievance must be filed within fifteen calendar days from the date you receive this letter.
2. If you believe this action is based on discrimination because of your race, color, religion, national origin, sex, age, disability, genetic information or reprisal, you may file a complaint with the U.S. Customs and Border Protection, Office of Diversity and Civil Rights (DCR), in accordance with the EEO discrimination complaint procedures found in 29 C.F.R. § 1614. If you believe this action is based on discrimination because of your sexual orientation or parental status, you may file a complaint pursuant to DHS' modified complaint procedure. In either situation, you must seek EEO counseling from your EEO Officer within 45 calendar days of the effective date of this action.

Please sign the receipt acknowledgment copy of this letter as evidence that you have received it. Your signature does not denote that you agree or disagree with its contents. By signing for receipt of the letter you do not forfeit any of your rights as cited above.

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

Division Chief Operational Programs

Acknowledgment Receipt:



Esteban Manzanares

March 11, 2014
Date

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

Witness

March 11, 2014
Date

Witness' Printed Name and Title: **(b) (6), (b) (7)(C)** Watch Commander



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

July 24, 2013

Mr. Esteban Manzanares
Border Patrol Agent
U.S. Customs and Border Protection
Rio Grande Valley Border Patrol Sector

(b) (7)(E)

Dear Mr. Manzanares:

In accordance with the provisions of 5 C.F.R. §752, I propose to suspend you from duty without pay for three (3) calendar days. A final decision concerning this proposal will be effected not earlier than ten (10) calendar days from the date you receive this notice. This action is proposed for the following misconduct:

CHARGE: NEGLIGENT PERFORMANCE OF DUTIES

Specification: On October 21, 2012, you were working with Border Patrol Agent (BPA) **(b) (6), (b) (7)(C)** responding to a request for assistance. After BPA **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)** apprehended a female undocumented alien (UDA) and placed her **(b) (7)(E)** of the government-owned vehicle (GOV), you both proceeded to drive to another report of traffic. BPA **(b) (6), (b) (7)(C)** exited the vehicle and walked away to join BPA **(b) (6), (b) (7)(C)**. You proceeded to the rear of the vehicle and opened the hatch to retrieve your binoculars. Leaving the hatch door open, you walked away from the GOV toward BPAs **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)** and the UDA absconded over the **(b) (7)(E)** and exited out the open rear hatch into the brush. **(b) (7)(E)**

In determining the appropriate action to propose in this matter, I considered the nature and seriousness of your actions, and its relationship to your duties as a Border Patrol Agent (BPA). As a BPA, you are held to a higher standard of conduct. **(b) (7)(E)**

(b) (7)(E)

(b) (7)(E)

(b) (5)

(b) (5)

I considered the circumstances which led to the escape, as well as your October 21, 2012 memorandum. While you did not apprehend the UDA and place her in the GOV, you became responsible for her when your partner, BPA **(b) (6), (b) (7)(C)** moved away from the vehicle. You then opened the rear hatch to retrieve your binoculars. Leaving the rear hatch open, you walked toward the other agents, allowing the UDA with sufficient time and means of escape. I also considered your November 29, 2012 interview with Field Operations Supervisor **(b) (6), (b) (7)(C)**

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

of the Critical Incident Response Team. In your interview you took full responsibility for the events that led to the escape and admitted that it might have slipped your mind that someone was in the backseat of the unit. I find that the escape was avoidable had you attended to the subject appropriately.

I considered your employment record and that you have no prior disciplinary actions. However,

(b) (5)

(b) (5)

Based on these considerations, I find that this proposal is warranted and if effected, will promote the efficiency of the service.

This is only a proposal. You have the right to reply to this proposal orally and/or in writing within ten (10) calendar days from the date you receive this notice and furnish affidavits and other evidence in support of your position to Deputy Chief Patrol Agent Woody A. Lee, c/o (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) phone (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Should you or your representative wish to make arrangements to schedule an appointment to present your response orally please contact (b) (6), (b) (7)(C) You are not restricted solely to the reason this action is proposed, but may plead extenuating circumstances or make any other representation that you consider appropriate.

You may be represented by an attorney or other representative when making your response. If you desire representation in this matter, you must designate your representative in writing, providing the full name and address of the individual. You should also include your representative's title and duty location if he or she is a Service employee. You should forward this designation to Deputy Chief Lee. You and your representative may request a reasonable amount of official time, not to exceed four (4) hours, if otherwise in an active duty status to prepare and present your response. You may ask Deputy Chief Lee for an extension of this review time of up to four (4) additional hours.

No decision regarding this proposal has been made, or will be made, until after the ten (10) calendar day reply period referenced above has expired. Full consideration will be given to any oral and/or written reply you or your representative submit, the proposal, and the material which management relied upon in preparing this proposal.

All material upon which this proposal is based is enclosed.

If you have any questions regarding this letter or your rights or procedures regarding this proposed action, you should contact (b) (6), (b) (7)(C)

Regards

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

Assistant Chief Patrol Agent

Enclosure

Acknowledgment Receipt:



Esteban Manzanares

7/30/2013

Date

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

Witness

7-30-2013

Date

Witness' Printed Name and Title: _____

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

Watch Commander



MANAGEMENT INQUIRY



ROSENDO HINOJOSA
CHIEF PATROL AGENT

INVESTIGATIVE REPORT
JIC: (b) (7)(E)

Escape
Re: Esteban Manzanares
October 21, 2012

The report herein represents a confidential investigation of U.S. Customs and Border Protection. Segments of this report contain *Sensitive Information* that pertains to the United States Border Patrol.

Improper promulgation of this report could seriously compromise operation integrity. Nothing in this report can be reproduced or disseminated without authorization from the Rio Grande Valley Sector Chief Patrol Agent.

ORIGINAL

MANAGEMENT



INQUIRY



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

(b) (7)(E)

December 17, 2012

MEMORANDUM FOR: U.S. Customs and Border Protection
Labor Employee Relations
Attn: **(b) (6), (b) (7)(C)**

FROM: Woody A. Lee
Deputy Chief Patrol Agent
Rio Grande Valley Sector

SUBJECT: Completion of JIC Case **(b) (7)(E)**

Attached is the completed Management Inquiry concerning an escape of undocumented alien from Border Patrol Agent Esteban Manzanares of the **(b) (7)(E)**.

Any questions regarding this case may be directed to **(b) (6), (b) (7)(C)** Assistant Chief Patrol Agent at **(b) (6), (b) (7)(C)**

(b) (5), (b) (6), (b) (7)(C)



(b) (7)(E), (b) (5)



Joint Intake Center Transmittal Form

Date November 1, 2012

Class 3 Management Referral

- Border Patrol
- Field Operations
- Internal Affairs
- Human Resources Management
- Strategic Trade
- Congressional Affairs
- Chief Counsel
- Public Affairs
- Training and Development
- Information and Technology
- Regulations and Rulings
- Office of the Commissioner
- Finance
- International Affairs
- Air and Marine


- The attached file(s) are referred to your office for appropriate action. You have the following options:
 - Assign a trained fact finder to complete an Administrative Inquiry Report (AIR);
 - Conduct a local management inquiry;
 - Initiate immediate management action; or
 - Close – No Action.

Note: A record corresponding to this referral has been created in the Joint Integrity Case Management System (JICMS). The record must be updated by servicing LER to document processing activity and any corrective action(s) taken.

Class 4 (Closed) Information Only

- The attached file(s) have been closed, and are referred to your office for information only. No further action is required. You have the following options:
 - Review for information only;
 - Assign a trained fact finder to complete an Administrative Inquiry Report (AIR);
 - Conduct a local management inquiry; or
 - Initiate immediate management action.

Note: A record corresponding to this referral has been created in the JICMS. As an Information Only referral, no updates are required. However, if management elects to initiate action, servicing LER is responsible for documenting processing activity and any corrective action(s) taken.

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</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>3. TITLE</p> <p>(b) (6), (b) (7)(C) SUPERVISORY BORDER PATROL AGENT/1611 Detainee/Alien - Escape/ (b) (7)(E) TX</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS</p> <p>Initial Report</p>	<p>6. TYPE OF REPORT</p> <p>Allegation</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC</p> <p>Escape of illegal alien from Border Patrol custody</p>		
<p>9. SYNOPSIS</p> <p>On October 21, 2012, the Joint Intake Center (JIC), Washington D.C., received a Significant Incident Report (SIR) documenting the escape of an illegal alien from the custody of a U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) after the alien was arrested near (b) (7)(E) TX. The agent was subsequently identified as Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C), (b) (7)(E) TX.</p>		
<p>10. CASE OFFICER (Print Name & Title)</p> <p>(b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>11. COMPLETION DATE</p> <p>22-OCT-2012</p>	<p>14. ORIGIN OFFICE</p> <p>Joint Intake Center</p>
<p>12. APPROVED BY(Print Name & Title)</p> <p>(b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>13. APPROVED DATE</p> <p>22-OCT-2012</p>	<p>15. TELEPHONE NUMBER</p> <p>(b) (6), (b) (7)(C)</p>
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001

10. NARRATIVE

DETAILS OF INVESTIGATION

On October 21, 2012, the Joint Intake Center (JIC), Washington D.C., received a Significant Incident Report (SIR) documenting the escape of an illegal alien from the custody of a U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) after the alien was arrested near (b) (7)(E) TX. The agent was subsequently identified as Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C), (b) (7)(E) TX.

The following is a re-creation of the narrative section of the SIR.

<BEGIN>

On October 21, 2012, at approximately 2:13 p.m., agents assigned to the (b) (7)(E) Texas Border Patrol Station encountered several subjects near the Rio Grande River south of (b) (7)(E) Texas. A female subject was apprehended and secured inside a service Tahoe (b) (7)(E). The apprehending agent opened the rear hatch of the Tahoe to retrieve equipment and left it open as he returned to the front of the vehicle. The female subject climbed over the rear seat and escaped through the open hatch. Agents observed the female running into high brush toward the river and immediately began a search. Agents observed approximately seven subjects (b) (7)(E) (b) (7)(E) but the female was not among them. Additional agents, (b) (7)(E), and a (b) (7)(E) searched the area (b) (7)(E).

<END>

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001

None

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

1. DATE OF INCIDENT: 10/21/2012			LOCATION OF INCIDENT:			SIR NUMBER:		
TIME OF INCIDENT: 2:13 PM			(b) (7)(E) TX			(b) (7)(E)		
REPORTED TO COMMISSIONER'S SITUATION ROOM VIA PHONE ON:								
DATE: 10/21/2012			TIME: 5:13 PM			TO: (b) (6), (b) (7)(C)		
2. REPORTING OFFICE: Office of Border Patrol			DFO/SECTOR: Rio Grande Valley Sector			POE/STATION: (b) (7)(E)		
PERSON MAKING REPORT:			(b) (6), (b) (7)(C)					
OFFICE PHONE: (b) (6), (b) (7)(C)			CELL PHONE:			FAX NUMBER:		
POINT OF CONTACT:			(b) (6), (b) (7)(C)					
OFFICE PHONE: (b) (6), (b) (7)(C)			CELL PHONE:			FAX NUMBER:		
3. Type of Incident: <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY								
<input type="checkbox"/> Terrorist Related	<input type="checkbox"/> Shots Fired at or by an Employee	<input type="checkbox"/> Significant Agricultural Event	<input type="checkbox"/> Suicide Attempt					
<input type="checkbox"/> Employee Arrested	<input type="checkbox"/> Canine Incident	<input type="checkbox"/> Conveyance/Aircraft Incident	<input type="checkbox"/> Media Interest					
<input type="checkbox"/> Employee Assaulted	<input type="checkbox"/> Significant Seizure	<input type="checkbox"/> Foreign Military/Police Incursion	<input type="checkbox"/> Crew Deserters					
<input type="checkbox"/> Employee Death	<input type="checkbox"/> Significant Arrest/Detention	<input type="checkbox"/> Bomb Threat	<input checked="" type="checkbox"/> Escape					
<input type="checkbox"/> Employee Injury	<input type="checkbox"/> Non-Employee Injury/Death	<input type="checkbox"/> Facility Disruptions	<input type="checkbox"/> Other					
<input type="checkbox"/> Radiation Detection Event	<input type="checkbox"/> Rescue	<input type="checkbox"/> Technology Disruptions						
4. SYNOPSIS: (USE CONTINUATION SHEET IF NECESSARY)								
See Attached Continuation								

SEIZURE TYPE:		QUANTITY:		VALUE:
NUMBER OF ARRESTS:		MALE:	FEMALE:	CITIZENSHIP:
5. NOTIFICATIONS MADE:				
1.	<input checked="" type="checkbox"/> TELEPHONIC REPORT TO COMMISSIONER'S SITUATION ROOM	(b) (7)(E)	10/21/2012 5:13 PM	
2.	<input type="checkbox"/>			
3.	<input type="checkbox"/>			
6. INJURIES/FATALITIES:				
NAME AND EXTENT OF INJURY:			AGENT EAP ADVISED	
1.				
2.				
NAME OF FATALITIES:				
1.				
2.				
7. ACTION TAKEN:				
Additional agents were deployed to the area to include (b) (7)(E) were (b) (7)(E)				
8. MEDIA INTEREST EXPECTED:				
None				

CBP FORM 6 (01/05)

SIGNIFICANT INCIDENT REPORT
Continuation Sheet

Page 2 of 3

DATE OF INCIDENT: 10/21/2012	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 2:13 PM	(b) (7)(E) TX	(b) (7)(E)

Synopsis: (cont.):
On October 21, 2012, at approximately 2:13 p.m., agents assigned to the (b) (7)(E) Texas Border Patrol Station encountered several subjects near the Rio Grande River south of (b) (7)(E) Texas. A female

subject was apprehended and secured inside a service Tahoe (b) (7)(E) The apprehending agent opened the rear hatch of the Tahoe to retrieve equipment and left it open as he returned to the front of the vehicle. The female subject climbed over the rear seat and escaped through the open hatch. Agents observed the female running into high brush toward the river and immediately began a search. Agents observed approximately seven subjects (b) (7)(E) but the female was not among them. Additional agents, (b) (7)(E) searched the area (b) (7)(E)

Notifications:

RGV ILU

RGV MIT

RGV CIRT

OIG

JIC

FBI

ICE

CBP IA

(b) (7)(E) Sheriff

(b) (7)(E) Dept.

(b) (7)(E) Police Dept.

(b) (7)(E) Police Dept.

Texas Dept. of Public Safety

GoM

CBP FORM 6 (01/05) cont.

SIGNIFICANT INCIDENT REPORT

Continuation Sheet

DATE OF INCIDENT: 10/21/2012	LOCATION OF INCIDENT:	SIR NUMBER:
TIME OF INCIDENT: 2:13 PM	(b) (7)(E) TX	(b) (7)(E)

REPORT (b) (7)(E)

DATE OF CALL: 10/21/12

START TIME: 1305 hrs

CALLER INFORMATION: BPA (b) (6), (b) (7)(C)

CALLER LOCATION: (b) (7)(E) Border Patrol Station, (b) (7)(E) TX

CALL BACK NUMBER: (b) (6), (b) (7)(C)

WHEN DID THE INCIDENT/MISCONDUCT OCCUR: 10/21/12 at 1413 hrs

WHERE DID THE INCIDENT/MISCONDUCT OCCUR: (b) (7)(E) TX

WHO WAS INVOLVED: Border Patrol Agents

DESCRIBE THE INCIDENT/MISCONDUCT: Escape

WAS MANAGEMENT NOTIFIED: X YES NO

IF YES, WHO WAS NOTIFIED: Commissioner Situation Room (b) (6), (b) (7)(C) VIA telephone @ 1713 hrs

WHAT WAS DISCUSSED: Escape of female illegal alien (b) (7)(E) sitting in open service Border Patrol vehicle

WAS FIELD OPR NOTIFIED: YES X NO

IF YES, WHO WAS NOTIFIED: VIA telephonically @ hrs

WHAT WAS DISCUSSED:

ADDITIONAL INFORMATION: See attached SIR

(b) (7)(E)

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

Subject: FW: Agent Names (attempt # 2)

From: (b) (6), (b) (7)(C)
Sent: Monday, October 22, 2012 11:13 AM
To:
Cc: (b) (6), (b) (7)(C)
Subject: RE: Agent Names (attempt # 2)

Here you go!

