 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY U.S. Customs and Border Protection Office of Internal Affairs</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p>		1. CASE NUMBER (b) (7)(E)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/Unknown/GIBRALTAR, WAYNE, MI		
4. STATUS Initial Report	5. TYPE OF REPORT Allegation	
6. TOPIC BPA (b) (6), (b) (7)(C) allegedly mistreated arrestee.		
7. SYNOPSIS On December 30, 2011, Assistant Patrol Agent in Charge (APAIC) (b) (6), (b) (7)(C) Gibraltar, MI, notified U.S. Customs and Border Protection (CBP) Office of Internal Affairs, (OIA) Detroit, MI, regarding (b) (6), (b) (7)(C) allegation of possible mistreatment during arrest by Border Patrol Agent (BPA) (b) (6), (b) (7)(C)		
9. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) - CBP-IA Special Agent	10. COMPLETION DATE 30-DEC-2011	13. ORIGIN OFFICE XXCM CBP View Case
11. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) . CBP-IA Special Agent Supervisor	12. APPROVED DATE 03-JAN-2012	14. TELEPHONE NUMBER (313) (b) (6), (b) (7)(C)
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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

8. NARRATIVE

On December 30, 2011, APAIC, (b) (6), (b) (7)(C) notified CBP/OIA, via email regarding (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) allegation of possible mistreatment during arrest by BPA (b) (6), (b) (7)(C) APAIC (b) (6), (b) (7)(C) provided CBP/OIA a copy of the December 29, 2011, sworn statement of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that was provided to Border Patrol Station Gibraltar, MI.

The following is a verbatim recreation of the email received by CBP/OIA:

<Begin>

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Sent: Fri Dec 30 08:45:14 2011
Subject: RE: possible allegation
Good Morning (b) (6), (b) (7)(C)

Here is the requested sworn statement from (b) (6), (b) (7)(C) DOB (b) (6), (b) (7)(C) As you will read he claims that he felt the Agents were rude and uncaring; and that the marks on his wrists were made by himself because the cuffs were uncomfortable. In his first claim from 11/9/11, it was witnessed by his mother and lawyer at CIS that there was 2 fingers worth of room on his cuffs. In the second arrest, there was again 2 fingers worth of room, to which he again admitted and that he again made the marks. When (b) (6), (b) (7)(C) made his initial claims during both arrests, a Border Patrol Supervisor went to meet and question him. In both cases he claims he was just venting and did not really want to make a complaint and was just venting that the Agents were rude and mean and that they hurt his feelings. The synopsis from the third Supervisory interview and sworn statement again shows that he was just venting.

In all, I feel that (b) (6), (b) (7)(C) has been through the system several times and does not have a leg to stand on. I am sure that at this point he feels that he is winning because we are spending so many man hours chasing him around in circles and inconveniencing us.

I scanned the original hand written statement since it has (b) (6), (b) (7)(C) original signatures. If you find it to hard to read, I'll have one of the Supervisors, retype it.

After checking the sworn statement, let me know if you need anything else.

Thanks



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

8. NARRATIVE

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

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

Assistant Patrol Agent in Charge
Gibraltar Border Patrol Station

Detroit Sector

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

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

734 (b) (6), (b) (7)(C) fax

(b) (6), (b) (7)(C)@dhs.gov

<End>



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
Exhibit List

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

None

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

From:

(b) (6)

Sent:

Friday

To:

(b) (6)

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		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/Unknown/GIBRALTAR, WAYNE, MI		
4. STATUS Initial Report	5. TYPE OF REPORT Allegation	
6. TOPIC BPA (b) (6), (b) (7)(C) allegedly mistreated arrestee.		
7. SYNOPSIS On December 30, 2011, Assistant Patrol Agent in Charge (APAIC) (b) (6), (b) (7)(C) Gibraltar, MI, notified U.S. Customs and Border Protection (CBP) Office of Internal Affairs, (OIA) Detroit, MI, regarding (b) (6), (b) (7)(C) allegation of possible mistreatment during arrest by Border Patrol Agent (BPA) (b) (6), (b) (7)(C)		
9. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) BP-IA Special Agent	10. COMPLETION DATE 30-DEC-2011	13. ORIGIN OFFICE XXCM CBP View Case
11. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) CBP-IA Special Agent Supervisor	12. APPROVED DATE 03-JAN-2012	14. TELEPHONE NUMBER (313) (b) (6), (b) (7)(C)
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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

8. NARRATIVE

On December 30, 2011, APAIC, (b) (6), (b) (7)(C) notified CBP/OIA, via email regarding (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) allegation of possible mistreatment during arrest by BPA (b) (6), (b) (7)(C) APAIC (b) (6), (b) (7)(C) provided CBP/OIA a copy of the December 29, 2011, sworn statement of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that was provided to Border Patrol Station Gibraltar, MI.

The following is a verbatim recreation of the email received by CBP/OIA:

<Begin>

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C) (IA)
Cc: (b) (6), (b) (7)(C)
Sent: Fri Dec 30 08:45:14 2011
Subject: RE: possible allegation
Good Morning (b) (6), (b) (7)(C)

Here is the requested sworn statement from (b) (6), (b) (7)(C) DOB (b) (6), (b) (7)(C) As you will read he claims that he felt the Agents were rude and uncaring; and that the marks on his wrists were made by himself because the cuffs were uncomfortable. In his first claim from 11/9/11, it was witnessed by his mother and lawyer at CIS that there was 2 fingers worth of room on his cuffs. In the second arrest, there was again 2 fingers worth of room, to which he again admitted and that he again made the marks. When (b) (6), (b) (7)(C) made his initial claims during both arrests, a Border Patrol Supervisor went to meet and question him. In both cases he claims he was just venting and did not really want to make a complaint and was just venting that the Agents were rude and mean and that they hurt his feelings. The synopsis from the third Supervisory interview and sworn statement again shows that he was just venting.

In all, I feel that (b) (6), (b) (7)(C) has been through the system several times and does not have a leg to stand on. I am sure that at this point he feels that he is winning because we are spending so many man hours chasing him around in circles and inconveniencing us.

I scanned the original hand written statement since it has (b) (6), (b) (7)(C) original signatures. If you find it to hard to read, I'll have one of the Supervisors, retype it.

After checking the sworn statement, let me know if you need anything else.

Thanks



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

8. NARRATIVE

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

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

Assistant Patrol Agent in Charge
Gibraltar Border Patrol Station
Detroit Sector

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

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

734 (b) (6), (b) (7)(C) fax

(b) (6), (b) (7)(C)@dhs.gov

<End>



DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection
Office of Internal Affairs

REPORT OF INVESTIGATION
Exhibit List

1. CASE NUMBER

(b) (7)(E)

2. REPORT NUMBER

001

None

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

From: (b) (6)

Sent: Friday

To: (b) (6)

Subject: FW: p

Attachments: (b)

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U.S. Customs and
Border Protection

DTM 100/10-C

JAN 18 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector (b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent

SUBJECT: Complaint Referral (b) (7)(E) CRCL

The Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL) forwarded a Class 4 Information referral, case # (b) (7)(E) through the Office of Border Patrol to Detroit Sector regarding complaints against our personnel in the Sandusky Bay Station (SBY) area of responsibility. They have requested specific documents and information relating to the interviews and arrests of Hispanic-looking people at the Toledo, Ohio Bus Station. The request documented two specific incidents which are addressed below by the dates of occurrence.

On 12/17/2009, while conducting routine transportation checks at the Toledo Bus Station, SBY arrested 3 illegal aliens at the Toledo Greyhound Bus Station:

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

COC: Mexico

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

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

COC: El Salvador

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

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

COC: Togo

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

On 12/29/2009, SBY arrested 3 illegal aliens, and cited one LAPR for failure to carry immigration documents during transportation checks at the Toledo Greyhound Bus Station:

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

COC: Mexico

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

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

COC: Kenya

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

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

COC: Mexico

A# (b) (6), (b) (7)(C) (LAPR, CVB Citation issued, released)

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

COC: Guatemala

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

In reference to your request for the information related to the incidents:

- Copies of all available documents related to the investigation, apprehension, detention, and/or removal of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as well as all other "illegal" aliens that were apprehended during transportation checks at the same general time frame, are included with this cover memorandum.
- There were no internal investigations conducted by the U.S. Border Patrol related to these complaints. Please note, however, that the U.S. Attorney's Office for the Northern District of Ohio and the Department of Justice's Office of Immigration Litigation have met with a number of agents from SBY in preparation for litigation relating to *Muniz et. al v. Gallegos, Case No. 3:09-02865 (N.D. OHIO, 2009)*. Please note that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are named plaintiffs in that lawsuit. For additional information relating to this lawsuit, please contact (b) (6), (b) (7)(C) Attorney, Office of the Assistant Chief Counsel, U.S. Customs and Border Protection, Detroit, MI 48226; telephone (313) (b) (6), (b) (7)(C)
- The names and statements of the Border Patrol Agents involved in these interviews and arrests are documented on the I-213s and I-44s attached to this cover memo.
- A copy of Chief Fisher's memorandum titled "Maximizing the Effectiveness of Risk-Based Operations and Detention Resources" dated November 3, 2011 is attached to this cover memorandum, it documents the shift to a risk-based approach to Border Patrol Operations, to include transportation checks.

If you or your staff has any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

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

Sent: Tuesday, January 10, 2012 12:29 PM

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

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

Subject: Request for information and documents in CRCL short form complaint

I have been assigned two complaints (b) (7)(E) and (b) (7)(E). The first complaint alleges that on December 17, 2009, at the Toledo Greyhound Station in Toledo, Ohio, Border Patrol Agent (b) (6), (b) (7)(C) racially profiled the only three Hispanic-looking people on a Greyhound Bus and requested their identification documents. Agent (b) (6), (b) (7)(C) subsequently arrested (b) (6), (b) (7)(C).

Similarly, the second complaint alleges that on December 29, 2009, at the Toledo Greyhound Station in Toledo, Ohio, Border Patrol Agents (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) racially profiled (b) (6), (b) (7)(C) as he exited the bus, requesting to see immigration documents, asking if he was an "illegal," and subsequently arresting him. Mr. (b) (6), (b) (7)(C) alleges that he was the only Hispanic-looking passenger on the bus and was the only passenger questioned.