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

Sincerely, Steve

(b) (6), (b) (7)(C)
Assistant Chief
IA Liaison
Headquarters, U.S. Border Patrol
Office: (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Monday, October 22, 2012 10:17 AM
To:
Subject: Agent Names (attempt # 2)

Let's try this one again...

Can I have the agents' names for the following SIRs:

On October 21, Border Patrol agents assigned to the (b) (7)(E) TX station arrested a female illegal alien near (b) (7)(E) TX. The subject escaped from a service vehicle and was seen running towards the river. Agents searched the area, (b) (7)(E) The Joint Intake Center was notified.

SIR# (b) (7)(E)

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

OPERATIONS ANALYSIS SPECIALIST
JOINT INTAKE CENTER
OFFICE OF INTERNAL AFFAIRS
US CUSTOMS AND BORDER PROTECTION
1300 PENNSYLVANIA AVENUE NW
WASHINGTON D.C. 20229
JIC HOTLINE: 1-877-2INTAKE
JIC FAX: 202-344-3390

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

From: (b) (6), (b) (7)(C) on behalf of (b) (7)(E)
Sent: Sunday, October 21, 2012 8:32 PM
To: (b) (7)(E) OBP EMPLOYEE ISSUES
Cc: (b) (7)(E)
Subject: Escape (b) (7)(E)

On October 21, Border Patrol agents assigned to the (b) (7)(E) TX station arrested a female illegal alien near (b) (7)(E) TX. The subject escaped from a service vehicle and was seen running towards the river. Agents searched the area, (b) (7)(E)
(b) (7)(E) The Joint Intake Center was notified.

SIR# (b) (7)(E)

From: (b) (7)(E)
Sent: Friday, October 26, 2012 12:21 PM
To: JOINT INTAKE
Subject: Escape From Border Patrol Custody
Attachments: Escape - (b) (6), (b) (7)(C).pdf

Could I please get a JIC Case number for this case.

Thank you

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

Special Operations Supervisor

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

Rio Grande Valley Sector

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

cell

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

(b) (7)(E)

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

From: (b) (6), (b) (7)(C)
At: Thursday, November 01, 2012 12:39 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Management Referral - Case (b) (7)(E)
Attachments: Case File (b) (7)(E).pdf

(b) (6), (b) (7)(C) send copy to MIT, not sure if we need and inquiry or investigation, this is pretty clear to me.

I will discuss w/ (b) (6), (b) (7)(C)

Thank You

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

USBP ACPA RGV
(b) (6), (b) (7)(C) office
Cell

From: (b) (6), (b) (7)(C)
Sent: Thursday, November 01, 2012 11:10 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: Management Referral - Case (b) (7)(E)

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

Please see the attached case file being remanded to RGV Sector for investigation. The file is password protected and the standard password applies.

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

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

Assistant Chief
IA Liaison
Headquarters, U.S. Border Patrol
Office: (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)



RIO GRANDE VALLEY SECTOR MANAGEMENT INQUIRY



Department of Homeland Security
U.S. Customs and Border Protection

Memorandum of Investigation

File Number	Title	Control Office
(b) (7)(E)	Detainee/Alien Escape Re: Esteban Manzanares (b) (7)(E) Border Patrol Station	Rio Grande Valley Sector Management Inquiry Unit

INTRODUCTION

The following administrative inquiry was conducted pursuant to receipt of a complaint referred to the U.S. Customs and Border Protection (CBP), Rio Grande Valley Sector (RGV) Management Inquiry Team (MIT) as an Administrative Inquiry. This investigation is in relation to an allegation of "Detainee/Alien-Escape."

SYNOPSIS:

On October 21, 2012, the Joint Intake Center (JIC), Washington DC, received a Significant Incident Report (SIR) documenting the escape of an illegal alien from the custody of a U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) after the alien was arrested near (b) (7)(E) TX. (Tab L)

BACKGROUND:

Based on the memoranda from Patrol Agent in Charge (b) (6), (b) (7)(C) Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) BPA Esteban Manzanares and BPA (b) (6), (b) (7)(C) a female detainee escaped through an open rear hatch door of a 2008 (b) (7)(E) unit. (Tab O)

It was reported that on October 21, 2012, Agents Manzanares and (b) (6), (b) (7)(C) were paired up in (b) (7)(E) (b) (7)(E) 2008 (b) (7)(E) Chevrolet Tahoe. They were tracking a group of suspected undocumented aliens near (b) (7)(E) TX. BPA (b) (6), (b) (7)(C) was able to apprehend a female subject, who he determined to be illegally in the U.S. BPA (b) (6), (b) (7)(C) escorted the undocumented alien (UDA) to the unit and placed her in the (b) (7)(E) of the unit. The UDA was (b) (7)(E) After learning of the possibility of more subjects in the area, BPA (b) (6), (b) (7)(C) drove to BPA Manzanares' location and picked him up. Upon arriving to the area where the additional subjects were reportedly seen, BPA (b) (6), (b) (7)(C) exited the unit and walked away about 20 yards. BPA Manzanares exited the unit and opened the rear hatch door to look for a pair of binoculars. BPA Manzanares left the door open and walked over to a fellow agent to handover the binoculars. The UDA who had been placed in the back seat climbed over the third row seat and escaped through the open rear hatch door. (b) (7)(E) (b) (7)(E) Agents Manzanares and (b) (6), (b) (7)(C) gave chase, but were unable to catch up with her. An extensive search of the area was conducted, (b) (7)(E)

Investigator (b) (6), (b) (7)(C) Field Operations Supervisor Rio Grande Valley Sector Critical Incident Response Team	Date December 17, 2012 Page 1 of 3
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File Number	Title	Control Office
(b) (7)(E)	Detainee/Alien Escape Re: Esteban Manzanares (b) (7)(E) Border Patrol Station	Rio Grande Valley Sector Management Inquiry Unit

NOTES AND ANALYSIS:

The following synopsis of the testimonies given by all parties interviewed as part of this investigation are actual and accurate summaries but should not be construed as the statement in its entirety, unless otherwise transcribed, if appropriate, from the audio recordings of the formal interviews.

Border Patrol Agent Esteban Manzanares; RGV/MCS

On November 29, 2012, FOS (b) (6), (b) (7)(C) and SBPA (b) (6), (b) (7)(C) interviewed BPA Esteban Manzanares at the Rio Grande Valley Sector Headquarters in Edinburg, Texas. BPA Manzanares chose not to have union representative present. After the administration of an original Notice to Appear (NTA), the Warnings and Assurances were read to BPA Manzanares to which he acknowledged by signature affirmation. (Tab N) BPA Manzanares was placed under oath by FOS (b) (6), (b) (7)(C). The substance of the allegation was reviewed with BPA Manzanares and the following was revealed through his sworn audio recorded testimony. (Tab R)

BPA Manzanares stated he entered on duty with the U.S. Border Patrol on February 11, 2008, at the (b) (7)(E) Station. He transferred to the (b) (7)(E) Station approximately 11 months ago.

BPA Manzanares was shown a copy of the (b) (7)(E) G-481 dated October 21, 2012, depicting he worked an (b) (7)(E) shift. (Tab P) BPA Manzanares affirmed he worked the day shift, and was partnered up with BPA (b) (6), (b) (7)(C) on the aforementioned date.

BPA Manzanarez was asked to recall the events that led to the escape of a female UDA. BPA Manzanares stated they (b) (7)(E) south of (b) (7)(E) near (b) (7)(E) Texas. Upon arrival, he and his partner split up to search the area for sign. BPA Manzanares stated that BPA (b) (6), (b) (7)(C) encountered a group of UDAs and managed to apprehend one subject. BPA Manzanares stated that while they were searching area for the rest of the group, he overheard another agent (BPA (b) (6), (b) (7)(C) indicate he had visual of a group of subjects in the river making their way back to Mexico. BPA Manzanares indicated he was on a road following (b) (7)(E) towards the river when BPA (b) (6), (b) (7)(C) drove up and picked him up. They proceeded to BPA (b) (6), (b) (7)(C) location. BPA Manzanares testified that when they arrived at BPA (b) (6), (b) (7)(C) location, BPA (b) (6), (b) (7)(C) exited the unit and immediately walked over to BPA (b) (6), (b) (7)(C) position. BPA Manzanares continued his testimony by stating that he opened the rear hatch door to retrieve a pair of binoculars from his equipment bag to lend to BPA (b) (6), (b) (7)(C). BPA Manzanares left the hatch door open and stepped away from the unit to hand over (b) (7)(E) (b) (7)(E) to BPA (b) (6), (b) (7)(C). BPA Manzanares stated that BPA (b) (6), (b) (7)(C) alerted them when he saw the female detainee climbing out of the unit through the open rear hatch door.

BPA Manzanares stated that they gave chase, (b) (7)(E) BPA Manzanares added that they immediately conducted a thorough search of the area, (b) (7)(E) A

Investigator (b) (6), (b) (7)(C) Field Operations Supervisor Rio Grande Valley Sector Critical Incident Response Team	Date December 17, 2012 Page 2 of 3
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File Number	Title	Control Office
(b) (7)(E)	Detainee/Alien Escape Re: Esteban Manzanares (b) (7)(E) Border Patrol Station	Rio Grande Valley Sector Management Inquiry Unit

(b) (7)(E) According to BPA Manzanares, (b) (7)(E)
(b) (7)(E) BPA Manzanares stated he called the (b) (7)(E) station
and reported the escape to a supervisor. BPA Manzanares indicated that SBPA (b) (6), (b) (7)(C) arrived at the
scene.

Although his actions were inadvertent, BPA Manzanares took full responsibility for the events that led to the UDA's escape. BPA Manzanares was asked to explain what he learned from this incident. BPA Manzanares replied, "Um...just be aware of my surroundings and pay attention to detail. Um...you never know even if he hasn't put it out on the radio that he has somebody in custody or not, or if he transferred over. Just be observant of there might be somebody in the vehicle." BPA Manzanares explained that he knew BPA (b) (6), (b) (7)(C) had apprehended a subject, but was unaware that the subject had been placed in their assigned unit. BPA Manzanares added that it might have slipped his mind that someone was in the back seat of their assigned unit.

FINDINGS:

On October 21, 2012, the Joint Intake Center (JIC), Washington DC, received a Significant Incident Report (SIR) documenting the escape of an illegal alien from the custody of a U.S. Customs and Border Protection (CBP) Border Patrol Agent (BPA) after the alien was arrested near (b) (7)(E) TX.

(b) (7)(E)

(b) (7)(E) (Tab Q)

BPA Manzanares inadvertently left the rear hatch door open when he retrieved a pair of binoculars from his equipment bag which provided the prisoner the avenue of escape. In his testimony, BPA Manzanares took full responsibility for the events that led to the escape. The escape was reported in a timely manner and a thorough search of the area was conducted using all available assets. (b) (7)(E)

(b) (7)(E)

Based on the aforementioned, this concludes the management inquiry on BPA Manzanares. Any questions regarding this case may be directed to (b) (6), (b) (7)(C) Assistant Chief Patrol Agent at (b) (6), (b) (7)(C)

Investigator

(b) (6), (b) (7)(C) Field Operations Supervisor
Rio Grande Valley Sector Critical Incident Response Team

Date

December 18, 2012
Page 3 of 3



U.S. Customs and
Border Protection

NOTICE TO APPEAR - BARGAINING UNIT MEMBER EMPLOYEE

DATE: November 28, 2012

SUBJECT: YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY
IN ACCORDANCE WITH OI 5.5.201

TO: **BPA Esteban Manzanares**

You are hereby directed to personally appear on November 29, 2012 @ 3:00 PM before
(Date)

(b) (6), (b) (7)(C) FOS at Rio Grande Valley Sector
(Name and Title) (Location)

and answer questions concerning your knowledge of alleged misconduct relating to:

Escape of an undocumented alien from Border Patrol custody.

You have the right to Union Representation

Your appearance is requested as:

 A WITNESS to the allegation(s).

 X A SUBJECT of the allegation(s).

You are advised that your willful refusal to appear, as directed herein, may be construed to be insubordination, which of itself could result in revocation of any security clearance you may hold and the institution of disciplinary action against you, up to and including dismissal from the Service.

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

Field Operations Supervisor
Title

Address: Rio Grande Valley Sector Headquarters
4400 S. Expressway 281
Edinburg, Texas 78542
(b) (6), (b) (7)(C) (Cell)
(b) (6), (b) (7)(C) (Fax)

Acknowledgement of receipt:


(Signature)

Date: 11/28/2012

Right To Union Representation

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following information:

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a Union Representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action..

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

- (2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at-
 - (B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if:
 - (i) the employee reasonably believes that the examination may result in disciplinary action against the employee and
 - (ii) the employee requests representation

This is to acknowledge that BPA Esteban Manzanares was advised as to his right to union representation.

BPA Esteban Manzanares
Agent's Signature



11/28/12
Date

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

Field Operations Supervisor

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

11/28/12
Date



PREAMBLE TO TAPED SWORN STATEMENT

This audio taped sworn statement is being conducted as part of an administrative inquiry delegated by Customs & Border Protection (CBP), Rio Grande Valley Sector Management Inquiry Team.

My name is (b) (6), (b) (7)(C); my last name is spelled (b) (6), (b) (7)(C) and I am a Designated Administrative Inquiry Fact Finder within the Department of Homeland Security, Bureau of Customs and Border Protection.

Today's date is November 29, 2012 and the time is 2:54pm and we are conducting this interview at Rio Grande Valley Sector.

You are hereby advised that this is an administrative investigation and that you are here to give testimony concerning:

The escape of an undocumented alien from Border Patrol custody.

The subject of the interview is BPA Esteban Manzanares of the (b) (7)(E) Border Patrol Station

(Please state your full name, Spell last name for the record)

Also present today is (witness, union representative e.g.), *Please state your full name and spell your last name for the record.*

AS PART OF THE INTERVIEW PROCESS I WILL READ YOUR WARNINGS AND ASSURANCES. *(Read the form into the record in its entirety. Have the interviewee sign and date the form for the record.)*

PLEASE STAND AND RAISE YOUR RIGHT HAND TO BE SWORN IN

"Do you solemnly swear that the statement you are about to provide will be the truth, the whole truth, and nothing but the truth so help you GOD?"

YOU ARE NOW UNDER OATH!!

This concludes the interview; the time is (b) (6), (b) (7)(C).

Do you affirm that all the information you provided in this statement is true, accurate, and complete to the best of your knowledge and belief?

Signature of Affiant:

Date:

11/29/2012



U.S. Customs and
Border Protection

November 29, 2012

MEMORANDUM FOR: **BPA Esteban Manzanares**

FROM:

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

Field Operations Supervisor
Edinburg, Texas 78542

SUBJECT:

**WARNINGS AND ASSURANCES TO EMPLOYEE
REQUIRED TO PROVIDE INFORMATION**

This is an official Administrative Inquiry regarding allegations of misconduct or improper performance of official duties. In accordance with the Privacy Act of 1974, you are advised that the authority to conduct this interview is contained in 8 CFR 103.1 (e).

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of specific questions regarding the performance of your official duties.

You have a duty to reply to these questions and disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefore may be used in the course of disciplinary proceedings which could result in disciplinary action, including dismissal.

ACKNOWLEDGMENT

I have read and understand my rights and obligations as set forth above.

Agent Conducting Inquiry: **(b) (6), (b) (7)(C)**

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

Employee's Signature

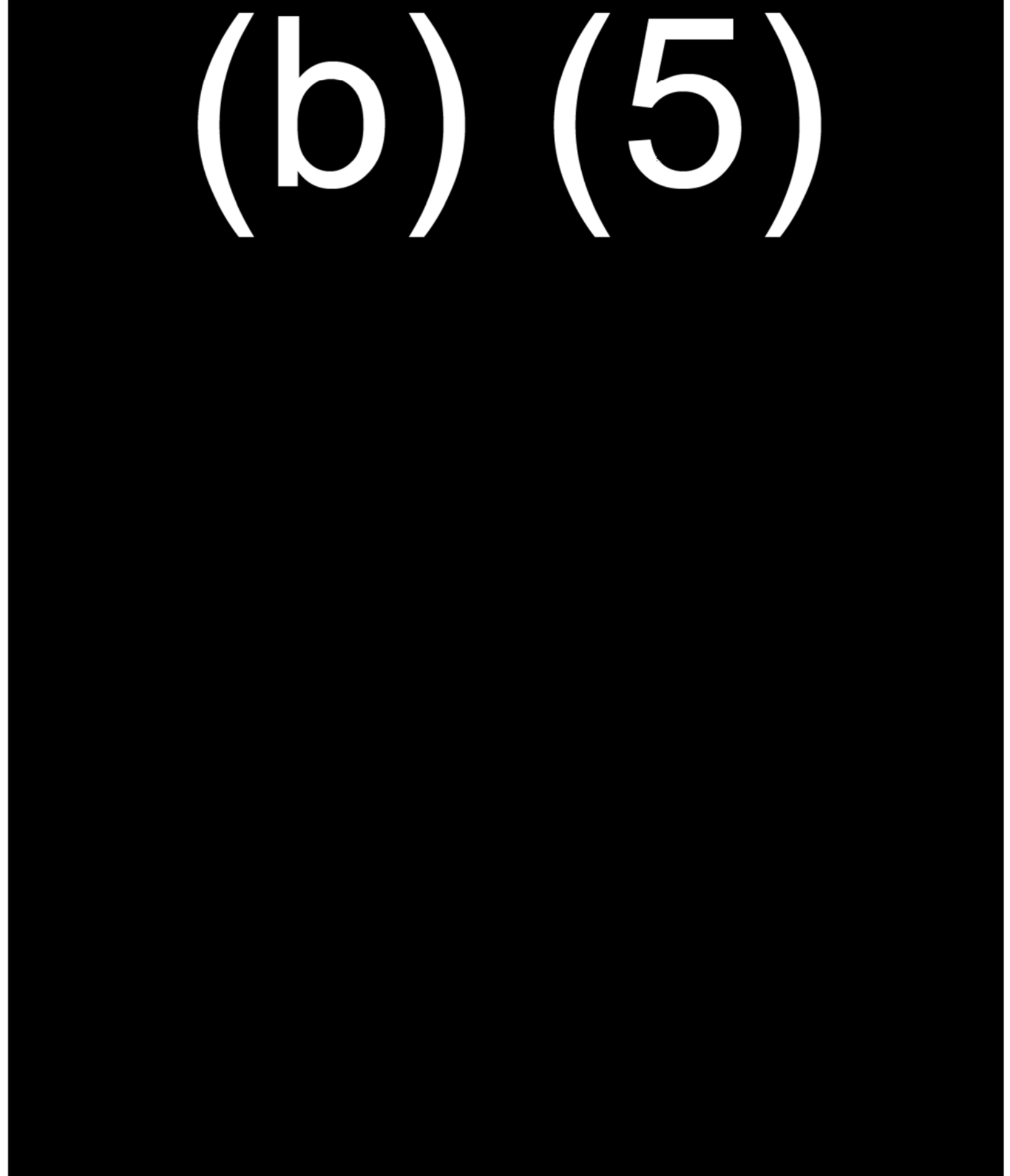
Witness: **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)**

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

Time/Date

11/29/2012 2:55

(b) (5)



(b) (7)(E)

(b) (7)(E)



U.S. Customs and
Border Protection

October 21, 2012

MEMORANDUM FOR: Rosendo Hinojosa
Chief Patrol Agent
Rio Grande Valley Sector

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Supervisory Border Patrol Agent (b) (6), (b) (7)(C)
(b) (7)(E) Station

SUBJECT: U.S. Border Patrol Escapee

Forwarded for your review and consideration are memoranda and related documentation regarding a subject who escaped Border Patrol custody near (b) (7)(E) Texas on October 21, 2012.

At approximately 1:05 p.m., Border Patrol Agents (BPA) (b) (6), (b) (7)(C) and Esteban Manzanares responded to a request for assistance in searching for a group of suspected undocumented aliens near (b) (7)(E) Texas. While searching the brush, BPA (b) (6), (b) (7)(C) apprehended one female subject. Agent (b) (6), (b) (7)(C) escorted the female back to his assigned service unit (b) (7)(E) and secured her in the (b) (7)(E) BPA (b) (6), (b) (7)(C) then overheard other agents, via service radio, that there were possibly more subjects near the river area. BPA (b) (6), (b) (7)(C) proceeded to pick up his partner, BPA Manzanares, and drive to the river area.

Upon arriving in the river area BPAs Manzanares and (b) (6), (b) (7)(C) made contact with BPA (b) (6), (b) (7)(C) BPA (b) (6), (b) (7)(C) stated he had observed more subjects, near the river. BPA (b) (6), (b) (7)(C) exited the vehicle and walked approximately 20 yards in front of the vehicle to BPA (b) (6), (b) (7)(C)'s location. BPA Manzanares stayed with the vehicle and the female subject. BPA Manzanares exited the vehicle to retrieve his binoculars that were located in the back hatch area of the vehicle. BPA Manzanares retrieved his binoculars and then proceeded to BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)'s location, leaving the rear hatch open. The subject was able to climb over the seat and abscond out of the back hatch door. BPAs Manzanares and (b) (6), (b) (7)(C) noticed the subject exiting the vehicle and immediately gave chase, (b) (7)(E)

Other Agents in the area were notified of the situation and began to search the thick brush for the subject. BPA Manzanares notified the Station Operations Supervisor of the escape and a coordinated search was initiated. All available assets to include (b) (7)(E) Agents were deployed to conduct a search for the female. (b) (7)(E) (b) (7)(E) An extensive search was conducted, (b) (7)(E) (b) (7)(E) The Rio Grande Valley Border (b) (7)(E) was notified and a Significant Incident Report was generated. RGV ILU was notified.


U.S. Border Patrol Escapee
Page 2

All avenues and efforts were applied to reacquire and return the subject to custody (b) (7)(E)
(b) (7)(E) FOS (b) (6), (b) (7)(C) from RGV/CIRT was notified and stated that he (b) (7)(E)
(b) (7)(E) BPA Manzanares and BPA (b) (6), (b) (7)(C) were both issued an Article 31
and directed to generate a memorandum concerning the incident.



October 21, 2012

MEMORANDUM FOR: Rosendo Hinojosa
Chief Patrol Agent
Rio Grande Valley Sector

FROM: Esteban Manzanares 
Border Patrol Agent
(b) (7)(E) Station

SUBJECT: U.S. Border Patrol Escapee

On October 21, 2012, Border Patrol Agent (b) (6), (b) (7)(C) and I were assigned to patrol duties near (b) (7)(E) Texas. Border Patrol Agents needed assistance near (b) (7)(E) Texas and since we were closer at the time to (b) (7)(E) Texas, we responded.

While on foot assisting the agents, Agent (b) (6), (b) (7)(C) encountered a group of undocumented aliens and apprehended one female and secured her in the vehicle. Border Patrol Agent (b) (6), (b) (7)(C) advised us that he had some undocumented aliens in sight south of our location, so we then proceeded to his location.

We met up with Agent (b) (6), (b) (7)(C) and he heard some commotion on the Mexican side of the river. Agent (b) (6), (b) (7)(C) went with Agent (b) (6), (b) (7)(C) and I went behind the vehicle and opened the rear hatch to get my binoculars. I got my binoculars and proceeded to hand them over to Agent (b) (6), (b) (7)(C) while handing over the binoculars I left the rear hatch open. In the moment I handed over the binoculars, the subject climbed over the seats and jumped out the rear of the vehicle. (b) (7)(E)
(b) (7)(E) (b) (7)(E)

Agent (b) (6), (b) (7)(C) noticed the subject running and continued to chase after her. I also continued right behind Agent (b) (6), (b) (7)(C). The subject went into the brush and Agent (b) (6), (b) (7)(C) continued after her, I then noticed that she had run back out onto the road and I continued behind her. She then ran into the brush and I went in after her. She continued toward the river and then (b) (7)(F)

(b) (7)(E)

I then advised the (b) (7)(E) Border Patrol Station operations supervisor via phone at approximately 2:13 p.m. of the situation and my partner was calling for assistance from nearby agents. (b) (7)(E) arrived at the location and searched the immediate area (b) (7)(E)
(b) (7)(E)

We continued to search the brush until Supervisory Border Patrol Agent (b) (6), (b) (7)(C) arrived on scene and advised us to go back to the station and write a memorandum of the situation.

(b) (7)(E)

(b) (7)(E)



U.S. Customs and
Border Protection

October 21, 2012

MEMORANDUM FOR: Rosendo Hinojosa
Chief Patrol Agent
Rio Grande Valley Sector

FROM:

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

Border Patrol Agent

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

SUBJECT: U.S. Border Patrol Escapee

On October 21, 2012, SBPA (b) (6), (b) (7)(C) issued me an Article 31 and instructed me to write a memorandum concerning an incident where a subject escaped.

On October 21, 2012, at approximately 1:00 p.m., my partner Border Patrol Agent Esteban Manzanares and I responded to an agent request for assistance in the vicinity of (b) (7)(E) Texas. After I drove to the scene, my partner and I dismounted, secured our (b) (7)(E) patrol unit, and started (b) (7)(E) of six to eight subjects on a trail. I followed (b) (7)(E) to a gravel road, and no longer could determine direction of travel. While walking to my patrol unit, I noticed five subjects running south near my location. I apprehended one female subject, and determined her to be a citizen of Guatemala with no immigration documents. I secured the subject in the (b) (7)(E) (b) (7)(E) of the patrol unit, (b) (7)(E)

Border Patrol Agent (b) (6), (b) (7)(C) stated he might have more subjects near his location. While en route to Agent (b) (6), (b) (7)(C)'s location, I picked up my partner along a gravel road, and continued. After arriving at Agent (b) (6), (b) (7)(C)'s location, Agent (b) (6), (b) (7)(C) asked if my partner or I had binoculars. I stated that I did not, while exiting my patrol unit. I walked approximately twenty yards in front of my patrol unit, and started scanning the brush for more subjects. At approximately 2:05 p.m., I looked at my patrol unit, and noticed the back door hatch was raised, and the female subject was exiting the rear of the patrol unit. I yelled out "She is exiting the back." to Agent Manzanares, and Agent (b) (6), (b) (7)(C) as I ran to the location, and entered the brush near where I saw the subject enter the brush. After conducting a search for the immediate area, which yielded (b) (7)(E) for the subject, I met my partner back at the patrol unit. At approximately 2:13 p.m., my partner called the station and informed a Supervisory Border Patrol Agent of the escape.

A thorough search of the area was conducted, (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

RIGHT TO UNION REPRESENTATION


Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

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

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

- B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if
 - 1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,
 - 2.) the employee requests representation.


Esteban Manzanares
Border Patrol Agent
(b) (7)(E) Texas
10/21/12

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

Supervisory Border Patrol Agent
(b) (7)(E) Texas
10/21/12

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



G-481 Daily Unit Assignment Log Summary, Group (b) (7)(E)

Office (b) (7)(E) Station Station

Schedule: Sunday, October 21, 2012

ie	Assignment	Fleet#	Star #	Agent Name	Shift	Time	Comments
(b) (6), (b) (7)(C), (b) (7)(E)							

Department of Homeland Security, Customs and Border Protection

Sensitive But Unclassified



G-481 Daily Unit Assignment Log Summary, Group (b) (7)(E)

Office: (b) (7)(E) Station Station

Schedule: Sunday, October 21, 2012

ie	Assignment	Fleet#	Star #	Agent Name	Shift	Time	Comments
(b) (6), (b) (7)(C), (b) (7)(E)							

(b) (7)(E)

MANZANARES, ESTEBAN

(b) (7)(E)

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

Department of Homeland Security, Customs and Border Protection

Sensitive But Unclassified



G-481 Daily Unit Assignment Log Summary, Group (b) (7)(E)

Office: (b) (7)(E) Station Station

Schedule: Sunday, October 21, 2012

Assignment	Fleet#	Star #	Agent Name	Shift	Time	Comments
(b) (6), (b) (7)(C), (b) (7)(E)						



G-481 Daily Unit Assignment Log Summary, Group (b) (7)(E)

Office: (b) (7)(E) Station Station

Schedule: Sunday, October 21, 2012

Unit	Assignment	Fleet#	Star #	Agent Name	Shift	Time	Comments
(b) (6), (b) (7)(C), (b) (7)(E)							

Department of Homeland Security, Customs and Border Protection

Sensitive But Unclassified

(b) (7)(E)

Examined and Approved by: _____



MusterGram- Alien Escapes

(b) (7) (E)

(b) (7) (E)



(b) (7)(E)

(b) (7)(E)



U.S. Customs and
Border Protection

October 22, 2012

MEMORANDUM FOR: Rosendo Hinojosa
Chief Patrol Agent (b) (6), (b) (7)(C)
Rio Grande Valley Station

FROM: (b) (6), (b) (7)(C)
Patrol Agent In Charge
(b) (7)(E) Station

SUBJECT: Undocumented Alien Escape from U.S. Border Patrol Custody

Forwarded for your review are memoranda and related documentation regarding a subject which escaped in (b) (7)(E) Texas after being in U.S. Border Patrol custody.

On October 21, 2012 at approximately 1:05 p.m. Border Patrol Agents (BPA) Esteban Manzanares and (b) (6), (b) (7)(C) apprehended one female who was determined to be a citizen and national of Guatemala illegally present in the United States. BPA (b) (6), (b) (7)(C) placed the female inside their (b) (7)(E) Service Unit as they relocated to the river area to assist other agents in locating additional undocumented aliens. Upon arrival in the river area, BPA Manzanares accessed the rear hatch of his vehicle in order to get a pair of binoculars out. BPA Manzanares then proceeded to walk approximately 20 yards away from the vehicle, however he failed to secure the rear hatch of the vehicle after retrieving the binoculars. The female recognizing the opportunity, made a calculated effort, climbed the rear seat and fled southbound into the brush.

BPAs Manzanares and (b) (6), (b) (7)(C) witnessed the female absconding from the rear of the vehicle and gave chase (b) (7)(E). All available assets were deployed to conduct a thorough search of the area, to include (b) (7)(E) surrounding area (b) (7)(E) and all other available agents. (b) (7)(E) (b) (7)(E) Notifications were made to the Rio Grande Valley Border (b) (7)(E) International Liaison Unit, and Critical Incident Response Team.

The alien, at the time of the escape, was in U. S. Border Patrol custody. (b) (7)(E) (b) (7)(E) at the time of this incident. All avenues and efforts were applied to reacquire and return the subject to custody. (b) (7)(E) Disciplinary action should be contemplated.

Case was reported to the Joint Intake Center (JIC) by Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) refer to case number (b) (7)(E)

(b) (7)(E)

(b) (7)(E)



U.S. Customs and Border Protection

October 22, 2012

MEMORANDUM FOR: Rosendo Hinojosa
 Chief Patrol Agent
 Rio Grande Valley Sector (b)(6);(b)(7)(C)

FROM: For (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
 Patrol Agent In Charge (b)(7)(E) Station

SUBJECT: Undocumented Alien Escape from U.S. Border Patrol Custody

Forwarded for your review are memoranda and related documentation regarding a subject which escaped in (b) (7)(E), Texas after being in custody.

At approximately 1:05 p.m. Border Patrol Agents (BPA) Esteban Manzanares and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) apprehended one female who was determined to be a citizen and national of Guatemala illegally present in the United States. BPA (b) (6), (b) (7)(C) placed the female inside their (b) (7)(E) Service Unit as they relocated to the river area to assist other agents in locating additional undocumented aliens. Upon arrival in the river area, BPA Manzanares accessed the rear hatch of his vehicle in order to get a pair of binoculars out. BPA Manzanares then proceeded to walk approximately 20 yards away from the vehicle, however he failed to secure the rear hatch of the vehicle after retrieving the binoculars. The female recognizing the opportunity, made a calculated effort, climbed the rear seat and fled southbound into the brush.

BPA's Manzanares and (b) (6), (b) (7)(C) witnessed the female absconding from the rear of the vehicle and gave (b) (7)(E). All available assets were deployed to conduct a thorough search of the area, to (b) (7)(E) (b) (7)(E) and all other available agents. (b) (7)(E) (b) (7)(E) Notifications were made to the Rio Grande Valley Border (b) (7)(E) International Liaison Unit, and Critical Incident Response Team.

The alien, at the time of the escape, was in Border Patrol custody. (b) (7)(E) (b) (7)(E) at the time of this incident. All avenues and efforts were applied to reacquire and return the subject to custody (b) (7)(E) (b) (7)(E). Disciplinary action should be contemplated.