Please provide me with the following information:

- Copies of all documents related to the investigation, apprehension, detention, and/or removal of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) including but not limited to I-213s and TECS records. Please include any information as to whether these transportation checks were aimed at the complainants specifically or the complainants were approached as part of more general transportation checks;
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in the stop, questioning, and arrest of the complainants;
- CBP orders, policies, SOPs, and/or training materials regarding transportation checks, including any information about whether USBP has stopped routinely searching buses, trains, and/or airports for illegal immigrants at transportation hubs along the northern border.

Feel free to contact me if you have any questions.

Best,


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

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

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

=====

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=====



U.S. Customs and
Border Protection

DTM 100/10-C

JAN 18 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent

SUBJECT: Complaint Referral (b) (7)(E) CRCL

The Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL) forwarded a Class 4 Information referral, case # (b) (7)(E) through the Office of Border Patrol to Detroit Sector regarding complaints against our personnel in the Sandusky Bay Station (SBY) area of responsibility. They have requested specific documents and information relating to the interviews and arrests of Hispanic-looking people at the Toledo, Ohio Bus Station. The request documented two specific incidents which are addressed below by the dates of occurrence.

On 12/17/2009, while conducting routine transportation checks at the Toledo Bus Station, SBY arrested 3 illegal aliens at the Toledo Greyhound Bus Station:

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

COC: Mexico

A#: (b) (6), (b) (7)(C)

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

COC: El Salvador

A#: (b) (6), (b) (7)(C)

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

COC: Togo

A#: (b) (6), (b) (7)(C)

On 12/29/2009, SBY arrested 3 illegal aliens, and cited one LAPR for failure to carry immigration documents during transportation checks at the Toledo Greyhound Bus Station:

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

COC: Mexico

A#: (b) (6), (b) (7)(C)

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

COC: Kenya

A#: (b) (6), (b) (7)(C)

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

COC: Mexico

A#: (b) (6), (b) (7)(C) (LAPR, CVB Citation issued, released)

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

COC: Guatemala

A#: (b) (6), (b) (7)(C)

In reference to your request for the information related to the incidents:

- Copies of all available documents related to the investigation, apprehension, detention, and/or removal of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as well as all other "illegal" aliens that were apprehended during transportation checks at the same general time frame, are included with this cover memorandum.
- There were no internal investigations conducted by the U.S. Border Patrol related to these complaints. Please note, however, that the U.S. Attorney's Office for the Northern District of Ohio and the Department of Justice's Office of Immigration Litigation have met with a number of agents from SBY in preparation for litigation relating to *Muniz et. al v. Gallegos, Case No. 3:09-02865 (N.D. OHIO, 2009)*. Please note that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are named plaintiffs in that lawsuit. For additional information relating to this lawsuit, please contact (b) (6), (b) (7)(C) Attorney, Office of the Assistant Chief Counsel, U.S. Customs and Border Protection, Detroit, MI 48226; telephone (313) (b) (6), (b) (7)(C)
- The names and statements of the Border Patrol Agents involved in these interviews and arrests are documented on the I-213s and I-44s attached to this cover memo.
- A copy of Chief Fisher's memorandum titled "Maximizing the Effectiveness of Risk-Based Operations and Detention Resources" dated November 3, 2011 is attached to this cover memorandum, it documents the shift to a risk-based approach to Border Patrol Operations, to include transportation checks.

If you or your staff has any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

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

Sent: Tuesday, January 10, 2012 12:29 PM

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

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

Subject: Request for information and documents in CRCL short form complaint

I have been assigned two complaints (b) (7)(E) and (b) (7)(E). The first complaint alleges that on December 17, 2009, at the Toledo Greyhound Station in Toledo, Ohio, Border Patrol Agent (b) (6), (b) (7)(C) racially profiled the only three Hispanic-looking people on a Greyhound Bus and requested their identification documents. Agent (b) (6), (b) (7)(C) subsequently arrested (b) (6), (b) (7)(C).

Similarly, the second complaint alleges that on December 29, 2009, at the Toledo Greyhound Station in Toledo, Ohio, Border Patrol Agents (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) racially profiled (b) (6), (b) (7)(C) as he exited the bus, requesting to see immigration documents, asking if he was an "illegal," and subsequently arresting him. Mr. (b) (6), (b) (7)(C) alleges that he was the only Hispanic-looking passenger on the bus and was the only passenger questioned.

Please provide me with the following information:

- Copies of all documents related to the investigation, apprehension, detention, and/or removal of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) including but not limited to I-213s and TECS records. Please include any information as to whether these transportation checks were aimed at the complainants specifically or the complainants were approached as part of more general transportation checks;
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in the stop, questioning, and arrest of the complainants;
- CBP orders, policies, SOPs, and/or training materials regarding transportation checks, including any information about whether USBP has stopped routinely searching buses, trains, and/or airports for illegal immigrants at transportation hubs along the northern border.

Feel free to contact me if you have any questions.

Best,


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

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

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

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=====

(b) (7)(E)

DTM 100/10-C

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent

SUBJECT: Complaint Referral (b) (7)(E) CRCL

The Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL) forwarded a Class 4 Information referral, case # (b) (7)(E) through the Office of Border Patrol to Detroit Sector regarding complaints against our personnel in the Detroit Station (DTS) and Sandusky Bay Station (SBY) areas of responsibility. They have requested specific documents and policies relating to the interviews and arrests of aliens processed and detained by Detroit Sector personnel. As there are multiple events to address in this request, each event will be taken in bullet point form in the order they were addressed in the CRCL request.

- The first complaint alleges that on June 3, 2011, a USBP agent racially profiled Mr. (b) (6), (b) (7)(C) when he asked him for his identification, asked him if he was “illegal,” and arrested him at a local bus stop at the corner of Green and Fort Streets in Detroit, Michigan:

Supervisory Border Patrol Agent (b) (6), (b) (7)(C) was conducting Patrol Border duties in Detroit, MI when he encountered Mr. (b) (6), (b) (7)(C). Based on facts articulated in the I-213, Record of Deportable/Inadmissible Alien SBPA (b) (6), (b) (7)(C) interviewed, determined citizenship, and arrested him. Attached please find all documentation related to the encounter, interview, arrest, and processing of Mr. (b) (6), (b) (7)(C). There were no internal investigations conducted in relation to this complaint, and the names and statements of the Agent(s) are included on the I-213.

- The second complaint alleges that in February, 2011, a CBP agent inappropriately stopped and questioned (b) (6), (b) (7)(C) a legal permanent resident, on I-94 while she was driving to work. The agent allegedly asked her for her immigration papers, which she presented. When Ms. (b) (6), (b) (7)(C) asked why she had been stopped, the agent did not reply:

There are no records of any Border Patrol stops or interviews with Ms. (b) (6), (b) (7)(C)

- The third complaint alleges that on November 3, 2009, (b) (6), (b) (7)(C) was walking with his four year old son on the sidewalk of a residential street in Fremont, Ohio, when a USBP Agent inappropriately approached him and asked him if he knew the location of a particular street. Allegedly, the two agents in the car then exited their vehicle and

approached Mr. (b) (6), (b) (7)(C) and asked additional questions about where he was from, whether he used drugs, whether he knew anyone who sold drugs, and if he knew of any more Hispanics in the area. The agents also asked him for his date of birth, phone number and address and told him not to change his phone number so that they could reach him later:

Memorandums documenting the event are attached here. There were no internal investigations conducted by the U.S. Border Patrol related to this complaint. Please note, however, that the U.S. Attorney's Office for the Northern District of Ohio and the Department of Justice's Office of Immigration Litigation have met with a number of agents from SBY in preparation for litigation relating to *Muniz et. al v. Gallegos, Case No. 3:09-02865 (N.D. OHIO, 2009)*. Mr. (b) (6), (b) (7)(C) is a named plaintiff in that lawsuit. For additional information relating to this lawsuit, please contact (b) (6), (b) (7)(C) Attorney, Office of the Assistant Chief Counsel, U.S. Customs and Border Protection, Detroit, MI 48226; telephone (313) (b) (6), (b) (7)(C)

- The fourth complaint alleges that on September 13, 2009, a USBP Agent pulled into the Marathon gas station on Milian Road in Norwalk, Ohio, after seeing (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) parked at a gas pump. The complaint alleges that the agent blocked Ms. (b) (6), (b) (7)(C) car with his vehicle. The Agent allegedly started interrogating Ms. (b) (6), (b) (7)(C) in English and did not introduce himself or explain why he approached her. He asked for identification, her resident card, and her "papers." Ms. (b) (6), (b) (7)(C) presented a Michigan driver's license. The agent asked Ms. (b) (6), (b) (7)(C) to move her truck to a small parking lot, where he continued to question Ms. (b) (6), (b) (7)(C) and her mother, (b) (6), (b) (7)(C) they were both arrested:

Border Patrol Agent (b) (6), (b) (7)(C) was conducting Patrol Border duties in the Norwalk, OH area when he encountered Mrs. (b) (6), (b) (7)(C) and her daughter Ms. (b) (6), (b) (7)(C). Based on facts articulated in the I-213, BPA (b) (6), (b) (7)(C) interviewed, determined citizenship, and arrested them. Attached, please find all Border Patrol documentation related to the encounter, interview, arrest, and processing of Mrs. (b) (6), (b) (7)(C) and Ms. (b) (6), (b) (7)(C). There were no internal investigations conducted by the U.S. Border Patrol related to this complaint. Please note, however, that the U.S. Attorney's Office for the Northern District of Ohio and the Department of Justice's Office of Immigration Litigation have met with a number of agents from SBY in preparation for litigation relating to *Muniz et. al v. Gallegos, Case No. 3:09-02865 (N.D. OHIO, 2009)*. Mrs. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are named plaintiffs in that lawsuit. For additional information relating to this lawsuit, please contact (b) (6), (b) (7)(C) Attorney, Office of the Assistant Chief Counsel, U.S. Customs and Border Protection, Detroit, MI 48226; telephone (313) (b) (6), (b) (7)(C)

If you or members of your staff have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

From: [REDACTED] (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Tuesday, January 10, 2012 3:27 PM

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

Cc: [REDACTED] (IA)

Subject: Request for information and documents in CRCL short form complaints

I have been assigned four related complaints, all categorized under Complaint No. [REDACTED] (b) (7)(E). The first complaint alleges that on June 3, 2011, a USBP agent racially profiled Mr. [REDACTED] (b) (6), (b) (7)(C) when he asked him for his identification, asked him if he was "illegal," and arrested him at a local bus stop at the corner of Green and Fort Streets in Detroit, Michigan.