Case was reported to the Joint Intake Center (JIC) by Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) refer to case number (b) (7)(E)

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

Subject: FW: FINAL Escape From Custody (b) (7)(E), (b) (7)(E) Texas
Attachments: (b) (7)(E)

From: (b) (6), (b) (7)(C)
Sent: Sunday, October 21, 2012 4:44 PM
To: (b) (7)(E)
Subject: FINAL Escape From Custody (b) (7)(E), (b) (7)(E) Texas

Evolving Situation Report
Escape From Custody (b) (7)(E), (b) (7)(E) Texas
October 21, 2012
FINAL

SITUATION:

On October 21, 2012, at approximately 1413 hrs., an agent assigned to the (b) (7)(E) Border Patrol Station called (b) (7)(E) to report an escape from custody. The agent reported that the female subject was in the (b) (7)(E) of a 2008 Tahoe and the agent went to get his binoculars out of the back of the unit to give to his partner. As he was giving the binoculars to his partner the female subject climbed over the seat and went out through the tail gate of the unit. The agents pursued the subject into the brush (b) (7)(E) (b) (7)(E)

ACTIONS TAKEN:

- 1630- A search near the riverbank by (b) (7)(E) and a second (b) (7)(E) of the area were (b) (7)(E) Agents have cleared the area.
- 1625- RGV/CIRT notified and will not be responding at this time.
- 1530 - SBPA (b) (6), (b) (7)(C) and initial Agents from scene in route to station. (b) (7)(E) agents continue search. (b) (7)(E) in route to location as well as second (b) (7)(E)
- 1524 - Agents contacted for update. Agent said the escape took place and estimated (b) (7)(E) from the Rio Grande River. South of the (b) (7)(E)
- 1454 - (b) (7)(E)
- 1454 - (b) (7)(E) notified of subject and given description of subject. (b) (7)(E) (b) (7)(E)
- 1436 - BIC and ILU is notified of situation. .
- 1428 - (b) (7)(E)
- 1427 - (b) (7)(E) notified.
- 1424 - Agents see seven subjects going back south into Mexico. Female escapee is not among subjects.
- 1422 - (b) (7)(E) arrives on scene and is assisting in the search.
- 1417 - Agents request assistance from (b) (7)(E) in area.
- 1413 - Subject escapes from custody. Agents pursue the subject into the brush (b) (7)(E)

CHALLENGES:

(b) (7)(E)

Date 11/16/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Rio Grande Valley Sector, Texas		
2.		
3.		
4.		
5.		

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input checked="" type="checkbox"/> Investigate	<input type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

File #

(b) (7)(E)

Class

3

Station

(b) (7)(E)

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org, symbol, Agency/Post) (b) (6), (b) (7)(C) Assistant Chief, USBP, IA Liaison	Room No. Bldg. RRB (b) (6), (b) (7)(C)
	Phone No. (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date November 16, 2012

Class 3 Management Referral

- Border Patrol
- Field Operations
- Internal Affairs
- Human Resources Management
- Strategic Trade
- Congressional Affairs
- Chief Counsel
- Public Affairs
- Training and Development
- Information and Technology
- Regulations and Rulings
- Office of the Commissioner
- Finance
- International Affairs
- Air and Marine


- The attached file(s) are referred to your office for appropriate action. You have the following options:
 - Assign a trained fact finder to complete an Administrative Inquiry Report (AIR);
 - Conduct a local management inquiry;
 - Initiate immediate management action; or
 - Close – No Action.

Note: A record corresponding to this referral has been created in the Joint Integrity Case Management System (JICMS). The record must be updated by servicing LER to document processing activity and any corrective action(s) taken.

Class 4 (Closed) Information Only

- The attached file(s) have been closed, and are referred to your office for information only. No further action is required. You have the following options:
 - Review for information only;
 - Assign a trained fact finder to complete an Administrative Inquiry Report (AIR);
 - Conduct a local management inquiry; or
 - Initiate immediate management action.

Note: A record corresponding to this referral has been created in the JICMS. As an Information Only referral, no updates are required. However, if management elects to initiate action, servicing LER is responsible for documenting processing activity and any corrective action(s) taken.

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION</p> <p>HB 4200-01 (37), Special Agent Handbook</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>3. TITLE</p> <p>MANZANARES, ESTEBAN/BORDER PATROL AGENT/1611 Detainee/Alien - Escape/(b) (7)(E) (b) (7)(E) TX</p>		
<p>4. FINAL RESOLUTION</p>		
<p>5. STATUS</p> <p>Initial Report</p>	<p>6. TYPE OF REPORT</p> <p>Allegation</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC</p> <p>Female UDA escaped BP custody, (b) (7)(E) TX</p>		
<p>9. SYNOPSIS</p> <p>On October 31, 2012, the Joint Intake Center (JIC), Washington, DC received an email from Customs and Border Protection (CBP) Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) TX reporting the escape of a female undocumented alien (UDA). It was reported that the UDA was apprehended and placed in the service vehicle (b) (7)(E) Border Patrol Agent (BPA) Esteban MANZANARES, (b) (7)(E) TX opened the rear hatch of the service vehicle to retrieve a pair of binoculars. BPA MANZANARES left to service vehicle to locate additional UDAs. BPA MANZANARES failed to secure the rear hatch. The UDA reportedly climbed over the rear seat and was witnessed escaping the from the rear hatch of the service vehicle. It was reported that an extensive search was conducted (b) (7)(E)</p> <p>The source documents are attached to this file.</p>		
<p>10. CASE OFFICER (Print Name & Title)</p> <p>(b) (6), (b) (7)(C) Joint Intake Specialist</p>	<p>11. COMPLETION DATE</p> <p>01-NOV-2012</p>	<p>14. ORIGIN OFFICE</p> <p>Joint Intake Center</p>
<p>12. APPROVED BY(Print Name & Title)</p> <p>(b) (6), (b) (7)(C) JIC Supervisor</p>	<p>13. APPROVED DATE</p> <p>02-NOV-2012</p>	<p>15. TELEPHONE NUMBER</p> <p>(b) (6), (b) (7)(C)</p>
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001

10. NARRATIVE

None.

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001

None.

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, October 31, 2012 1:09 PM
To: JOINT INTAKE
Subject: JIC case Number
Attachments: Alien Escape RE Manzanares and (b) (6), (b) (7)(C).pdf

Please issue a case number for the attached case.

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

Special Operations Supervisor
Station

Rio Grande Valley Sector

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

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

(b) (5)