The second complaint alleges that in February, 2011, a CBP agent inappropriately stopped and questioned [REDACTED] (b) (6), (b) (7)(C) a legal permanent resident, on I-94 while she was driving to work. The agent allegedly asked her for her immigration papers, which she presented. When Ms. [REDACTED] (b) (6), (b) (7)(C) asked why she had been stopped, the agent did not reply.

The third complaint alleges that on November 3, 2009, [REDACTED] (b) (6), (b) (7)(C) was walking with his four year old son on the sidewalk of a residential street in Freemont, Ohio, when a USBP Agent inappropriately approached him and asked him if he knew the location of a particular street. The two agents in the car then exited their vehicle and approached Mr. [REDACTED] (b) (6), (b) (7)(C) and asked additional questions about where he was from, whether he used drugs, whether he knew anyone who sold drugs, and if he knew of any more Hispanics in the area. The agents also asked him for his date of birth, phone number and address and told him not to change his phone number so that they could reach him later.

The fourth complaint alleges that on September 13, 2009, a USBP Agent pulled into the Marathon gas station on Milian Road in Norwalk, Ohio, after seeing [REDACTED] (b) (6), (b) (7)(C) parked at a gas pump. The complaint alleges that the agent blocked Ms. [REDACTED] (b) (6), (b) (7)(C) car with his vehicle. The Agent allegedly stated interrogating Ms. [REDACTED] (b) (6), (b) (7)(C) in English and did not introduce himself or explain why he approached her. He asked for identification, her resident card, and her "papers." Ms. [REDACTED] (b) (6), (b) (7)(C) presented a Michigan driver's license. The agent asked Ms. [REDACTED] (b) (6), (b) (7)(C) to move her truck to a small parking lot, where he continued to question Ms. [REDACTED] (b) (6), (b) (7)(C) and her mother, [REDACTED] (b) (6), (b) (7)(C). They were both arrested.

Please provide me with the following information:

- Copies of all documents related to the investigation, apprehension, detention, and/or removal of the complainants, including but not limited to I-213s and TECS records;
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in the stops, questioning, and arrests of the complainants;
- CBP orders, policies, SOPs, and/or training materials regarding when, and under what circumstances, a USBP agent may question people.

Feel free to contact me if you have any questions.

Best,

[REDACTED] (b) (6), (b) (7)(C)

[REDACTED] (b) (6), (b) (7)(C)

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

(202) [REDACTED] (b) (6), (b) (7)(C) [REDACTED]

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

=====

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

=====

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]

Sent: Thursday, September 20, 2012 1:40 PM

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

Cc: (b) (6), (b) (7)(C) (IA); (b) (6), (b) (7)(C) (IA); (b) (6), (b) (7)(C)

Subject: CRCL COMPLAINT CLOSED

Dear Colleagues,

CRCL has closed Referred CRCL Complaint No. (b) (6), (b) (7)(C), (b) (7)(E)

Thank you,

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


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

Senior Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security Headquarters

Washington, DC 20005

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

(b) (6), (b) (7)(C) [@dhs.gov](mailto:(b) (6), (b) (7)(C)@dhs.gov)

dhs-signature



~~**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.~~

(b) (7)(E)

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Wednesday, February 15, 2012 6:46 PM

To: (b) (6), (b) (7)(C) [REDACTED]

Cc: (b) (6), (b) (7)(C) (IA); (b) (6), (b) (7)(C) (IA); (b) (6), (b) (7)(C) [REDACTED]

Subject: CRCL SHORT FORM COMPLAINT NO. (b) (6), (b) (7)(C), (b) (7)(E)

This is a CRCL Short Form Complaint: On November 14, 2011, CRCL received the below report from the Alliance for Immigrants Rights & Reform Michigan (AIR), alleging that on October 15, 2011, in a community park known as Riverfront Park, two Border Patrol agents interrogated five Latino youth and detained one (named (b) (6), (b) (7)(C) [REDACTED] who the agents determined to be undocumented. The account goes on to say that Border Patrol agents used (b) (6), (b) (7)(C) [REDACTED] to lure his mother to the station, thinking she was coming to pick him up. When she arrived at the Border Patrol station, it is alleged that she was also questioned about her legal status and was subsequently arrested. Both (b) (6), (b) (7)(C) [REDACTED] and his mother were then placed in deportation proceedings.

Please make an attempt to identify (b) (6), (b) (7)(C) [REDACTED] and his mother, and provide CRCL with an account of the incident, including the mother's arrest. Please provide CRCL with all relevant records.

THE AIR COMPLAINT STATES:

On the morning of October 15th, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6), (b) (7)(C) [REDACTED] (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards. At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish. (b) (6), (b) (7)(C) [REDACTED] was told that his mother would have to come pick him up. (b) (6), (b) (7)(C) [REDACTED] asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b) (6), (b) (7)(C) [REDACTED] mother arrived to pick him up, she was questioned, detained, and now both she and (b) (6), (b) (7)(C) [REDACTED] are in deportation proceedings. Agents mocked (b) (6), (b) (7)(C) [REDACTED] when his mother arrived, saying that they'd "changed their minds."

Thank you.

(b) (6), (b) (7)(C) [REDACTED]

Senior Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security Headquarters

Washington, DC 20005

202-(b) (6), (b) (7)(C) [REDACTED]



(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

dhs-signature



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(b) (7)(E)

DTM 100/10-C



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

FEB 24 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Assistant Chief
Office of Internal Affairs

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals (b) (7)(E) Civil Rights and Civil
Liberties

Attached, please find the Detroit Sector Border Patrol's response to Complaint Referrals (b) (7)(E). After a thorough review, I concur with the findings.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C).

Attachments



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

DTM 100/10-C

FEB 23 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals Nos. (b) (7)(E) Civil Rights and Civil
Liberties

Customs and Border Protection Internal Affairs forwarded four Joint Intake Center allegations/complaints for our review and investigations. Three of the four complaints are against our personnel in the Detroit Border Patrol Station (DTS) and their area of responsibility (AOR), the fourth is in Gibraltar Station's AOR.

The complaints, sent by the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL), requested specific information, investigative reports, interviews, and policies relating to encounters with the public at specific community locations, and of specific aliens processed and detained in Detroit Sector. As there are multiple events to address in this request, each event will be taken in bullet point form in the order they were addressed in the CRCL complaint.

- The first complaint, (b) (7)(E) CRCL, alleges that on the morning of October 15, 2011, two U.S. Border Patrol Agents in separate vehicles approached five Latino youths at the Riverfront Park and proceeded to interrogate them. One of the youths, identified as (b) (6), (b) (7)(C) was found to be an illegal alien, and was detained and transported to the Border Patrol Station along with two of the other youths who claimed to have immigration documents which were not within their possession. The undocumented alien identified as (b) (6), (b) (7)(C) was supposedly told that his mother would have to come to the station and pick him up, he called her, she showed up, she was interviewed as to her citizenship, was found to be an undocumented alien, and was also detained. They were both processed and placed into Deportation proceedings.

There is no Riverfront Park in the DTS's AOR. However, there is a Riverside Park. An extensive search of all databases and hardcopy records was conducted for DTS and Detroit Sector with negative results. Not only were the given dates reviewed, but files from 30 days before and 30 days after were also investigated, all with negative results. Without additional information i.e., aliens last names, agents' names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The second complaint, (b) (7)(E) CRCL, alleges that on July 25, 2011, at least four Office of Field Operations and Border Patrol vehicles were spotted in the east parking lot

of St. Anne's Catholic Church in Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operations off of church property after repeated protests by the church pastor.

This exact complaint was received by Detroit Border Patrol Sector Headquarters through local media, and was investigated in late September, 2011. Below is the final email report on the subject by DTS Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C). A complete copy of the email string is also attached:

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03' N / 83.04°23.82' W). They have a parish parking lot across the street from the church that borders the U.S. Customs and Border Protection Port of Entry compound, and is separated by a wall.

On July 25th at about 7:12 PM, SBPA (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs' property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention, and she replied that they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to back-up the Customs Officers on scene. Upon arriving, they met with Customs Officers (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C). SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel, and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass, and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject, and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred. There is no other documentation associated with this incident from the Border Patrol. The Detroit OFO was supposed to continue documentation, but DTM does not have any verification on whether this occurred.

- The third complaint, (b) (7)(E) CRCL, alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church in Lincoln Park, Michigan during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were “watching traffic,” and then departed the scene.

The church identified in the allegation is located in (b) (7)(E) the Gibraltar Border Patrol Station’s AOR, but is out of their Primary Operational Domain (POD). According to the G-481 (Daily work assignments), only one agent (BPA (b) (6), (b) (7)(C)) was assigned to that zone during dayshift. He was questioned about the allegation and had no knowledge of the event. Again, without additional information, i.e., agents’ names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The fourth complaint, (b) (7)(E) alleges that on August 10, 2011, (b) (6), (b) (7)(C) a church elder at St. Stephen’s Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 PM. He found a single Border Patrol vehicle stationed in the parking lot. Mr. (b) (6), (b) (7)(C) allegedly approached the Agents in the car to ask them what they were doing at the church. The Agents allegedly replied that they were making a U-turn (despite being stationary), and drove off.

The church identified in the allegation is located in (b) (7)(E) DTS’s AOR, but west of I-75, out of their POD. According to the G-481, two agents (BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)) were assigned to that zone during dayshift in separate vehicles. Each of them was questioned about the allegation and each had no knowledge of it. As discussed previously, we cannot investigate this allegation further.

Copies of the email traffic concerning these allegations are included with this memorandum for your review and consideration. Copies of the pertinent G-481s are also included. A copy of Chief Fisher’s memo on Considerations during Planned Enforcement Actions at or near Certain Community Locations is included.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

OBP 50/1.1.2-C



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

FEB 02 2012

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs (b) (6), (b) (7)(C)

FROM: Michael J. Fisher (b) (6), (b) (7)(C)
for Chief
U.S. Border Patrol

SUBJECT: Considerations During Planned Enforcement Actions At or Near
Certain Community Locations

The presence of Border Patrol agents conducting enforcement activities at or near schools and places of worship is a sensitive issue in many communities given the public's interest in the U.S. Border Patrol's mission. Accordingly, careful planning is important before undertaking enforcement action at or near these establishments. It is U.S. Border Patrol policy to avoid the apprehension of persons on or near school premises and places of worship.

The following establishments should be considered to be within the context of this policy:

- Pre-schools, primary schools, secondary schools, and post-secondary schools;
- Other facilities where education is conducted, as determined by field leadership;
- Places of worship; and
- Places where funerals, weddings, or other public religious ceremonies take place.

This is not an exhaustive list. Agents should consult their supervisors for guidance when an enforcement action is contemplated or planned at or near a location, not specifically listed above, that may be considered similar in nature, description or function.

Prior written approval from the Chief Patrol Agent is required when enforcement actions or investigative activities are likely to lead to an apprehension at or near these locations. Activities at these locations that simply involve the inspection of records, preliminary investigations, or similar actions during which apprehensions will not be made may be approved by the Deputy Chief Patrol Agent. Any investigative activity that involves domiciled or institutionalized aliens should be referred to U.S. Immigration and Customs Enforcement, Homeland Security Investigations, as appropriate.

This policy does not specifically preclude enforcement actions at the listed locations; however, when situations arise that call for entry into the above mentioned locations without prior written approval, agents are expected to exercise common sense and good judgment while taking the appropriate action. Exigent circumstances requiring an agent to enter these establishments shall be reported immediately through the chain of command to the Chief Patrol Agent.

Considerations During Planned Enforcement Actions At or Near Certain Community Locations
Page 2

This policy supersedes and replaces the January 17, 2008 memorandum *Enforcement Actions at Schools and Places of Worship*, by then-Chief David V. Aguilar.

Staff may direct questions to Acting Associate Chief (b) (6), (b) (7)(C) of the Strategic Planning, Policy and Analysis Division, Policy Branch, at (202) (b) (6), (b) (7)(C)

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

201205164

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at [\(b\) \(6\), \(b\) \(7\)\(C\)@dhs.gov](mailto:(b) (6), (b) (7)(C)@dhs.gov)

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
[\(b\) \(6\), \(b\) \(7\)\(C\)@dhs.gov](mailto:(b) (6), (b) (7)(C)@dhs.gov)

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief

Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Wednesday, February 15, 2012 6:46 PM

To: (b) (6), (b) (7)(C) [REDACTED]

Cc: (b) (6), (b) (7)(C) [REDACTED] W (IA); (b) (6), (b) (7)(C) [REDACTED] (IA); (b) (6), (b) (7)(C) [REDACTED]

Subject: CRCL SHORT FORM COMPLAINT NO. (b) (6), (b) (7)(C), (b) (7)(E) [REDACTED]

This is a CRCL Short Form Complaint: On November 14, 2011, CRCL received the below report from the Alliance for Immigrants Rights & Reform Michigan (AIR), alleging that on October 15, 2011, in a community park known as Riverfront Park, two Border Patrol agents interrogated five Latino youth and detained one (named (b) (6), (b) (7)(C) [REDACTED] who the agents determined to be undocumented. The account goes on to say that Border Patrol agents used (b) (6), (b) (7)(C) [REDACTED] to lure his mother to the station, thinking she was coming to pick him up. When she arrived at the Border Patrol station, it is alleged that she was also questioned about her legal status and was subsequently arrested. Both (b) (6), (b) (7)(C) [REDACTED] and his mother were then placed in deportation proceedings.

Please make an attempt to identify (b) (6), (b) (7)(C) [REDACTED] and his mother, and provide CRCL with an account of the incident, including the mother's arrest. Please provide CRCL with all relevant records.

THE AIR COMPLAINT STATES:

On the morning of October 15th, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6), (b) (7)(C) [REDACTED] (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards. At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish. (b) (6), (b) (7)(C) [REDACTED] was told that his mother would have to come pick him up. (b) (6), (b) (7)(C) [REDACTED] asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When Eduardo's mother arrived to pick him up, she was questioned, detained, and now both she and Eduardo are in deportation proceedings. Agents mocked (b) (6), (b) (7)(C) [REDACTED] when his mother arrived, saying that they'd "changed their minds."

Thank you.

(b) (6), (b) (7)(C) [REDACTED]

Senior Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security Headquarters

Washington, DC 20005

202 (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

dhs-signature



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

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 8:47 AM
To: (b) (6), (b) (7)(C)
Attachments: (b) (7)(E).pdf

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

I will address the attached one now and will get back to you on the others when I gather some info on them. As for this one, we show no arrests on Oct 15, 2011. No I-44's showing anyone brought into the station to determine status for the entire month of October. We show nobody with the name (b) (6), (b) (7)(C) written up in the month of October, no mother/son combination written up in the month of October. No encounters in the area of Riverside Park, I assume that's where they meant even though the complaint says "Riverfront Park".

I have done all the research I can on this one and all I can say is it doesn't look like it was us.

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

Patrol Agent in Charge
Detroit Border Patrol Station
313 (b) (6), (b) (7)(C) (Office)
313 (b) (6), (b) (7)(C) (Cell)
313 (b) (6), (b) (7)(C) (Fax)

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

From: **(b) (6), (b) (7)(C)**
Sent: Wednesday, February 22, 2012 11:54 AM
To: **(b) (6), (b) (7)(C)**
Subject: RE: Civil Rights/Civil Liberties rquests
 Nada from 9/10/11 – 11/15/11

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

From: **(b) (6), (b) (7)(C)**
Sent: Wednesday, February 22, 2012 11:29 AM
To: **(b) (6), (b) (7)(C)**
Subject: Re: Civil Rights/Civil Liberties rquests

I know, give me another 15 days each direction please, thanks.

From: **(b) (6), (b) (7)(C)**
To: **(b) (6), (b) (7)(C)**
Sent: Wed Feb 22 11:23:32 2012
Subject: Re: Civil Rights/Civil Liberties rquests

I looked at the entire month of October

From: **(b) (6), (b) (7)(C)**
To: **(b) (6), (b) (7)(C)**
Sent: Wed Feb 22 11:14:56 2012
Subject: Re: Civil Rights/Civil Liberties rquests

(b) (6), (b) (7)(C) in reference to your data search for **(b) (6), (b) (7)(C)** and his mom", and the two others in that group that were brought to the station to verify status, did you search 30 days before and 30 days after (I-44, I-213, Tickets issued) just to make sure we covered it all (no ICAD search)?

From: **(b) (6), (b) (7)(C)**
To: **(b) (6), (b) (7)(C)**
Sent: Wed Feb 22 11:00:06 2012
Subject: FW: Civil Rights/Civil Liberties rquests

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA **(b) (6), (b) (7)(C)** who was the second agent assigned to **(b) (7)(E)** which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

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

2/23/2012

Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties requests

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

(b) (7)(E)

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011 (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties requests

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

Review the attached PDFs and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it, for example, did (b) (6), (b) (7)(C) put anything together for it, thanks. << File: (b) (7)(E) << File: (b) (7)(E)

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045

586- (b) (6), (b) (7)(C) Ofc
586- Cell

G-481 Daily Unit Assignment Log, Sub Group Days

Office: DTM/DTS

Wednesday, August 10, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	APAIC, Local, Office	(b) (6), (b) (7)(C)			0700-1500	
	SBPA, Local, Office				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	Prosecution
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Training				0800-1600	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Continuance Of Pay				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Administrative Leave				0800-1600	
NONE	Detail Out Station				0800-1600	
NONE	Detail Out Station				0800-1600	

Department of Homeland Security, Customs and Border Protection
 Sensitive But Unclassified

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

Total Manpower is: 14

Examined and Approved by: _____

(b) (7)(E)

8/10/2011

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

201205165

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) (b) (6), (b) (7)(C) (office)
(202) (b) (6), (b) (7)(C) (cell)
(202) (b) (6), (b) (7)(C) (fax)

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (b) (7)(E) [REDACTED], (b) (7)(E) [REDACTED], and (b) (7)(E) [REDACTED] for follow up.

The first complaint alleges that on July 25, 2011, at least four OFO and Border Patrol vehicles were spotted in the east parking lot of St. Anne's Catholic Church in, Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protests by the church pastor.

The second complaint [redacted].

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

=====

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(b) (6), (b) (7)(C)**From:** (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 5:31 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** St. Annes Church Incident Summary - Faith Leaders Question Border Patrol Actions

As requested, here is a summary of the events that occurred.

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

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs Port of Entry compound and is separated by a wall.

On July 25th at about 7:12 PM, Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention and she said they would not respond due to the hour of day. SBPA Hall sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to the area as back-up for the Customs Officers on scene. Upon arriving they met with Customs Officers (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C) SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred.

From: (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 4:30 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** RE: Faith Leaders Question Border Patrol Actions

(b) (6), (b) (7)(C) is Agent (b) (6), (b) (7)(C) he now on the mid-night shift. Agents (b) (6), (b) (7)(C) and Agent (b) (6), (b) (7)(C) both stated they were there near St. Anne Church. The Agents got call from their SBPA to back-up CBP-OFO Officers at a parking lot adjacent to the church. The Agents observed at least four CBP-OFO Officers, one individual in handcuffs by a CBP-OFO vehicle. SBPA (b) (6), (b) (7)(C) will email the details.

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

2/23/2012

Supervisory Border Patrol Agent

Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

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

Sent: Wednesday, September 21, 2011 4:09 PM

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

Subject: RE: Faith Leaders Question Border Patrol Actions

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

Please review these and see if you can speak to the agents involved, especially the one on the 4th page, where did that event take place?