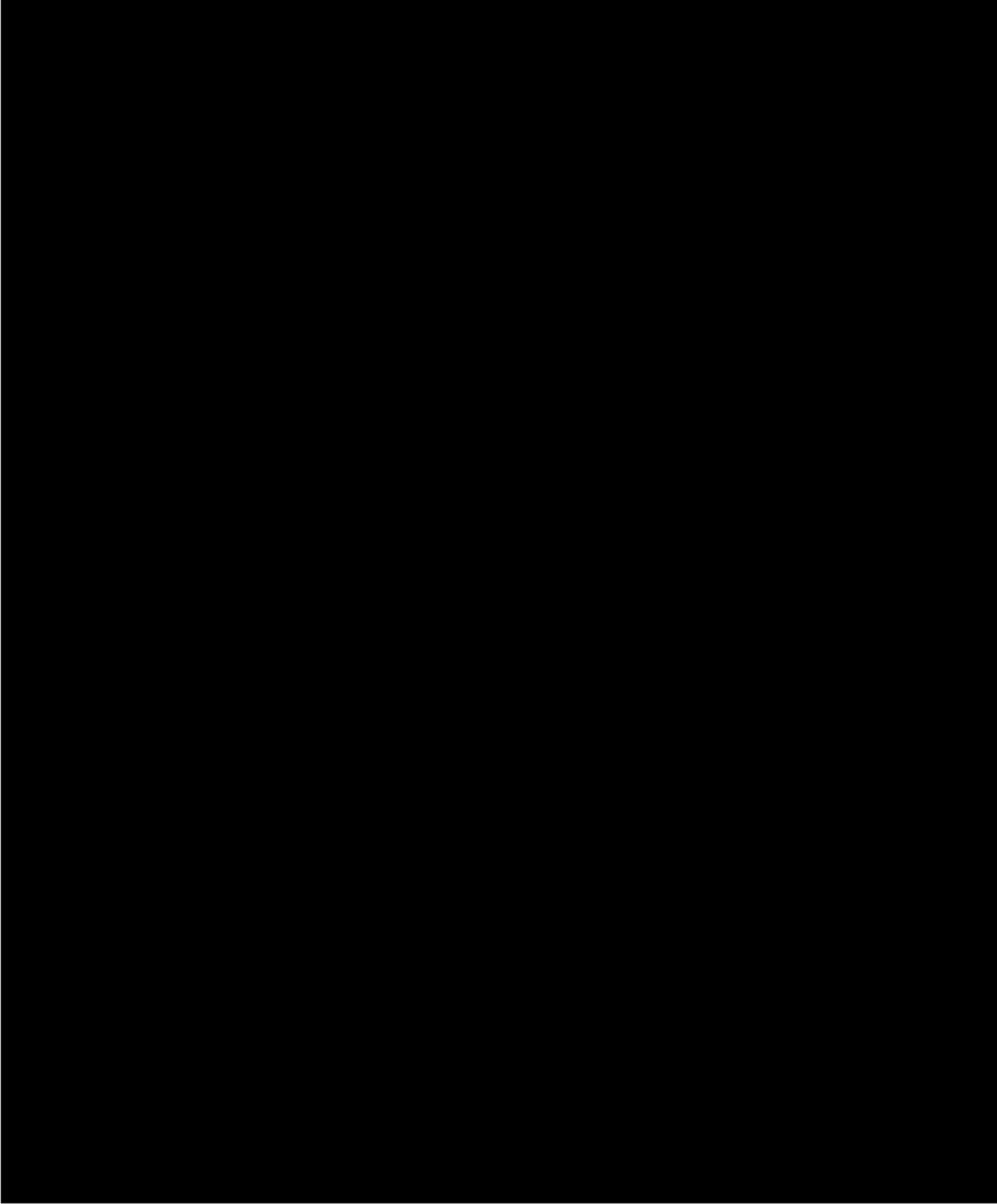
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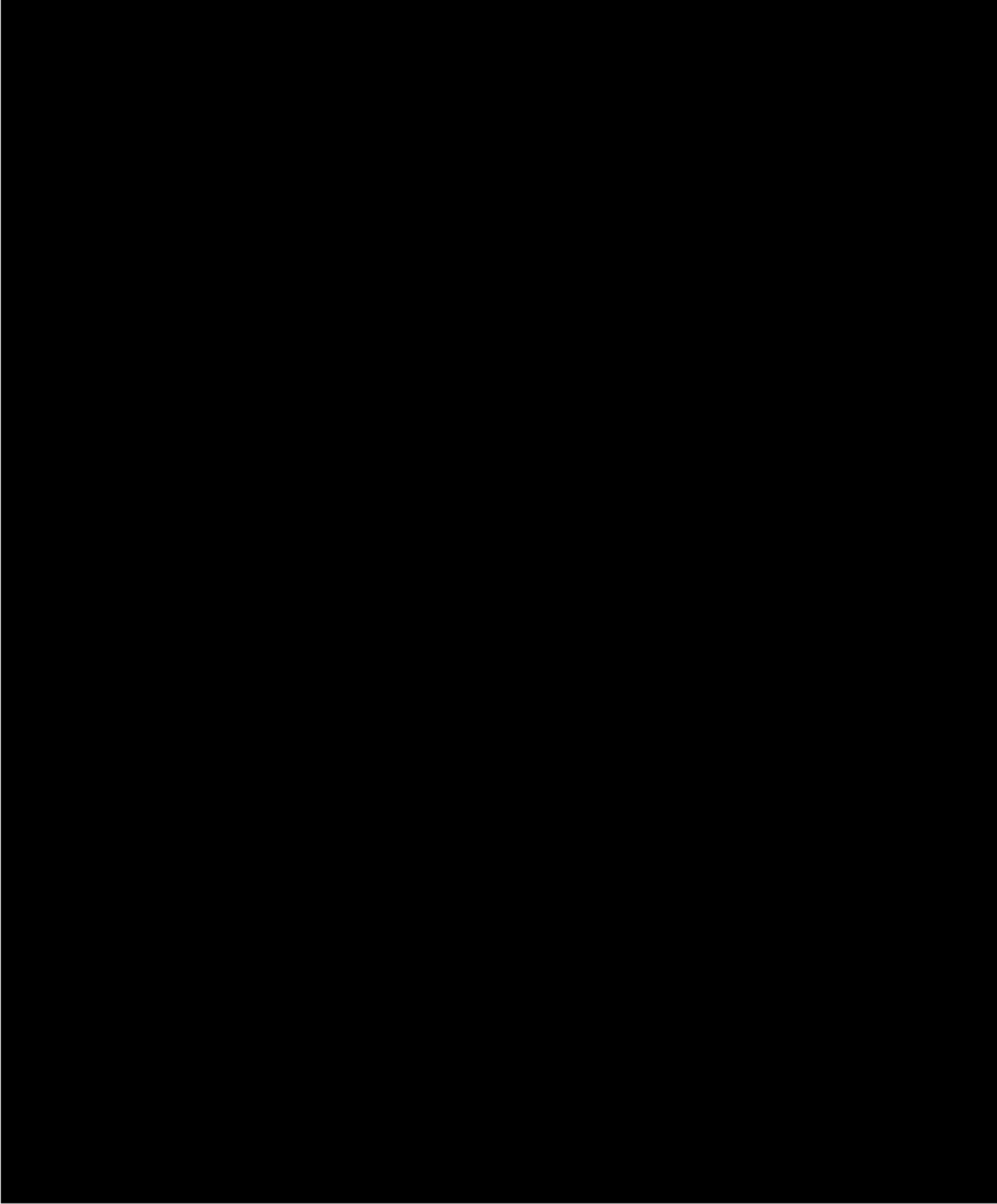
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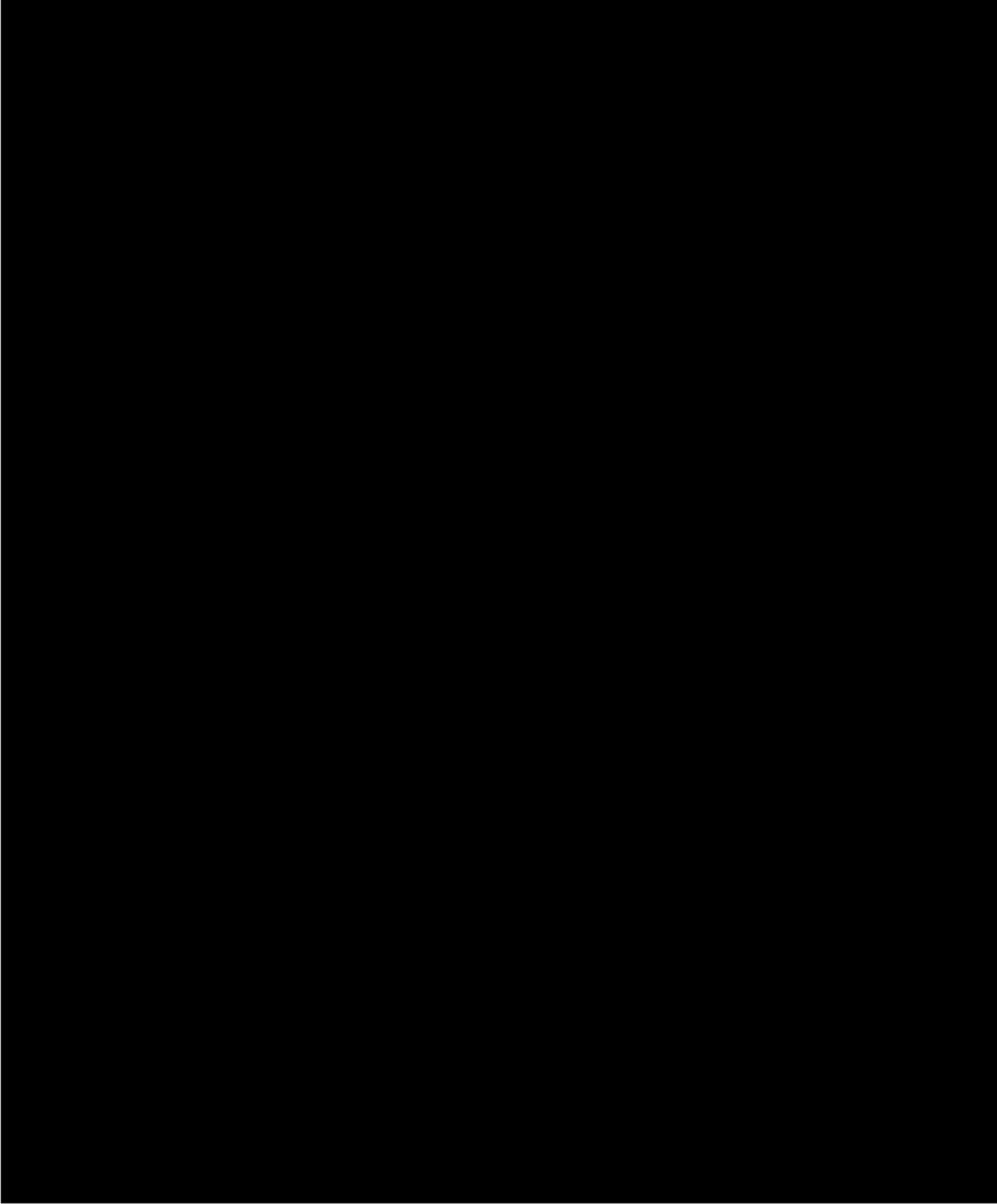
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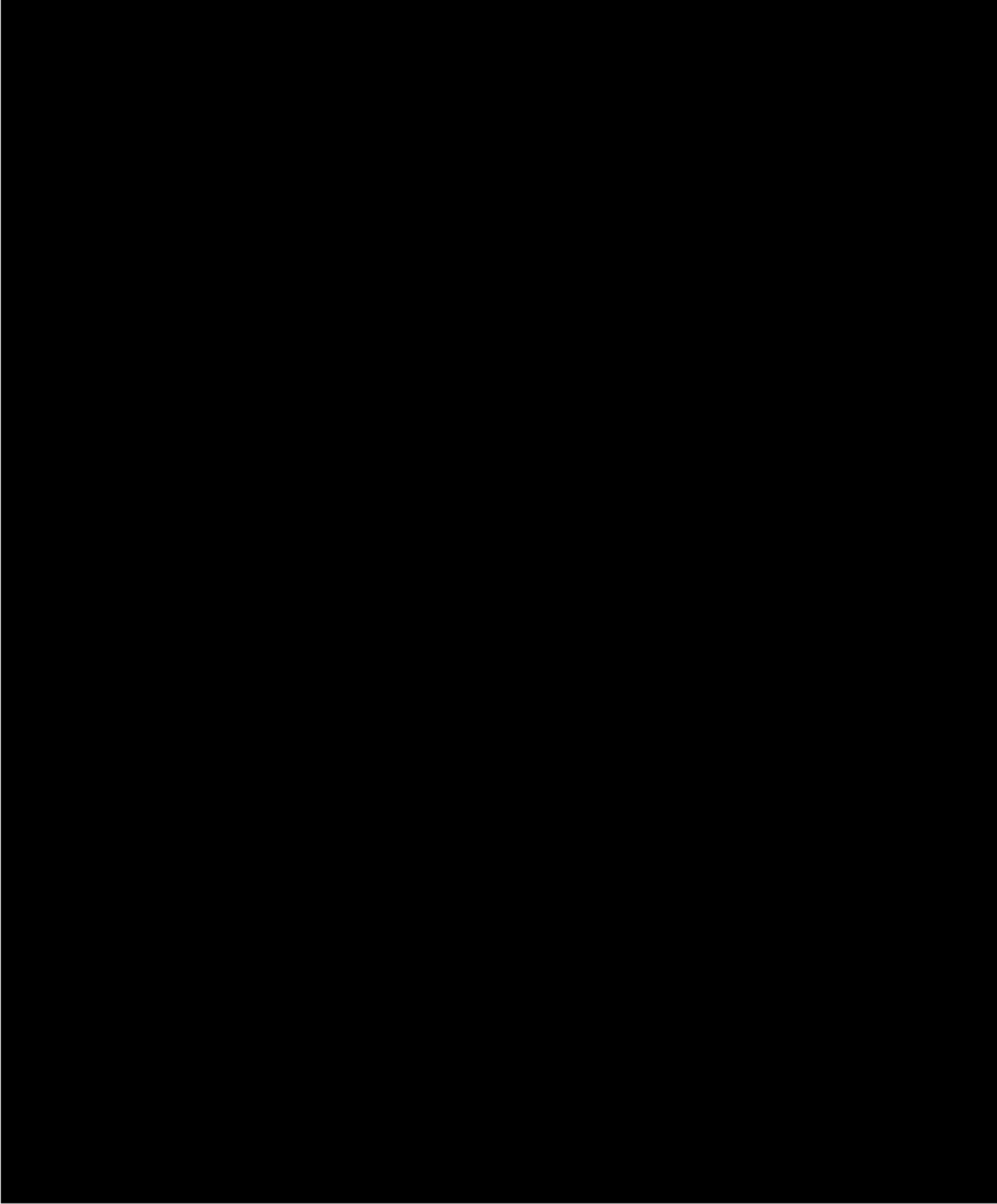
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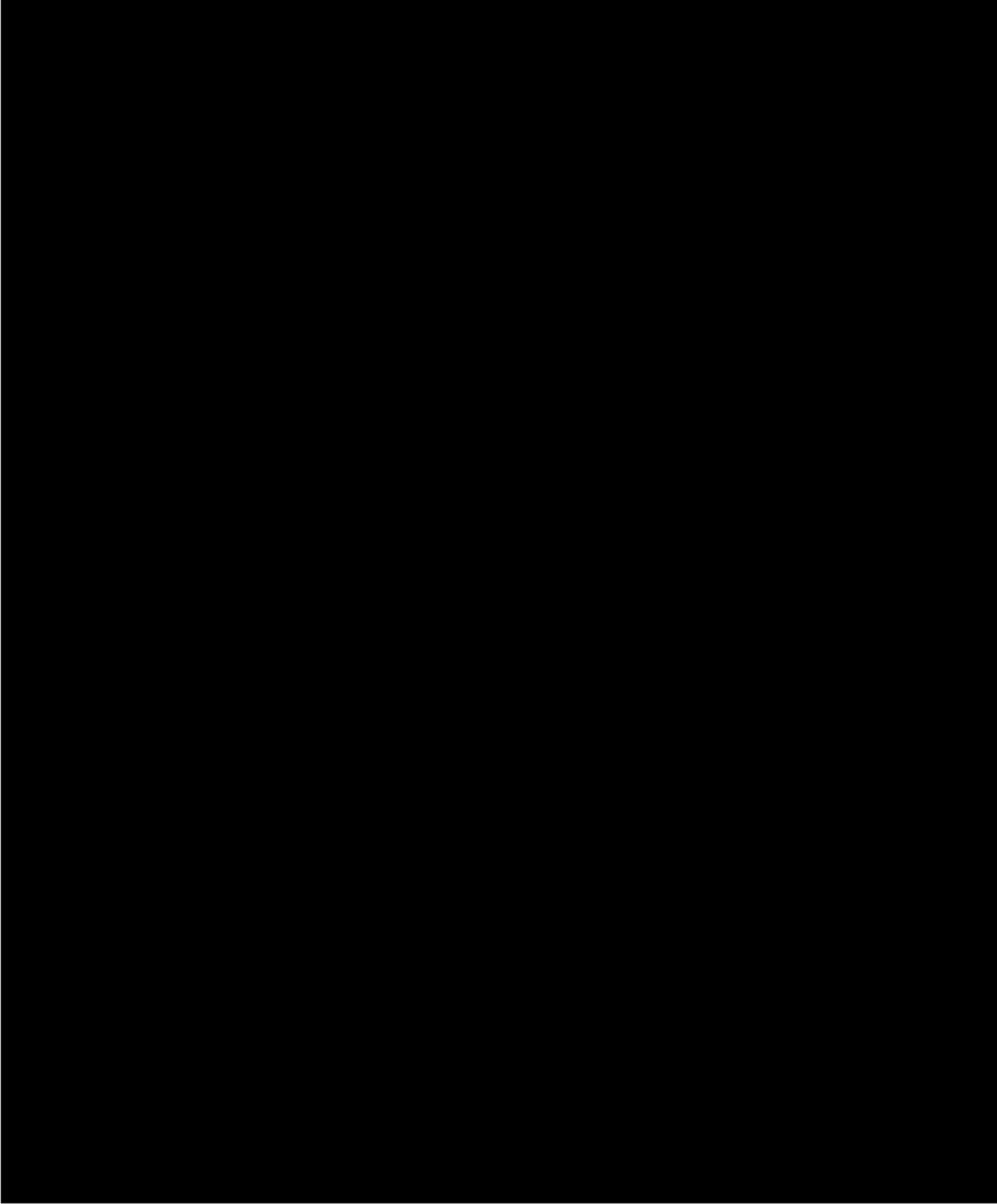
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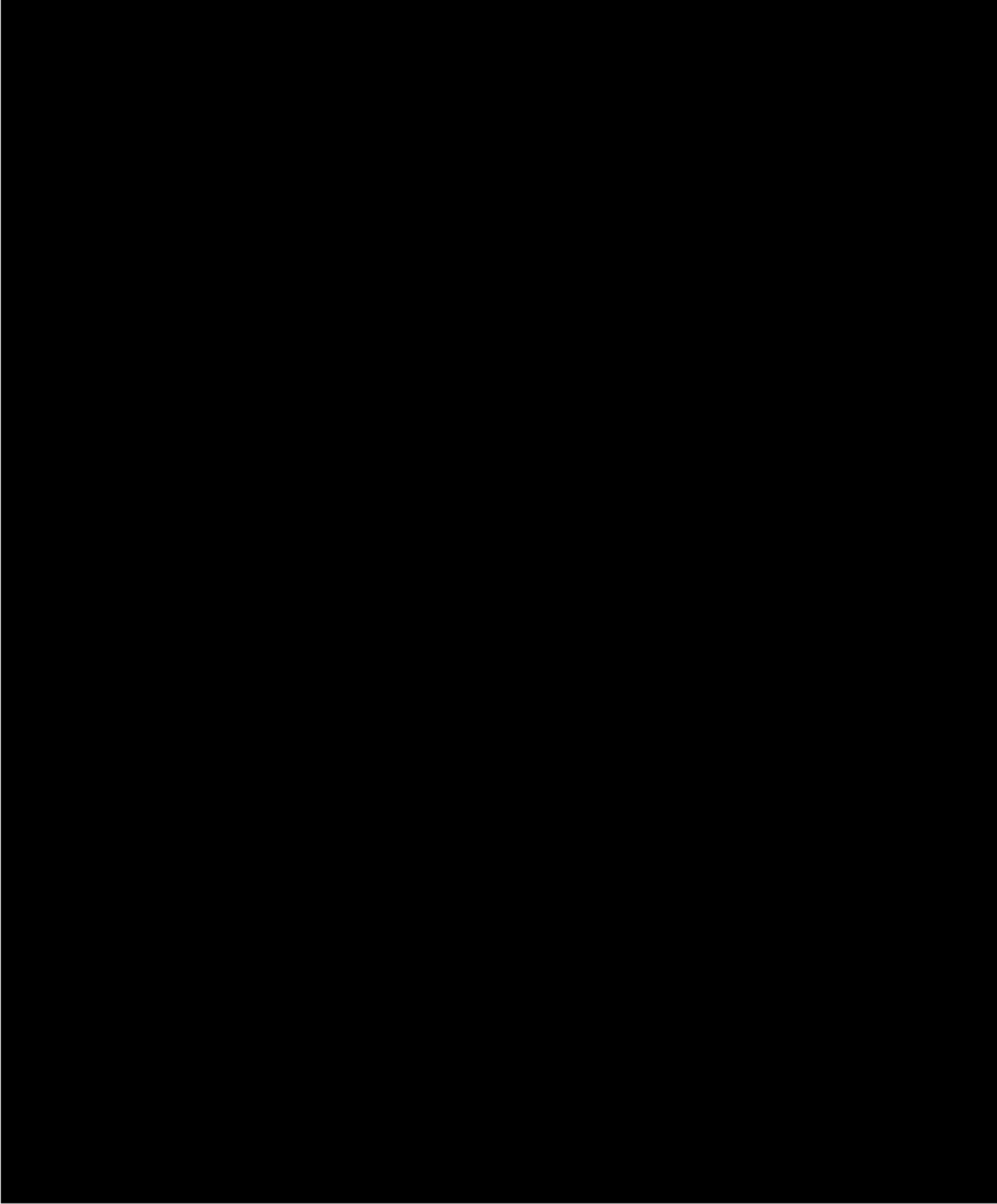