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

Assistant Chief Patrol Agent

U.S. Border Patrol/ Detroit Sector

26000 South St., Bldg 1516

Selfridge ANGB, Michigan 48045

586-^{(b) (6), (b) (7)(C)} Ofc

586-^{(b) (6), (b) (7)(C)} Cell

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

Sent: Wednesday, September 21, 2011 3:53 PM

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

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

Subject: RE: Faith Leaders Question Border Patrol Actions

No record in DTS's vehicle stops log or apprehension log.

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

Supervisory Border Patrol Agent

Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

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

Sent: Wednesday, September 21, 2011 3:49 PM

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

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

Subject: FW: Faith Leaders Question Border Patrol Actions

Here you go ^{(b) (6), (b) (7)(C)} as soon as you can, thanks.

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

Sent: Wednesday, September 21, 2011 2:45 PM

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

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

Subject: RE: Faith Leaders Question Border Patrol Actions

We need better then ^{(b) (6), (b) (7)(C)} have someone check the logs or ^{(b) (7)(E)} and see if you had any arrests that day at the church, or within a quarter mile of it, and get back to us with any particulars, thanks.

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

2/23/2012

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:06 PM
To: (b) (6), (b) (7)(C)
Subject: Re: Faith Leaders Question Border Patrol Actions

Have no clue what its about. I haven't met with them in a while.
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:23:59 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

Youse guys know of anything that occurred on July 25th at St. Anne's Church (b) (6), (b) (7)(C) was this your normal liaison day with them?

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 1:17 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fw: Faith Leaders Question Border Patrol Actions

Gentlemen
Please see below press release in regards to Border Patrol in Detroit. Looks like they want a response from us on this one. HQ OBP might want to take this one. This is from WWJ CBS Radio Detroit.

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

From: (b) (6), (b) (7)(C)@dhs.gov>
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:12:28 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

From: (b) (6), (b) (7)(C)@cbsradio.com]
Sent: Wednesday, September 21, 2011 1:09 PM
To: (b) (6), (b) (7)(C)@dhs.gov
Subject: Faith Leaders Question Border Patrol Actions

Take a peak -- let me know if you have any comment! Thanks, (b) (6), (b) (7)(C) 248- (b) (6), (b) (7)(C)

Contact: (b) (6), (b) (7)(C) 248- (b) (6), (b) (7)(C)@michiganimmigrationreform.org

MEDIA ADVISORY

Faith Leaders Will Gather To Question Border Patrol Action at Church,
Release National Report on Abusive Enforcement by Border Patrol

Concerned community members will gather on Wednesday, September 21st at 11:30 a.m. at St. Anne's Catholic Church in Detroit to raise questions about a Border Patrol enforcement action that took place at St. Anne's Church during mass on July 25, 2011.

Advocates will also release to the media a new report by No More Deaths, which details the results of more than 13,000 interviews with migrants along the southwest border. The interviews document pattern of abuse, including individuals suffering severe dehydration who are then routinely deprived of water; people with life-threatening medical conditions denied treatment; children and adults being beaten during apprehensions and in custody; detainees crammed into over-crowded cells and being subjected to extreme hot and cold, sleep deprivation, and subjecting detainees to humiliation and other forms of psychological abuse.

Who: Father (b) (6), (b) (7)(C) Pastor, St. Anne's Church
(b) (6), (b) (7)(C) Council on American Islamic Relations - Michigan
Representative of the office of Congressman John Conyers
Supportive Local Community and Faith Leaders

When: Wednesday, September 21st, 11:30 a.m.

Where: St. Anne's Catholic Church, 1000 Ste. Anne Street, Detroit

www.michiganimmigrationreform.org

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

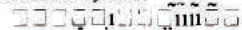
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) (b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

(b) (7)(E)

2/17/12

201205166

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: [REDACTED] (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: [REDACTED] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, (b) (7)(E) and redacted) for follow up.

The first complaint [redacted].

The second complaint alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church, in Lincoln Park, Michigan, during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were "watching traffic," and then departed the scene.

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

[REDACTED] (b) (6), (b) (7)(C)

[REDACTED] (b) (6), (b) (7)(C)
Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) [REDACTED] (b) (6), (b) (7)(C)
[REDACTED] (b) (6), (b) (7)(C) @dhs.gov

=====
WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.
=====

(b) (6), (b) (7)(C)
From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 2:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I reviewed apprehension logs, vehicle stop logs, ICAD reports, and schedules. All were negative for any activity in the surrounding zones for August 6, 2011. There was one agent assigned to (b) (7)(E) where the church is located (BPA (b) (6), (b) (7)(C)) and one agent assigned to next zone to the south (BPA (b) (6), (b) (7)(C)) during day shift. Each agent was asked if they recall being in the parking lot of the church and both agent replied that they have never been in the parking lot or having talked to the pastor of the church. Detroit Station covers the zone to the north and Detroit Agents do not cross over the River Rouge which separates the stations boundaries.

Of note would be the fact that there were not any agents assigned to the same vehicle during 8/6/11 and the pastor said he confronted agents (plural). They also allege that the agents left in a car. The nearest sedan assigned to the area was in (b) (7)(E) which is well south of the area (12 1/2 miles). Fort Street and Outer drive where the church is located is out of our Primary Operating Domain (POD). The western edge of the POD is located approximately two miles to the east of the location of the alleged incident. (b) (7)(E)

(b) (7)(E)

The information given in the allegation does not match the records I have.

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

Patrol Agent in Charge
USBP/Gibraltar Station
Phone: (734) (b) (6), (b) (7)(C) station
Phone: (734) (b) (6), (b) (7)(C) desk
Cell: (586) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Civil Rights/Civil Liberties rquests

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

Please review the attached IA complaint and run it to ground on your end, I am trying to avoid a Management Inquiry, but it will be dependent on what you find out, thanks.

<< File: (b) (7)(E) pdf >>

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

Assistant Chief Patrol Agent

G-481 Daily Unit Assignment Log, Shift 33

Office: DTM/GIB

Saturday, August 06, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	Supervisory Border Patrol Agent	(b) (6), (b) (7)(C)			0800-1600	
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	42
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	43
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	44
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	Grosse Ile
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	45
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	46
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	46
	Vessel Crewman	(b) (6), (b) (7)(C)			0800-1600	Vessel Crewman w/OAM
	I-75 Monroe County Corridor	(b) (6), (b) (7)(C)			0800-1600	I-75 Monroe County
NONE	Sick Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C)			0800-1600	

Department of Homeland Security, Customs and Border Protection
Sensitive But Unclassified

Total Manpower is: 10

Examined and Approved by: _____

Date 2/16/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class

3

Station

Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (JA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, redacted, and (b) (7)(E) [REDACTED] for follow up.

The first complaint [redacted].

The second complaint [redacted].

The third complaint alleges that on August 10, 2011, (b) (6), (b) (7)(C) [REDACTED] a church elder at St. Stephen's Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 pm. He found a single Border Patrol vehicle stationed in the parking lot. Mr. (b) (6), (b) (7)(C) [REDACTED] allegedly approached the agents in the car to ask them what they were doing at the church. The agents allegedly replied that they were making a u-turn (despite being stationary), and drove off.

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions:

Best,

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security

(202) (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

=====

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

=====

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:00 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Civil Rights/Civil Liberties rquests

Attachments: 20120221103402105.pdf

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011 (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C). I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDF's and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it. for example, did Hall put anything together for it, thanks. << File: (b) (7)(E) pdf>> << File: (b) (7)(E) pdf>>

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) fe
586 (b) (6), (b) (7)(C) ell

DTM 100/10-C



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

FEB 24 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Assistant Chief
Office of Internal Affairs

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals (b) (7)(E) Civil Rights and Civil
Liberties

Attached, please find the Detroit Sector Border Patrol's response to Complaint Referrals (b) (7)(E). After a thorough review, I concur with the findings.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C).

Attachments



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

DTM 100/10-C

FEB 23 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals Nos. (b) (7)(E) Civil Rights and Civil
Liberties

Customs and Border Protection Internal Affairs forwarded four Joint Intake Center allegations/complaints for our review and investigations. Three of the four complaints are against our personnel in the Detroit Border Patrol Station (DTS) and their area of responsibility (AOR), the fourth is in Gibraltar Station's AOR.

The complaints, sent by the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL), requested specific information, investigative reports, interviews, and policies relating to encounters with the public at specific community locations, and of specific aliens processed and detained in Detroit Sector. As there are multiple events to address in this request, each event will be taken in bullet point form in the order they were addressed in the CRCL complaint.

- The first complaint, # (b) (7)(E) CRCL, alleges that on the morning of October 15, 2011, two U.S. Border Patrol Agents in separate vehicles approached five Latino youths at the Riverfront Park and proceeded to interrogate them. One of the youths, identified as (b) (6), (b) (7)(C) was found to be an illegal alien, and was detained and transported to the Border Patrol Station along with two of the other youths who claimed to have immigration documents which were not within their possession. The undocumented alien identified as (b) (6), (b) (7)(C) was supposedly told that his mother would have to come to the station and pick him up, he called her, she showed up, she was interviewed as to her citizenship, was found to be an undocumented alien, and was also detained. They were both processed and placed into Deportation proceedings.

There is no Riverfront Park in the DTS's AOR. However, there is a Riverside Park. An extensive search of all databases and hardcopy records was conducted for DTS and Detroit Sector with negative results. Not only were the given dates reviewed, but files from 30 days before and 30 days after were also investigated, all with negative results. Without additional information i.e., aliens last names, agents' names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The second complaint, # (b) (7)(E) CRCL, alleges that on July 25, 2011, at least four Office of Field Operations and Border Patrol vehicles were spotted in the east parking lot

of St. Anne's Catholic Church in Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operations off of church property after repeated protests by the church pastor.

This exact complaint was received by Detroit Border Patrol Sector Headquarters through local media, and was investigated in late September, 2011. Below is the final email report on the subject by DTS Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) A complete copy of the email string is also attached:

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs and Border Protection Port of Entry compound, and is separated by a wall.

On July 25th at about 7:12 PM, SBPA (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs' property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention, and she replied that they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to back-up the Customs Officers on scene. Upon arriving, they met with Customs Officers (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C) SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel, and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass, and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject, and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred. There is no other documentation associated with this incident from the Border Patrol. The Detroit OFO was supposed to continue documentation, but DTM does not have any verification on whether this occurred.

- The third complaint, # (b) (7)(E) CRCL, alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church in Lincoln Park, Michigan during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were “watching traffic,” and then departed the scene.

The church identified in the allegation is located in (b) (7)(E) the Gibraltar Border Patrol Station’s AOR, but is out of their Primary Operational Domain (POD). According to the G-481 (Daily work assignments), only one agent (BPA (b) (6), (b) (7)(C)) was assigned to that zone during dayshift. He was questioned about the allegation and had no knowledge of the event. Again, without additional information, i.e., agents’ names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The fourth complaint, # (b) (7)(E) alleges that on August 10, 2011, (b) (6), (b) (7)(C) a church elder at St. Stephen’s Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 PM. He found a single Border Patrol vehicle stationed in the parking lot. (b) (6), (b) (7)(C) allegedly approached the Agents in the car to ask them what they were doing at the church. The Agents allegedly replied that they were making a U-turn (despite being stationary), and drove off.

The church identified in the allegation is located in (b) (7)(E) DTS’s AOR, but west of I-75, out of their POD. According to the G-481, two agents (BPAs (b) (6), (b) (7)(C)) were assigned to that zone during dayshift in separate vehicles. Each of them was questioned about the allegation and each had no knowledge of it. As discussed previously, we cannot investigate this allegation further.

Copies of the email traffic concerning these allegations are included with this memorandum for your review and consideration. Copies of the pertinent G-481s are also included. A copy of Chief Fisher’s memo on Considerations during Planned Enforcement Actions at or near Certain Community Locations is included.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

OBP 50/1.1.2-C



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

FEB 02 2012

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs (b) (6), (b) (7)(C)

FROM: Michael J. Fisher
Chief
U.S. Border Patrol

SUBJECT: Considerations During Planned Enforcement Actions At or Near
Certain Community Locations

The presence of Border Patrol agents conducting enforcement activities at or near schools and places of worship is a sensitive issue in many communities given the public's interest in the U.S. Border Patrol's mission. Accordingly, careful planning is important before undertaking enforcement action at or near these establishments. It is U.S. Border Patrol policy to avoid the apprehension of persons on or near school premises and places of worship.

The following establishments should be considered to be within the context of this policy:

- Pre-schools, primary schools, secondary schools, and post-secondary schools;
- Other facilities where education is conducted, as determined by field leadership;
- Places of worship; and
- Places where funerals, weddings, or other public religious ceremonies take place.

This is not an exhaustive list. Agents should consult their supervisors for guidance when an enforcement action is contemplated or planned at or near a location, not specifically listed above, that may be considered similar in nature, description or function.

Prior written approval from the Chief Patrol Agent is required when enforcement actions or investigative activities are likely to lead to an apprehension at or near these locations. Activities at these locations that simply involve the inspection of records, preliminary investigations, or similar actions during which apprehensions will not be made may be approved by the Deputy Chief Patrol Agent. Any investigative activity that involves domiciled or institutionalized aliens should be referred to U.S. Immigration and Customs Enforcement, Homeland Security Investigations, as appropriate.

This policy does not specifically preclude enforcement actions at the listed locations; however, when situations arise that call for entry into the above mentioned locations without prior written approval, agents are expected to exercise common sense and good judgment while taking the appropriate action. Exigent circumstances requiring an agent to enter these establishments shall be reported immediately through the chain of command to the Chief Patrol Agent.

Considerations During Planned Enforcement Actions At or Near Certain Community Locations
Page 2

This policy supersedes and replaces the January 17, 2008 memorandum *Enforcement Actions at Schools and Places of Worship*, by then-Chief David V. Aguilar.

Staff may direct questions to Acting Associate Chief (b) (6), (b) (7)(C) of the Strategic Planning, Policy and Analysis Division, Policy Branch, at (202) (b) (6), (b) (7)(C)

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class

3

Station

Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202- (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief

Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C) [@dhs.gov](mailto:(b) (6), (b) (7)(C)@dhs.gov)

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Wednesday, February 15, 2012 6:46 PM

To: (b) (6), (b) (7)(C) [REDACTED]

Cc: (b) (6), (b) (7)(C) [REDACTED]

Subject: CRCL SHORT FORM COMPLAINT NO. (b) (6), (b) (7)(C), (b) (7)(E)

This is a CRCL Short Form Complaint: On November 14, 2011, CRCL received the below report from the Alliance for Immigrants Rights & Reform Michigan (AIR), alleging that on October 15, 2011, in a community park known as Riverfront Park, two Border Patrol agents interrogated five Latino youth and detained one (named (b) (6), (b) (7)(C) [REDACTED]) who the agents determined to be undocumented. The account goes on to say that Border Patrol agents used (b) (6), (b) (7)(C) [REDACTED] to lure his mother to the station, thinking she was coming to pick him up. When she arrived at the Border Patrol station, it is alleged that she was also questioned about her legal status and was subsequently arrested. Both (b) (6), (b) (7)(C) [REDACTED] and his mother were then placed in deportation proceedings.

Please make an attempt to identify (b) (6), (b) (7)(C) [REDACTED] and his mother, and provide CRCL with an account of the incident, including the mother's arrest. Please provide CRCL with all relevant records.

THE AIR COMPLAINT STATES:

On the morning of October 15th, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6), (b) (7)(C) [REDACTED] (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards. At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish. (b) (6), (b) (7)(C) [REDACTED] was told that his mother would have to come pick him up. (b) (6), (b) (7)(C) [REDACTED] asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b) (6), (b) (7)(C) [REDACTED] mother arrived to pick him up, she was questioned, detained, and now both she and (b) (6), (b) (7)(C) [REDACTED] are in deportation proceedings. Agents mocked (b) (6), (b) (7)(C) [REDACTED] when his mother arrived, saying that they'd "changed their minds."

Thank you.

(b) (6), (b) (7)(C) [REDACTED]

Senior Policy Advisor

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security Headquarters

Washington, DC 20005

202 (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

dhs-signature



~~WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.~~

(b) (7)(E)

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 8:47 AM
To: (b) (6), (b) (7)(C)
Attachments: (b) (7)(E).pdf

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

I will address the attached one now and will get back to you on the others when I gather some info on them. As for this one, we show no arrests on Oct 15, 2011. No I-44's showing anyone brought into the station to determine status for the entire month of October. We show nobody with the name (b) (6), (b) (7)(C) written up in the month of October, no mother/son combination written up in the month of October. No encounters in the area of Riverside Park, I assume that's where they meant even though the complaint says "Riverfront Park".

I have done all the research I can on this one and all I can say is it doesn't look like it was us.

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

Patrol Agent in Charge
Detroit Border Patrol Station
313 (b) (6), (b) (7)(C) Office)
313 (b) (6), (b) (7)(C) Cell)
313 (b) (6), (b) (7)(C) Fax)

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:54 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests
Nada from 9/10/11 – 11/15/11

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:29 AM
To: (b) (6), (b) (7)(C)
Subject: Re: Civil Rights/Civil Liberties rquests

I know, give me another 15 days each direction please, thanks.

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:23:32 2012
Subject: Re: Civil Rights/Civil Liberties rquests

I looked at the entire month of October

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:14:56 2012
Subject: Re: Civil Rights/Civil Liberties rquests

(b) (6), (b) (7)(C) in reference to your data search for (b) (6), (b) (7)(C) and his mom", and the two others in that group that were brought to the station to verify status, did you search 30 days before and 30 days after (I-44, I-213, Tickets issued) just to make sure we covered it all (no ICAD search)?

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:00:06 2012
Subject: FW: Civil Rights/Civil Liberties rquests

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

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

2/23/2012

Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

< (b) (7)(E) pdf >

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011. (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BP (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDFs and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it, for example, did Hall put anything together for it, thanks. << File: (b) (7)(E) pdf >> << File: (b) (7)(E) pdf >>

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

Assistant Chief Patrol Agent

U.S. Border Patrol/ Detroit Sector

26000 South St., Bldg 1516

Selfridge ANGB, Michigan 48045

586- (b) (6), (b) (7)(C) Ofc

586- Cell

2/23/2012

G-481 Daily Unit Assignment Log, Sub Group Days

Office: DTM/DTS

Wednesday, August 10, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	APAIC, Local, Office	(b) (6), (b) (7)(C), (b) (7)(E)			0700-1500	
	SBPA, Local, Office				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	Prosecution
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Training				0800-1600	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Continuance Of Pay				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Administrative Leave				0800-1600	
NONE	Detail Out Station				0800-1600	
NONE	Detail Out Station				0800-1600	

Department of Homeland Security, Customs and Border Protection

Sensitive But Unclassified

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

Total Manpower is: 14

Examined and Approved by

(b) (7)(E)

8/10/2011

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class

3

Station

Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C) 2@dhs.gov

From: (b) (6), (b) (7)(C) [redacted]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [redacted]
Cc: (b) (6), (b) (7)(C) [redacted] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (b) (7)(E) [redacted], and redacted) for follow up.

The first complaint alleges that on July 25, 2011, at least four OFO and Border Patrol vehicles were spotted in the east parking lot of St. Anne's Catholic Church in, Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protests by the church pastor.

The second complaint [redacted].

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

(b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) [redacted]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) [redacted]@dhs.gov

~~**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to~~

(b) (6), (b) (7)(C)**From:** (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 5:31 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** St. Annes Church Incident Summary - Faith Leaders Question Border Patrol Actions

As requested, here is a summary of the events that occurred.

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

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs Port of Entry compound and is separated by a wall.

On July 25th at about 7:12 PM, Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention and she said they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to the area as back-up for the Customs Officers on scene. Upon arriving they met with Customs Officers (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot (b) (6), (b) (7)(C) belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C) SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred.