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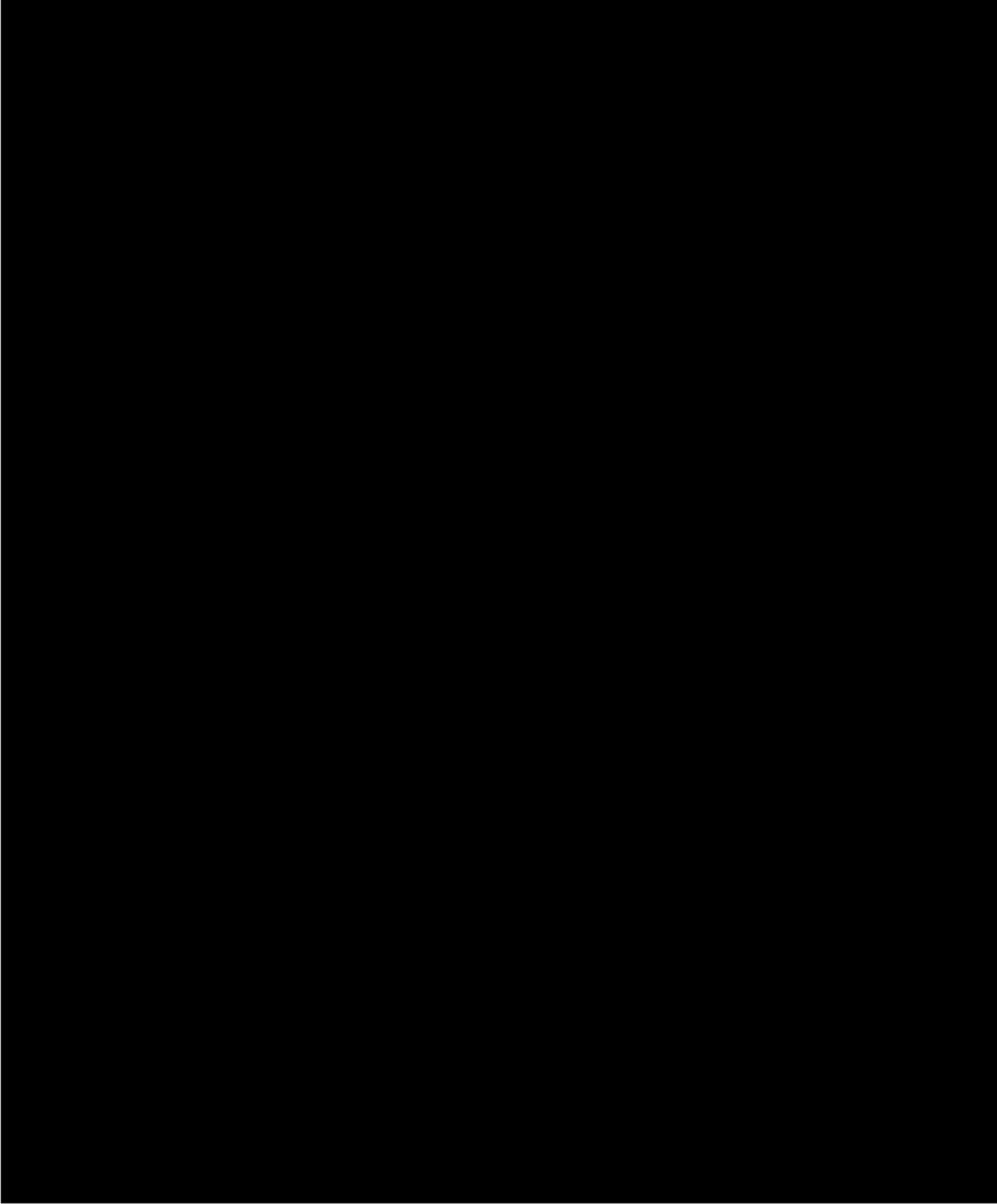
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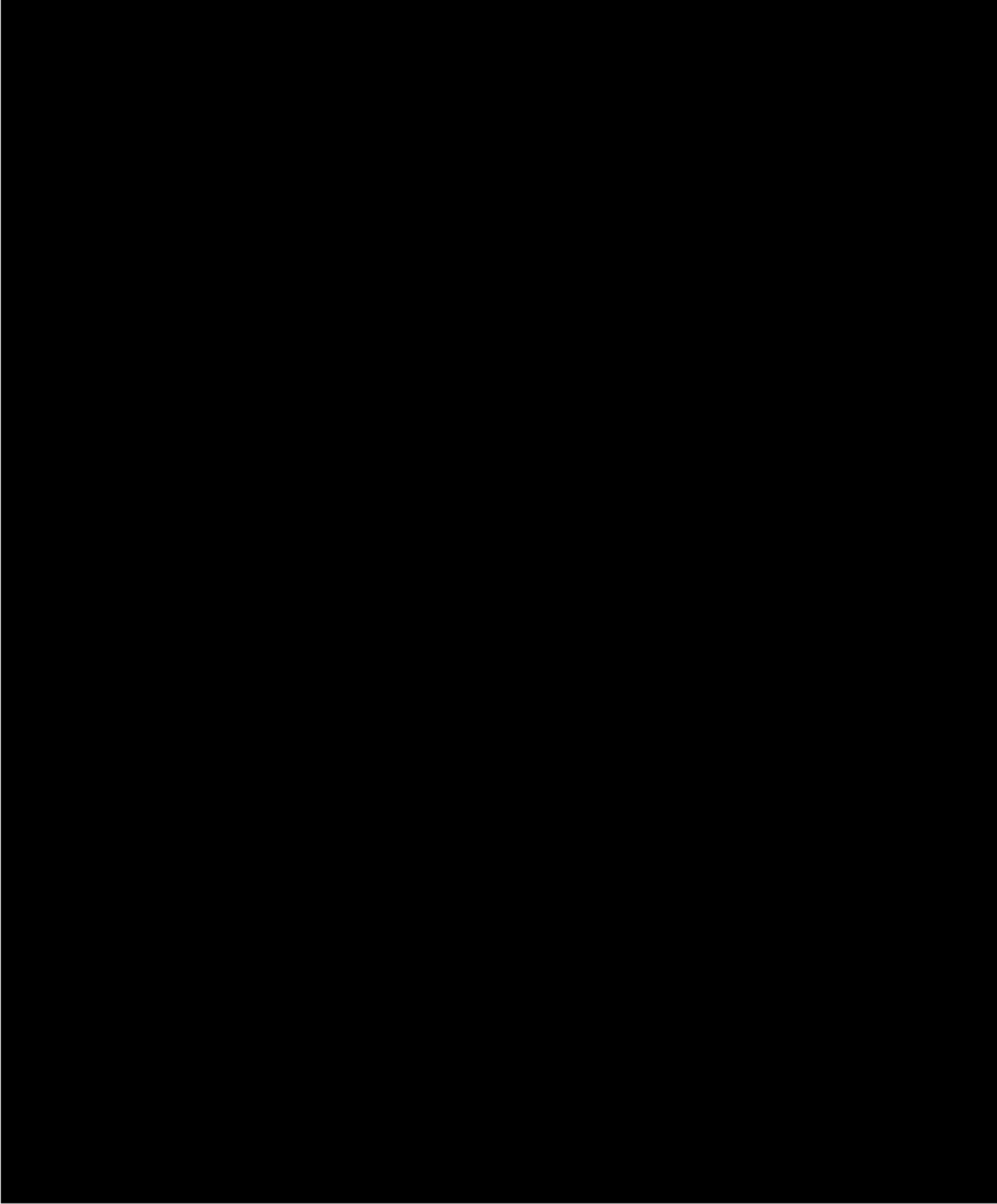
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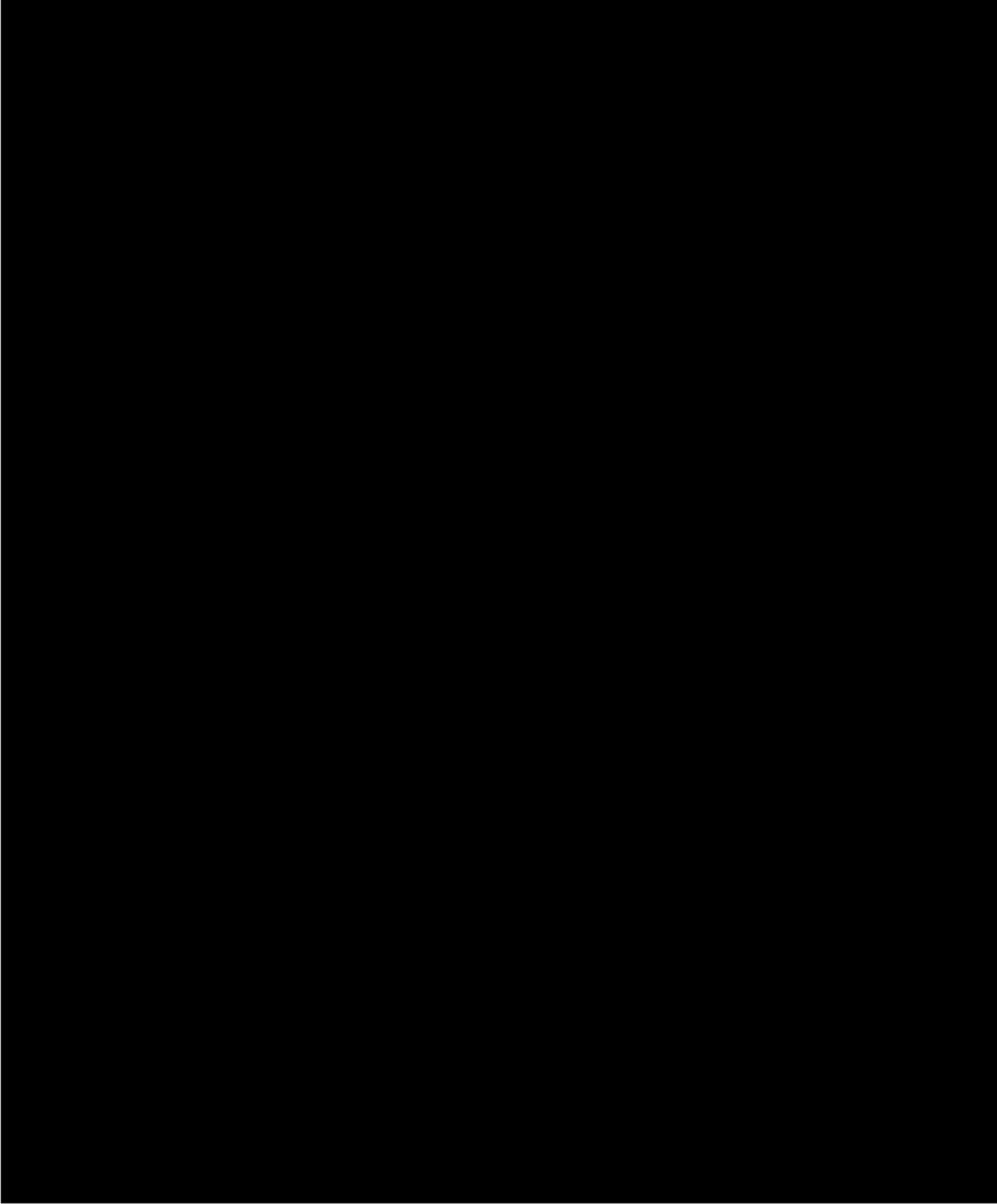
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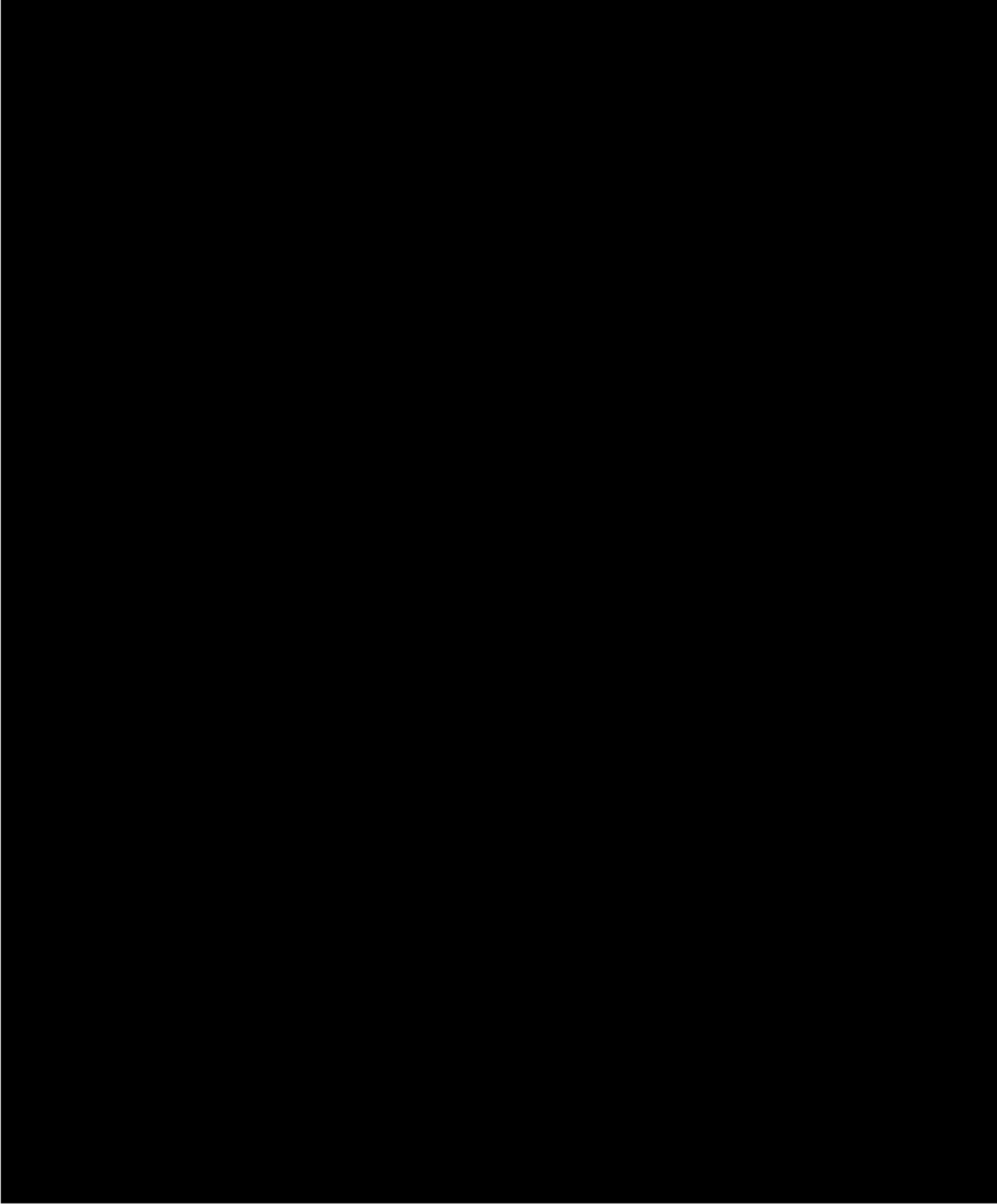
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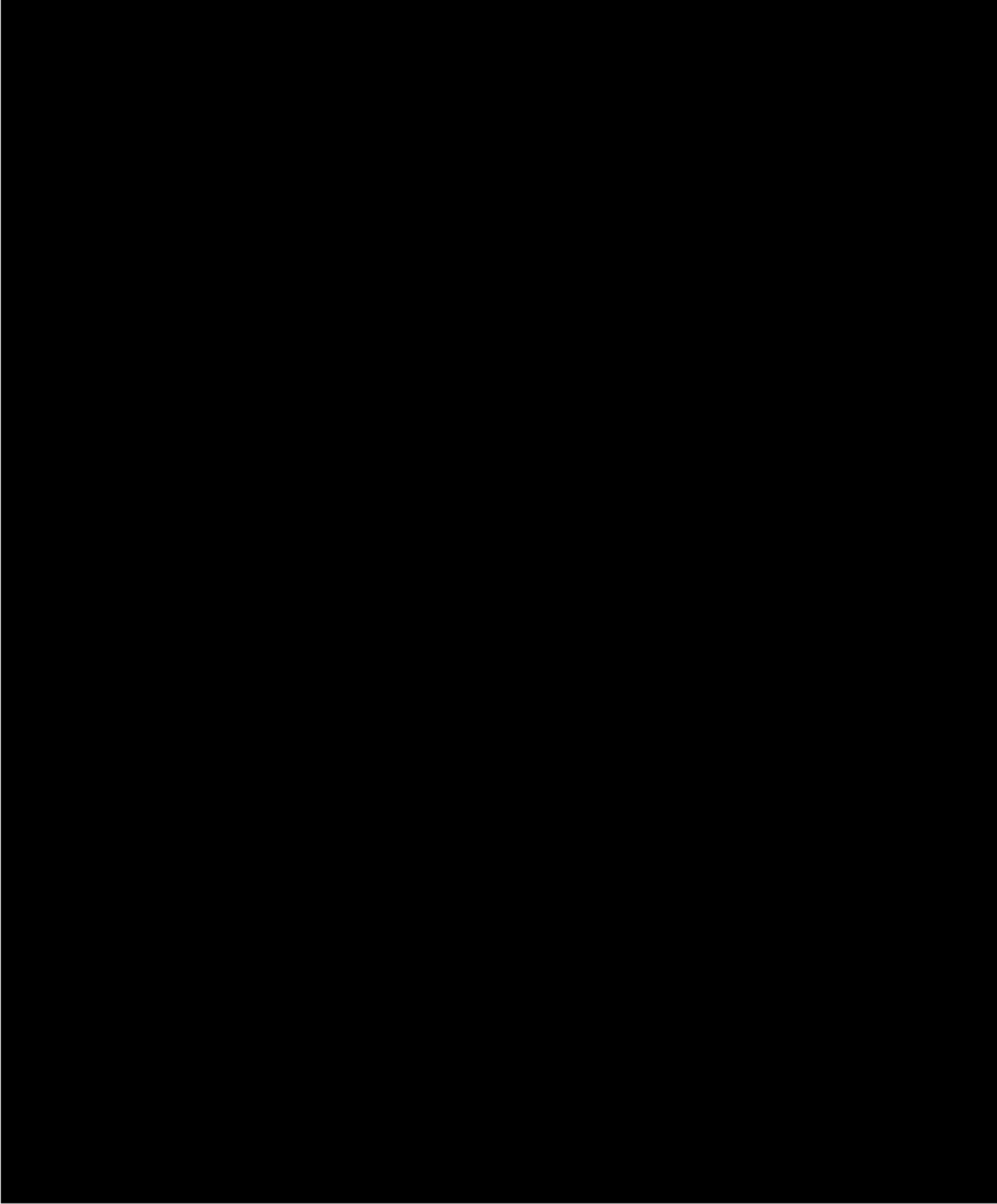
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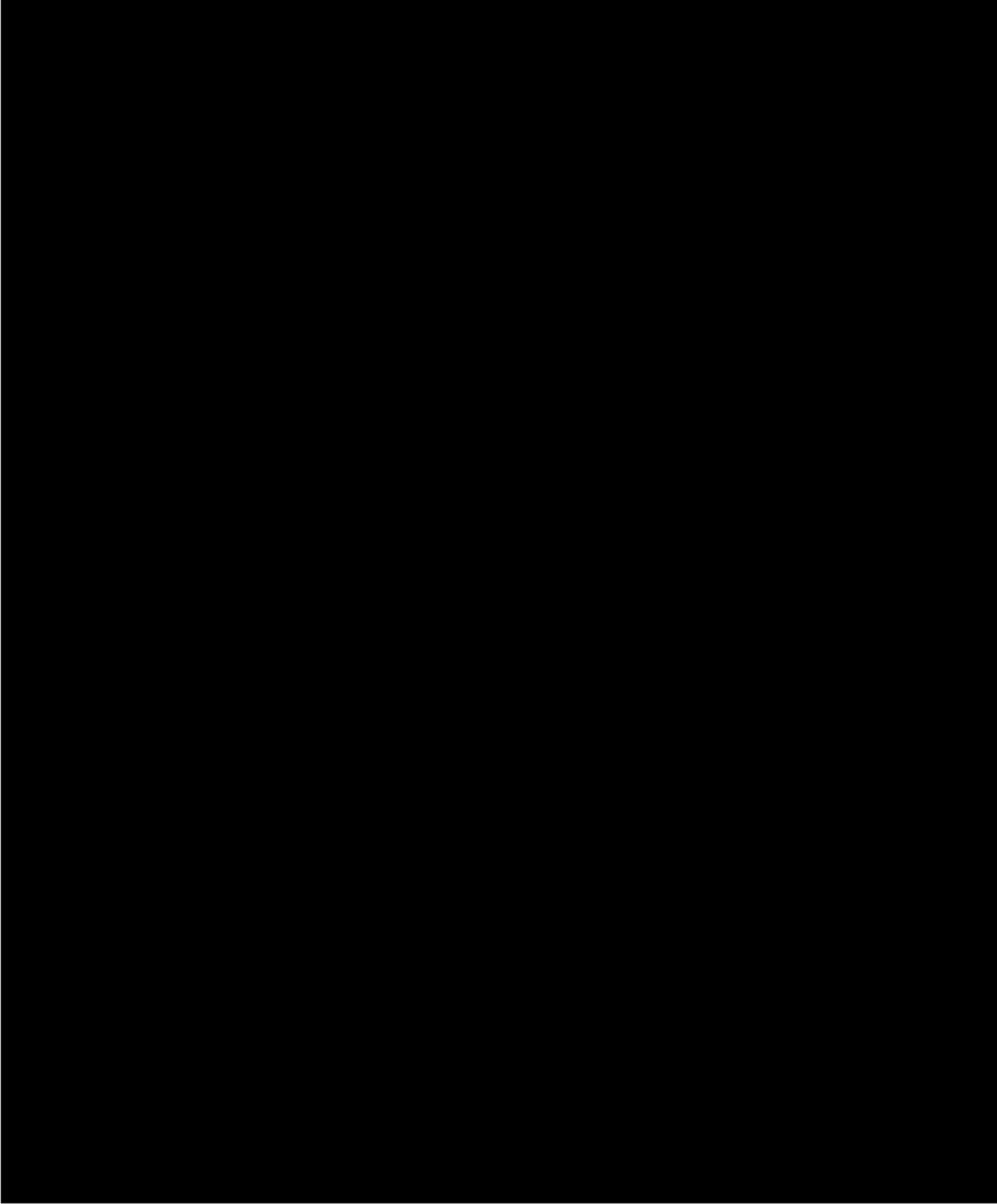
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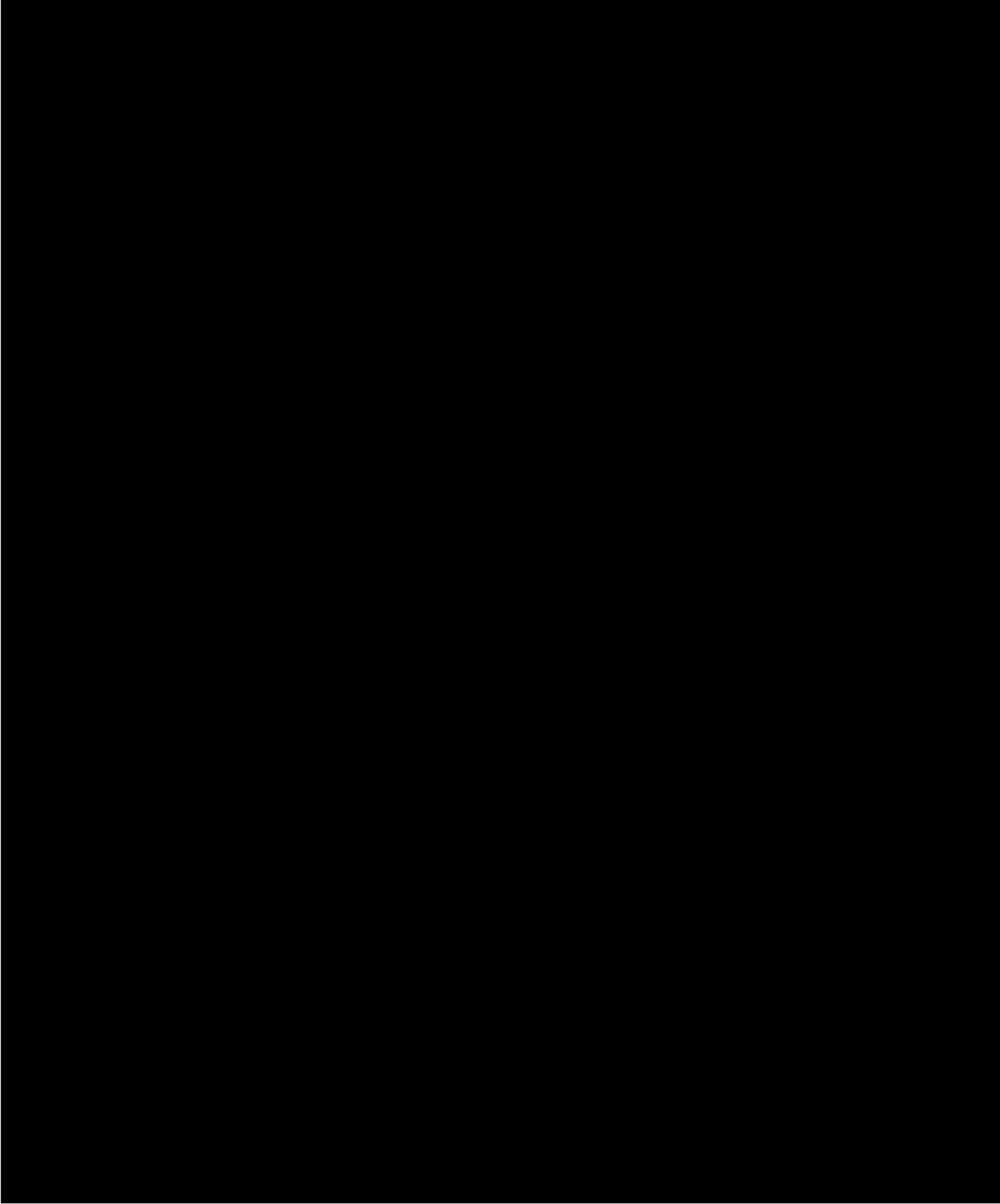
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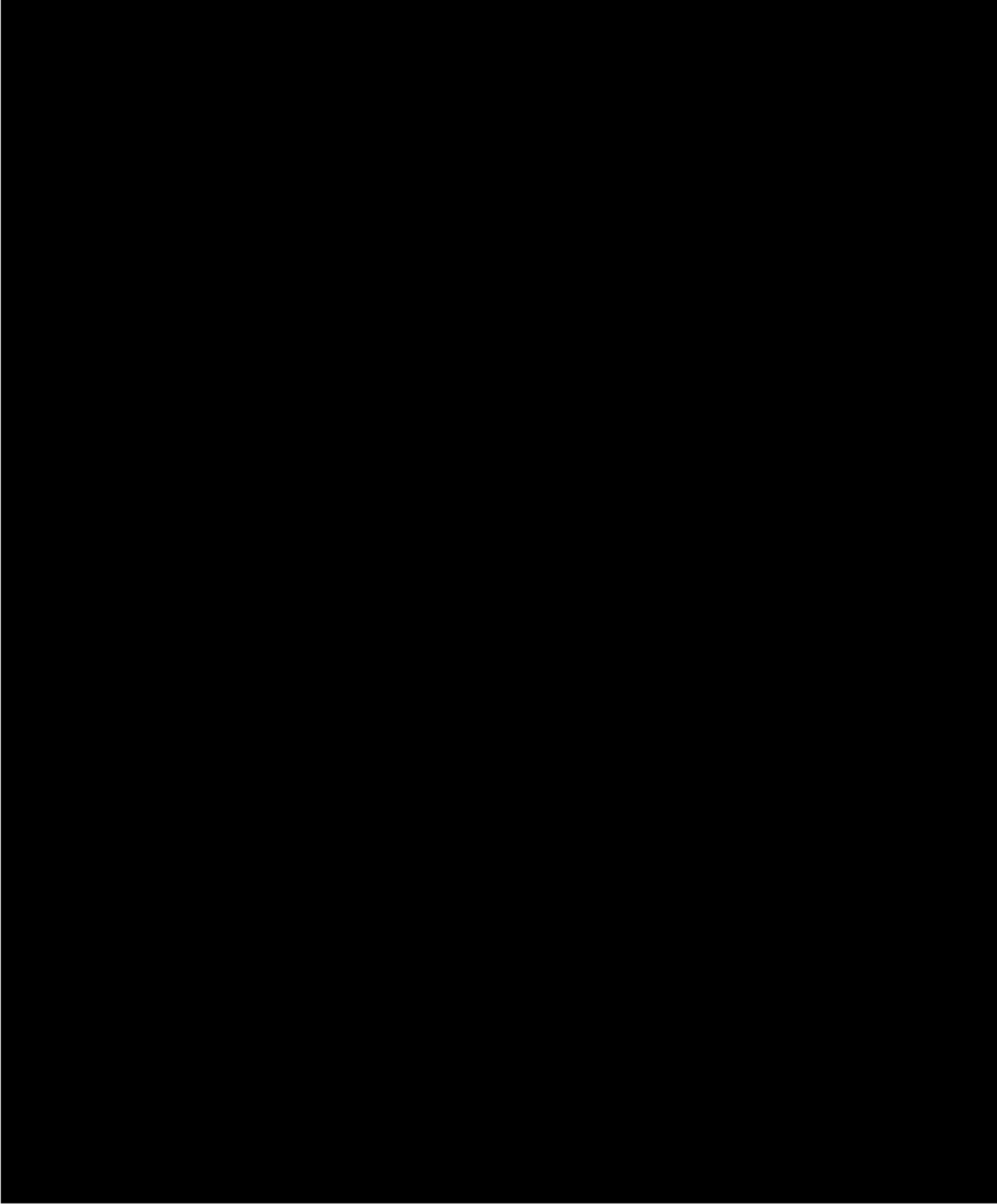
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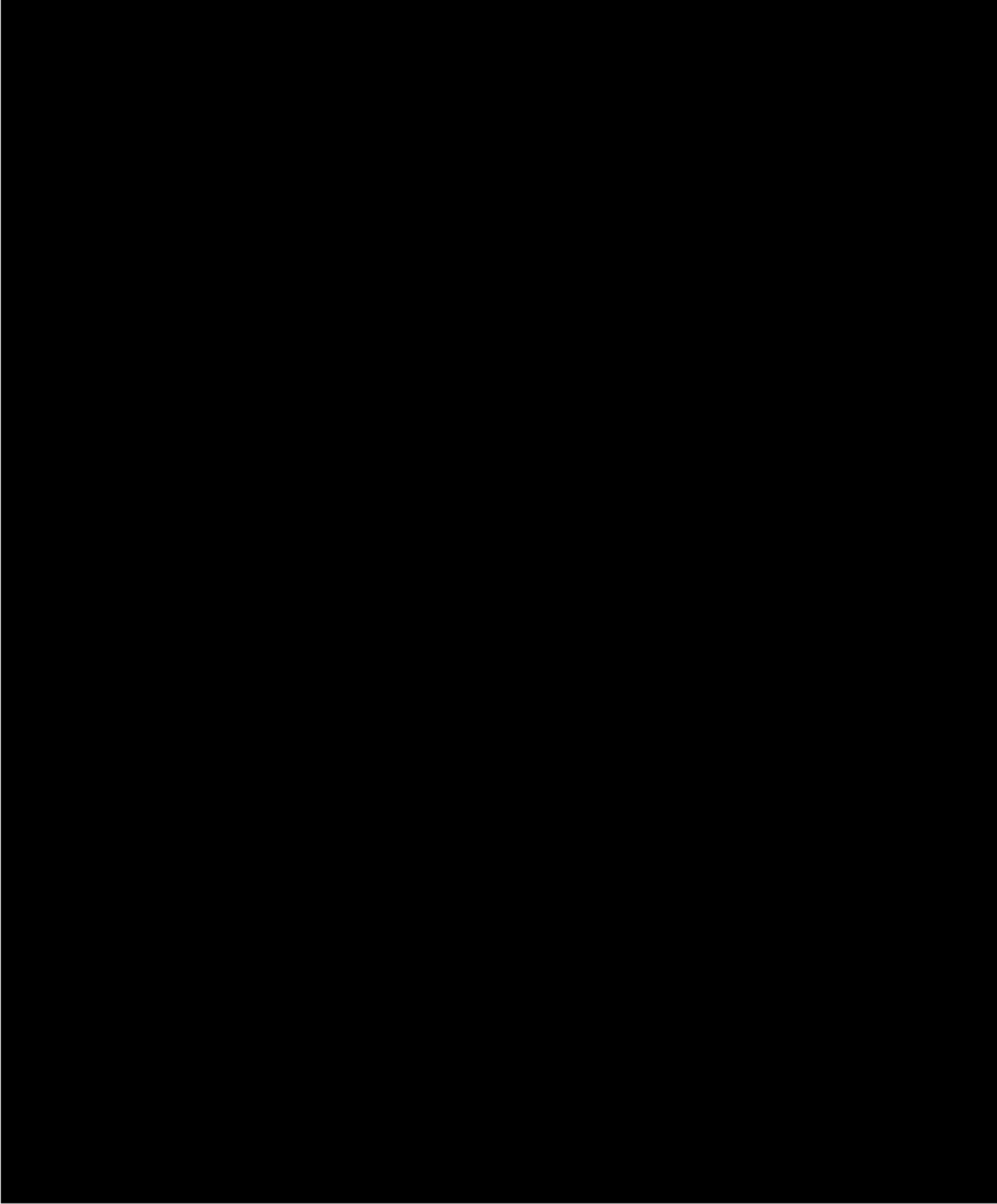
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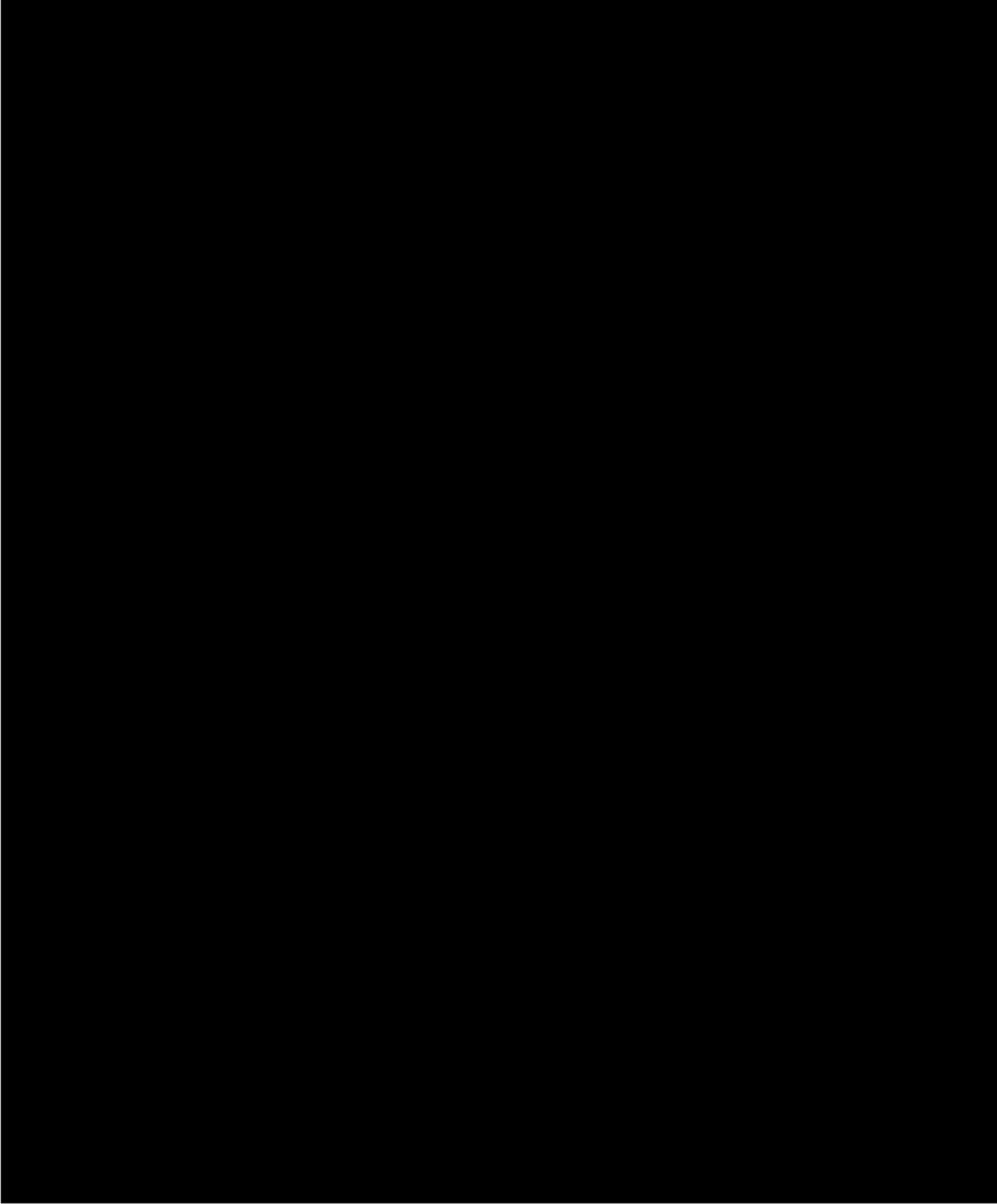