From: (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 4:30 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** RE: Faith Leaders Question Border Patrol Actions

(b) (6), (b) (7)(C) is Agent (b) (6), (b) (7)(C) he now on the mid-night shift. Agents (b) (6), (b) (7)(C) and Agent (b) (6), (b) (7)(C) both stated they were there near St. Anne Church. The Agents got call from their SBPA to back-up CBP-OFO Officers at a parking lot adjacent to the church. The Agents observed a least four CBP-OFO Officers, one individual in handcuffs by a CBP-OFO vehicle. SBPA (b) (6), (b) (7)(C) will email the details.

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

2/23/2012

Supervisory Border Patrol Agent
Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 4:09 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

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

Please review these and see if you can speak to the agents involved, especially the one on the 4th page, where did that event take place?

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) ofc
586 (b) (6), (b) (7)(C) cell

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 3:53 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

No record in DTS's vehicle stops log or apprehension log.

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

Supervisory Border Patrol Agent
Detroit Station
"Il segreto dello cose fatte e di agire!" Dante Alighieri

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 3:49 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Faith Leaders Question Border Patrol Actions

Here you go (b) (6), (b) (7)(C) as soon as you can, thanks.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:45 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

We need better then that (b) (6), (b) (7)(C) ave someone check the logs or enforce and see if you had any arrests that day at the church, or within a quarter mile of it, and get back to us with any particulars, thanks.

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:06 PM
To: (b) (6), (b) (7)(C)
Subject: Re: Faith Leaders Question Border Patrol Actions

Have no clue what its about. I haven't met with them in a while.
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:23:59 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

Youse guys know of anything that occurred on July 25th at St. Anne's Church? (b) (6), (b) (7)(C) was this your normal liaison day with them?

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 1:17 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fw: Faith Leaders Question Border Patrol Actions

Gentlemen
Please see below press release in regards to Border Patrol in Detroit. Looks like they want a response from us on this one. HQ OBP might want to take this one. This is from WWJ CBS Radio Detroit.

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

From: (b) (6), (b) (7)(C)@dhs.gov>
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:12:28 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

From: (b) (6), (b) (7)(C)@cbsradio.com]
Sent: Wednesday, September 21, 2011 1:09 PM
To: (b) (6), (b) (7)(C)@dhs.gov
Subject: Faith Leaders Question Border Patrol Actions

Take a peak -- let me know if you have any comment! Thanks, (b) (6), (b) (7)(C)

Contact: (b) (6), (b) (7)(C)@michiganimmigrationreform.org

MEDIA ADVISORY

Faith Leaders Will Gather To Question Border Patrol Action at Church,
Release National Report on Abusive Enforcement by Border Patrol

Concerned community members will gather on Wednesday, September 21st at 11:30 a.m. at St. Anne's Catholic Church in Detroit to raise questions about a Border Patrol enforcement action that took place at St. Anne's Church during mass on July 25, 2011.

Advocates will also release to the media a new report by No More Deaths, which details the results of more than 13,000 interviews with migrants along the southwest border. The interviews document pattern of abuse, including individuals suffering severe dehydration who are then routinely deprived of water; people with life-threatening medical conditions denied treatment; children and adults being beaten during apprehensions and in custody; detainees crammed into over-crowded cells and being subjected to extreme hot and cold, sleep deprivation, and subjecting detainees to humiliation and other forms of psychological abuse.

Who: Father (b) (6), (b) (7)(C) Pastor, St. Anne's Church
(b) (6), (b) (7)(C) Council on American Islamic Relations - Michigan
Representative of the office of Congressman John Conyers
Supportive Local Community and Faith Leaders

When: Wednesday, September 21st, 11:30 a.m.

Where: St. Anne's Catholic Church, 1000 Ste. Anne Street, Detroit

www.michiganimmigrationreform.org

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class
3

Station
Detroit

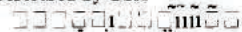
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) (b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

(b) (7)(E)

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]

Sent: Wednesday, February 15, 2012 5:06 PM

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

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

Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, (b) (7)(E) and redacted) for follow up.

The first complaint [redacted].

The second complaint alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church, in Lincoln Park, Michigan, during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were "watching traffic," and then departed the scene.

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

=====
~~**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.~~
=====

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 2:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I reviewed apprehension logs, vehicle stop logs, ICAD reports, and schedules. All were negative for any activity in the surrounding zones for August 6, 2011. There was one agent assigned to (b) (7)(E) where the church is located (BPA (b) (6), (b) (7)(C)) and one agent assigned to next zone to the south (BPA (b) (6), (b) (7)(C)) during day shift. Each agent was asked if they recall being in the parking lot of the church and both agent replied that they have never been in the parking lot or having talked to the pastor of the church. Detroit Station covers the zone to the north and Detroit Agents do not cross over the River Rouge which separates the stations boundaries.

Of note would be the fact that there were not any agents assigned to the same vehicle during 8/6/11 and the pastor said he confronted agents (plural). They also allege that the agents left in a car. The nearest sedan assigned to the area was in (b) (7)(E) which is well south of the area (12 ½ miles). Fort Street and Outer drive where the church is located is out of our Primary Operating Domain (POD). The western edge of the POD is located approximately two miles to the east of the location of the alleged incident. (b) (7)(E)

(b) (7)(E)

The information given in the allegation does not match the records I have.

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

Patrol Agent in Charge
USBP/Gibraltar Station
Phone: (734) (b) (6), (b) (7)(C) station
Phone: (734) (b) (6), (b) (7)(C) desk
Cell: (586) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Civil Rights/Civil Liberties rquests

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

Please review the attached IA complaint and run it to ground on your end, I am trying to avoid a Management Inquiry, but it will be dependent on what you find out, thanks.

<< File (b) (7)(E) pdf >>

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

Assistant Chief Patrol Agent

G-481 Daily Unit Assignment Log, Shift 33

Office: DTM/GIB

Saturday, August 06, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	Supervisory Border Patrol Agent	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	42
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	43
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	44
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	Grosse Ile
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	45
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	46
	Patrol Border	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	46
	Vessel Crewman	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	Vessel Crewman w/OAM
	I-75 Monroe County Corridor	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	I-75 Monroe County
NONE	Sick Leave	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	

Department of Homeland Security, Customs and Border Protection
Sensitive But Unclassified

Total Manpower is: 10

Examined and Approved by: _____

(b) (7)(E)

Date 2/16/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL
Class 3
Station Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (JA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, redacted, and (b) (7)(E) [REDACTED] for follow up.

The first complaint [redacted].

The second complaint [redacted].

The third complaint alleges that on August 10, 2011, (b) (6), (b) (7)(C) [REDACTED] church elder at St. Stephen's Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 pm. He found a single Border Patrol vehicle stationed in the parking lot. (b) (6), (b) (7)(C) [REDACTED] allegedly approached the agents in the car to ask them what they were doing at the church. The agents allegedly replied that they were making a u-turn (despite being stationary), and drove off.

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions:

Best,

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

=====

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

=====

(b) (6), (b) (7)(C)
From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:00 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Civil Rights/Civil Liberties requests
Attachments: (b) (7)(E).pdf

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties requests

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

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011. (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBP (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDF's and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it. for example, did (b) (6), (b) (7)(C) put anything together for it, thanks. << File: (b) (7)(E) pdf>> << File: (b) (7)(E) pdf>>

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) Ofc
586 (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (b) (7)(E) redacted, and redacted) for follow up.

The first complaint alleges that on July 25, 2011, at least four OFO and Border Patrol vehicles were spotted in the east parking lot of St. Anne's Catholic Church in, Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protests by the church pastor.

The second complaint [redacted].

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

~~=====
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FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

=====

DTM 100/10-C



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

FEB 24 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Assistant Chief
Office of Internal Affairs

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals (b) (7)(E) Civil Rights and Civil
Liberties

Attached, please find the Detroit Sector Border Patrol's response to Complaint Referrals (b) (7)(E). After a thorough review, I concur with the findings.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C).

Attachments



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

DTM 100/10-C

FEB 23 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals Nos. (b) (7)(E) Civil Rights and Civil
Liberties

Customs and Border Protection Internal Affairs forwarded four Joint Intake Center allegations/complaints for our review and investigations. Three of the four complaints are against our personnel in the Detroit Border Patrol Station (DTS) and their area of responsibility (AOR), the fourth is in Gibraltar Station's AOR.

The complaints, sent by the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL), requested specific information, investigative reports, interviews, and policies relating to encounters with the public at specific community locations, and of specific aliens processed and detained in Detroit Sector. As there are multiple events to address in this request, each event will be taken in bullet point form in the order they were addressed in the CRCL complaint.

- The first complaint, # (b) (7)(E) CRCL, alleges that on the morning of October 15, 2011, two U.S. Border Patrol Agents in separate vehicles approached five Latino youths at the Riverfront Park and proceeded to interrogate them. One of the youths, identified as (b) (6), (b) (7)(C) was found to be an illegal alien, and was detained and transported to the Border Patrol Station along with two of the other youths who claimed to have immigration documents which were not within their possession. The undocumented alien identified as (b) (6), (b) (7)(C) was supposedly told that his mother would have to come to the station and pick him up, he called her, she showed up, she was interviewed as to her citizenship, was found to be an undocumented alien, and was also detained. They were both processed and placed into Deportation proceedings.

There is no Riverfront Park in the DTS's AOR. However, there is a Riverside Park. An extensive search of all databases and hardcopy records was conducted for DTS and Detroit Sector with negative results. Not only were the given dates reviewed, but files from 30 days before and 30 days after were also investigated, all with negative results. Without additional information i.e., aliens last names, agents' names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The second complaint, # (b) (7)(E) CRCL, alleges that on July 25, 2011, at least four Office of Field Operations and Border Patrol vehicles were spotted in the east parking lot

of St. Anne's Catholic Church in Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operations off of church property after repeated protests by the church pastor.

This exact complaint was received by Detroit Border Patrol Sector Headquarters through local media, and was investigated in late September, 2011. Below is the final email report on the subject by DTS Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C). A complete copy of the email string is also attached:

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs and Border Protection Port of Entry compound, and is separated by a wall.