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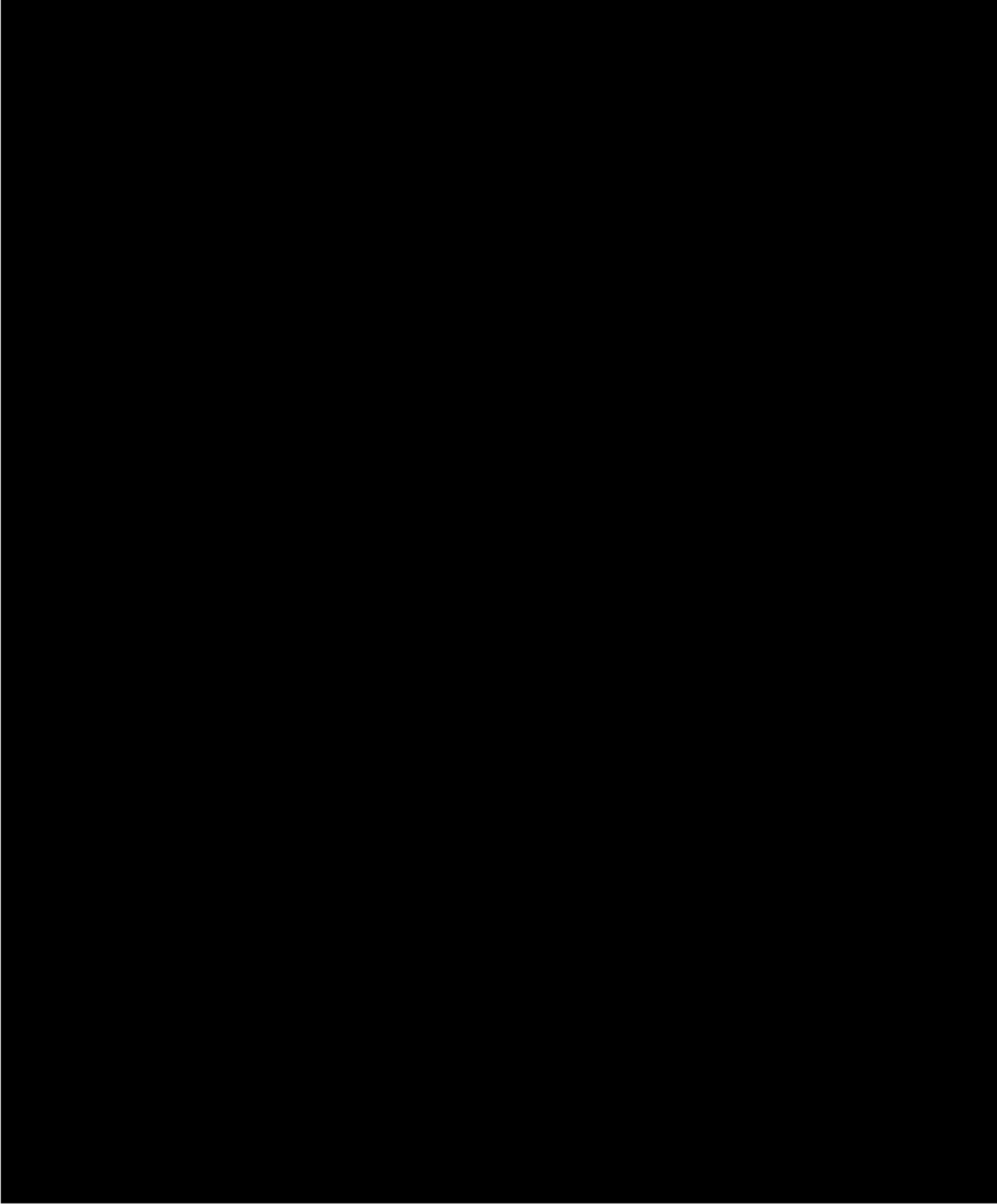
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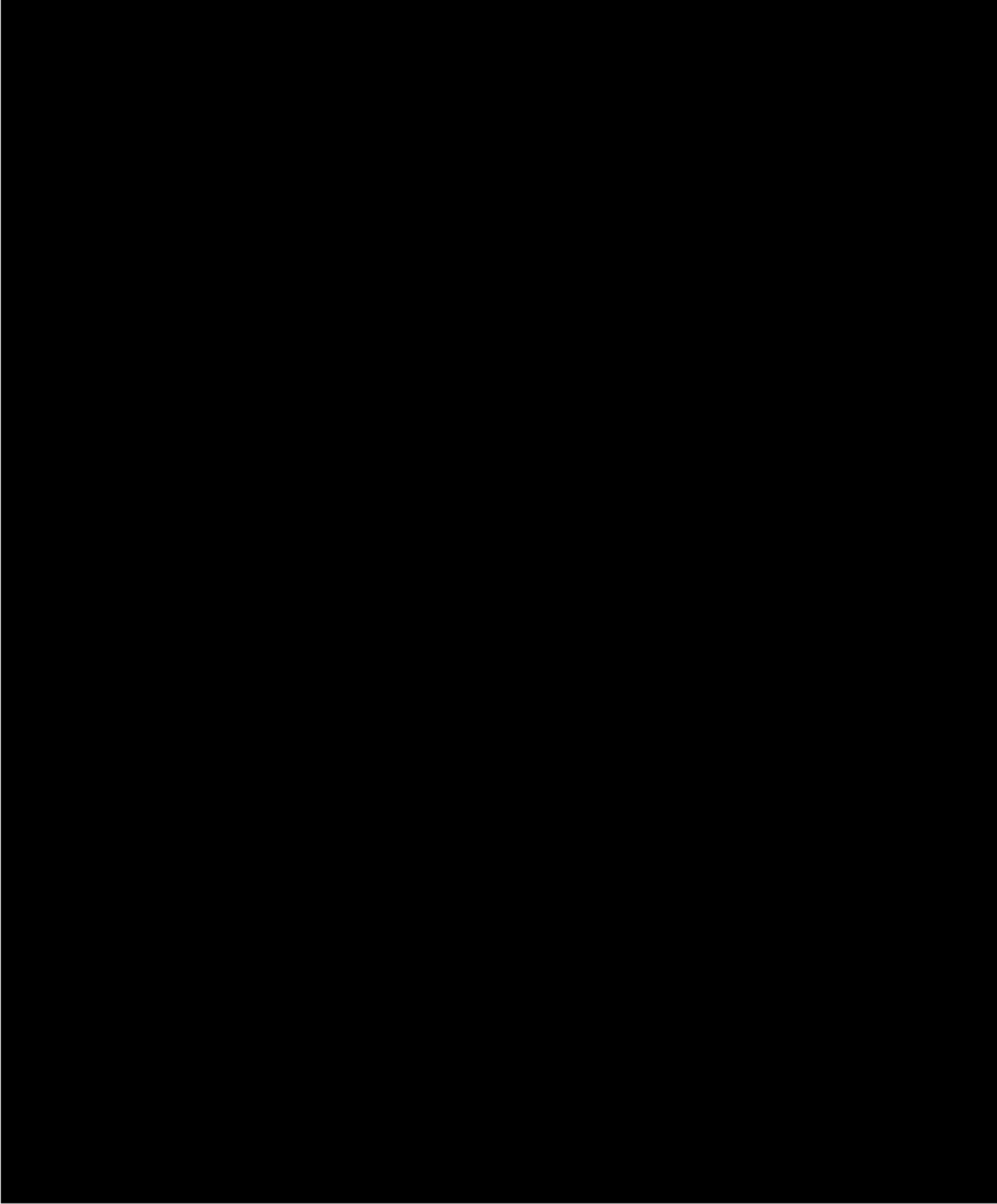
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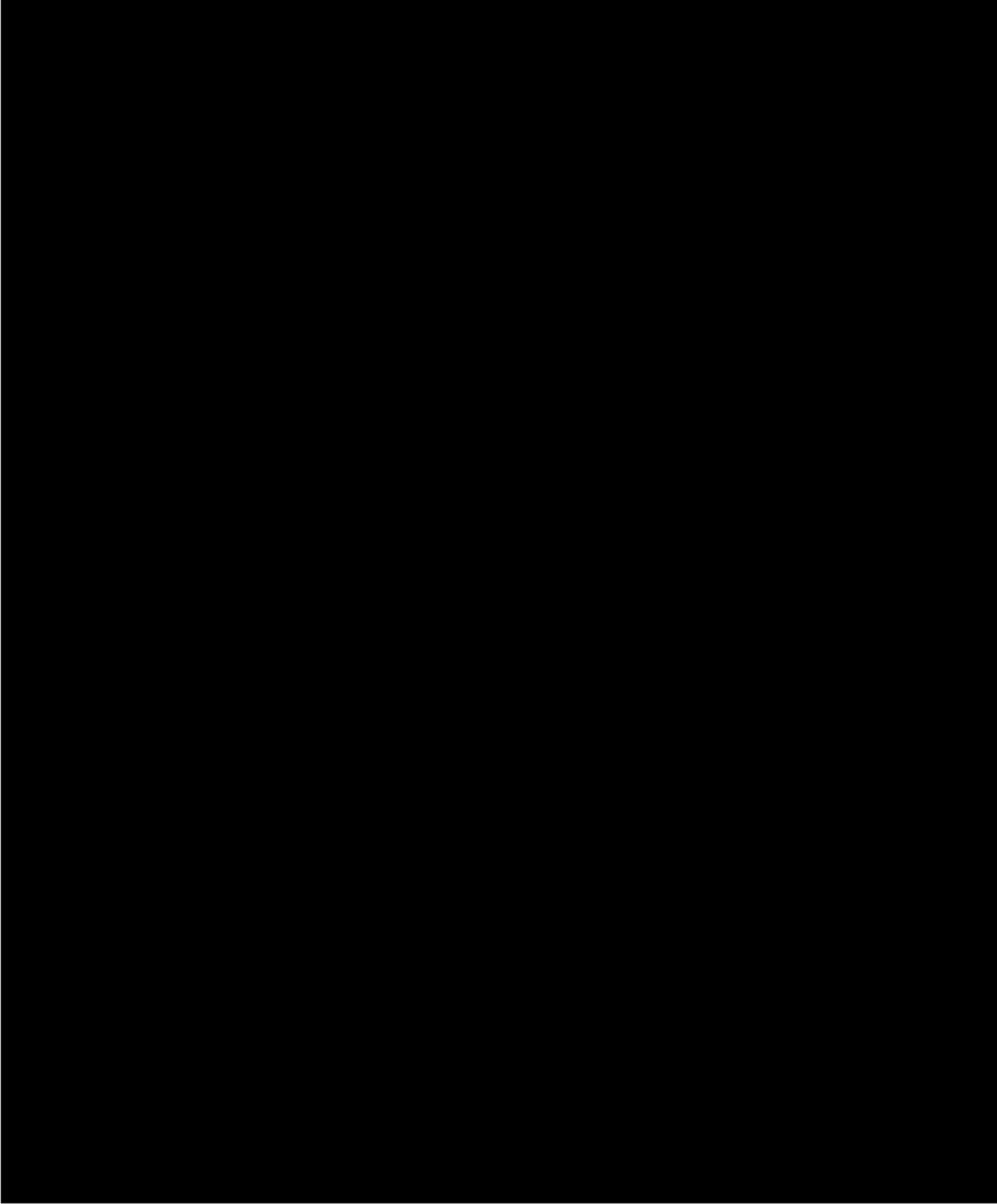
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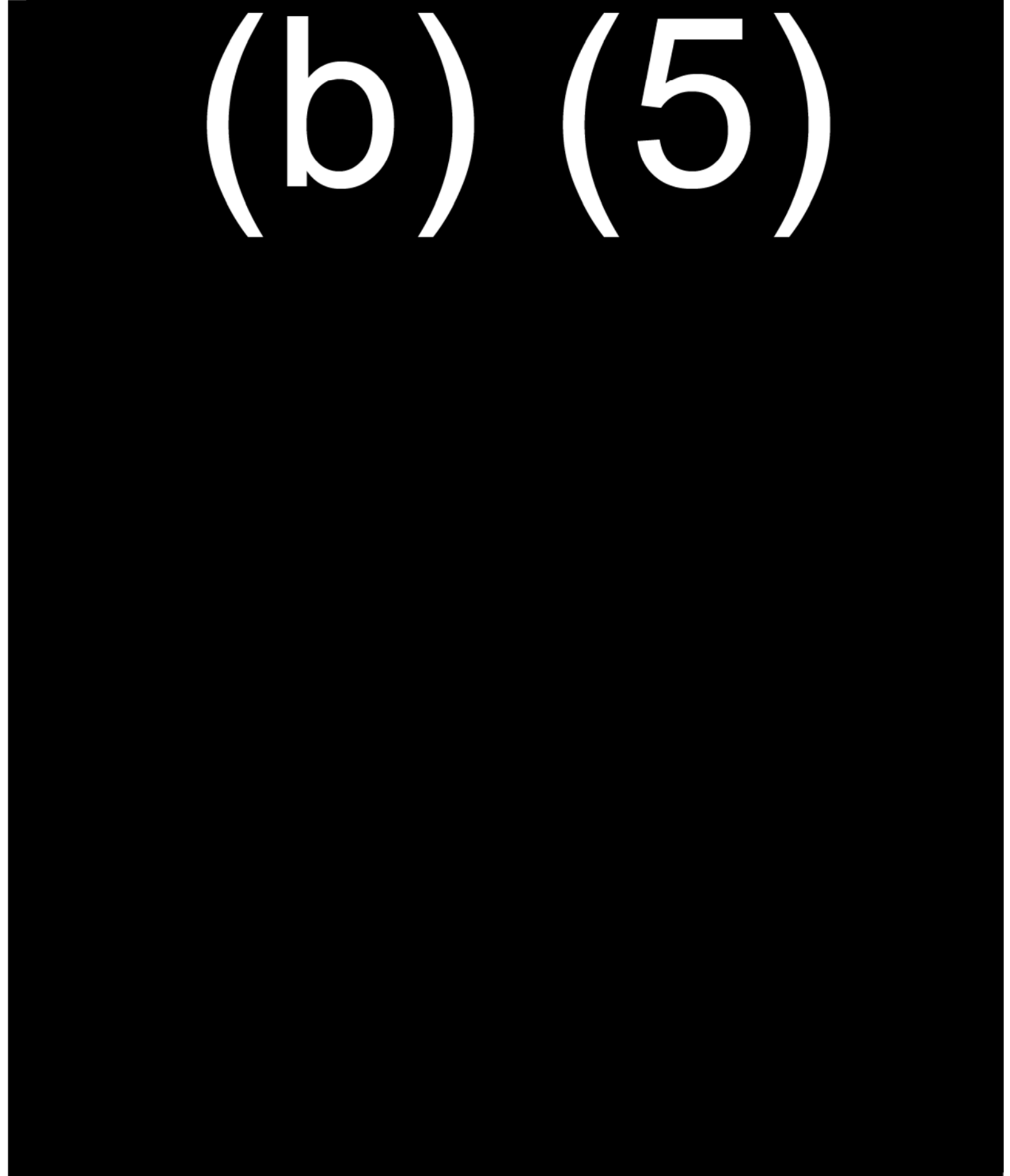
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(b) (5)



(b) (5)

(b) (5)

(b) (5)