On July 25th at about 7:12 PM, SBPA (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs' property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention, and she replied that they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to back-up the Customs Officers on scene. Upon arriving, they met with Customs Officers (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C). SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA Hall then drove to the Customs office at the U.S./Canada tunnel, and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass, and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject, and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred. There is no other documentation associated with this incident from the Border Patrol. The Detroit OFO was supposed to continue documentation, but DTM does not have any verification on whether this occurred.

- The third complaint, # (b) (7)(E) CRCL, alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church in Lincoln Park, Michigan during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were “watching traffic,” and then departed the scene.

The church identified in the allegation is located in (b) (7)(E) the Gibraltar Border Patrol Station’s AOR, but is out of their Primary Operational Domain (POD). According to the G-481 (Daily work assignments), only one agent (BPA (b) (6), (b) (7)(C)) was assigned to that zone during dayshift. He was questioned about the allegation and had no knowledge of the event. Again, without additional information, i.e., agents’ names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The fourth complaint, # (b) (7)(E) alleges that on August 10, 2011, (b) (6), (b) (7)(C) a church elder at St. Stephen’s Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 PM. He found a single Border Patrol vehicle stationed in the parking lot. (b) (6), (b) (7)(C) allegedly approached the Agents in the car to ask them what they were doing at the church. The Agents allegedly replied that they were making a U-turn (despite being stationary), and drove off.

The church identified in the allegation is located in (b) (7)(E) DTS’s AOR, but west of I-75, out of their POD. According to the G-481, two agents (BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)) were assigned to that zone during dayshift in separate vehicles. Each of them was questioned about the allegation and each had no knowledge of it. As discussed previously, we cannot investigate this allegation further.

Copies of the email traffic concerning these allegations are included with this memorandum for your review and consideration. Copies of the pertinent G-481s are also included. A copy of Chief Fisher’s memo on Considerations during Planned Enforcement Actions at or near Certain Community Locations is included.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

OBP 50/1.1.2-C



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

FEB 02 2012

MEMORANDUM FOR: All Chief Patrol Agents (b) (6), (b) (7)(C)
All Division Chiefs (b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)
for Chief
U.S. Border Patrol

SUBJECT: Considerations During Planned Enforcement Actions At or Near
Certain Community Locations

The presence of Border Patrol agents conducting enforcement activities at or near schools and places of worship is a sensitive issue in many communities given the public's interest in the U.S. Border Patrol's mission. Accordingly, careful planning is important before undertaking enforcement action at or near these establishments. It is U.S. Border Patrol policy to avoid the apprehension of persons on or near school premises and places of worship.

The following establishments should be considered to be within the context of this policy:

- Pre-schools, primary schools, secondary schools, and post-secondary schools;
- Other facilities where education is conducted, as determined by field leadership;
- Places of worship; and
- Places where funerals, weddings, or other public religious ceremonies take place.

This is not an exhaustive list. Agents should consult their supervisors for guidance when an enforcement action is contemplated or planned at or near a location, not specifically listed above, that may be considered similar in nature, description or function.

Prior written approval from the Chief Patrol Agent is required when enforcement actions or investigative activities are likely to lead to an apprehension at or near these locations. Activities at these locations that simply involve the inspection of records, preliminary investigations, or similar actions during which apprehensions will not be made may be approved by the Deputy Chief Patrol Agent. Any investigative activity that involves domiciled or institutionalized aliens should be referred to U.S. Immigration and Customs Enforcement, Homeland Security Investigations, as appropriate.

This policy does not specifically preclude enforcement actions at the listed locations; however, when situations arise that call for entry into the above mentioned locations without prior written approval, agents are expected to exercise common sense and good judgment while taking the appropriate action. Exigent circumstances requiring an agent to enter these establishments shall be reported immediately through the chain of command to the Chief Patrol Agent.

Considerations During Planned Enforcement Actions At or Near Certain Community Locations
Page 2

This policy supersedes and replaces the January 17, 2008 memorandum *Enforcement Actions at Schools and Places of Worship*, by then-Chief David V. Aguilar.

Staff may direct questions to Acting Associate Chief (b) (6), (b) (7)(C) of the Strategic Planning, Policy and Analysis Division, Policy Branch, at (202) (b) (6), (b) (7)(C)

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class

3

Station

Detroit

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

FROM: (Name, org, symbol, Agency/Post)	Room No. Bldg.
(b) (6), (b) (7)(C)	RRB Ste. 8.3D
Assistant Chief, OBP/IA	Phone No.
	202- (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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
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- Air and Marine

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 - 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 6:46 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: [REDACTED]
Subject: CRCL SHORT FORM COMPLAINT NO. (b) (6), (b) (7)(C), (b) (7)(E)

This is a CRCL Short Form Complaint: On November 14, 2011, CRCL received the below report from the Alliance for Immigrants Rights & Reform Michigan (AIR), alleging that on October 15, 2011, in a community park known as Riverfront Park, two Border Patrol agents interrogated five Latino youth and detained one (named (b) (6), (b) (7)(C)), who the agents determined to be undocumented. The account goes on to say that Border Patrol agents used (b) (6), (b) (7)(C) to lure his mother to the station, thinking she was coming to pick him up. When she arrived at the Border Patrol station, it is alleged that she was also questioned about her legal status and was subsequently arrested. Both (b) (6), (b) (7)(C) and his mother were then placed in deportation proceedings.

Please make an attempt to identify (b) (6), (b) (7)(C) and his mother, and provide CRCL with an account of the incident, including the mother's arrest. Please provide CRCL with all relevant records.

THE AIR COMPLAINT STATES:

On the morning of October 15th, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6), (b) (7)(C) (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards. At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish. (b) (6), (b) (7)(C) was told that his mother would have to come pick him up. (b) (6), (b) (7)(C) asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b) (6), (b) (7)(C) mother arrived to pick him up, she was questioned, detained, and now both she and (b) (6), (b) (7)(C) are in deportation proceedings. Agents mocked (b) (6), (b) (7)(C) when his mother arrived, saying that they'd "changed their minds."

Thank you.

(b) (6), (b) (7)(C) [REDACTED]
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202 (b) (6), (b) (7)(C) [REDACTED]
(b) (6), (b) (7)(C)@dhs.gov

dhs-signature



WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

(b) (7)(E)

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 8:47 AM
To: (b) (6), (b) (7)(C)
Attachments: (b) (7)(E)

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

I will address the attached one now and will get back to you on the others when I gather some info on them. As for this one, we show no arrests on Oct 15, 2011. No I-44's showing anyone brought into the station to determine status for the entire month of October. We show nobody with the name (b) (6), (b) (7)(C) written up in the month of October, no mother/son combination written up in the month of October. No encounters in the area of Riverside Park, I assume that's where they meant even though the complaint says "Riverfront Park".

I have done all the research I can on this one and all I can say is it doesn't look like it was us.

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

Patrol Agent in Charge
Detroit Border Patrol Station
313 (b) (6), (b) (7)(C) (Office)
313 (b) (6), (b) (7)(C) (Cell)
313 (b) (6), (b) (7)(C) (Fax)

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:54 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests
 Nada from 9/10/11 – 11/15/11

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:29 AM
To: (b) (6), (b) (7)(C)
Subject: Re: Civil Rights/Civil Liberties rquests

I know, give me another 15 days each direction please, thanks.

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:23:32 2012
Subject: Re: Civil Rights/Civil Liberties rquests

I looked at the entire month of October

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:14:56 2012
Subject: Re: Civil Rights/Civil Liberties rquests

(b) (6), (b) (7)(C) in reference to your data search for (b) (6), (b) (7)(C) and his mom", and the two others in that group that were brought to the station to verify status, did you search 30 days before and 30 days after (I-44, I-213, Tickets issued) just to make sure we covered it all (no ICAD search)?

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:00:06 2012
Subject: FW: Civil Rights/Civil Liberties rquests

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

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

2/23/2012

Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

(b) (7)(E)

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011 (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E) That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDFs and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it, for example, did (b) (6), (b) (7)(C) put anything together for it, thanks. (b) (7)(E)

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

Assistant Chief Patrol Agent

U.S. Border Patrol/ Detroit Sector

26000 South St., Bldg 1516

Selfridge ANGB, Michigan 48045

586 (b) (6), (b) (7)(C) Ofc

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

2/23/2012

G-481 Daily Unit Assignment Log, Sub Group Days

Office: DTM/DTS

Wednesday, August 10, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	APAIC, Local, Office	(b) (6), (b) (7)(C), (b) (7)(E)			0700-1500	
	SBPA, Local, Office				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	Prosecution
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Training				0800-1600	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Continuance Of Pay				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Administrative Leave				0800-1600	
NONE	Detail Out Station				0800-1600	
NONE	Detail Out Station				0800-1600	

Department of Homeland Security, Customs and Border Protection

Sensitive But Unclassified

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

Total Manpower is: 14

Examined and Approved by: _____

(b) (7)(E)

8/10/2011

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL **Class** 3 **Station** Detroit

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

FROM: (Name, org, symbol, Agency/Post)	Room No. Bldg. RRB Ste. 8.3D
(b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Phone No. 202- (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C) [@dhs.gov](mailto:(b) (6), (b) (7)(C)@dhs.gov)

From: (b) (6), (b) (7)(C) [redacted]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [redacted]
Cc: (b) (6), (b) (7)(C) [redacted] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (b) (7)(E) [redacted], and redacted) for follow up.

The first complaint alleges that on July 25, 2011, at least four OFO and Border Patrol vehicles were spotted in the east parking lot of St. Anne's Catholic Church in, Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protests by the church pastor.

The second complaint [redacted].

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

(b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) [redacted]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security

(202) (b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) [redacted]@dhs.gov

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(b) (6), (b) (7)(C)**From:** (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 5:31 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)
Subject: St. Annes Church Incident Summary - Faith Leaders Question Border Patrol Actions

As requested, here is a summary of the events that occurred.

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

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs Port of Entry compound and is separated by a wall.

On July 25th at about 7:12 PM, Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention and she said they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to the area as back-up for the Customs Officers on scene. Upon arriving they met with Customs Officers (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C) SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred.

From: (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 4:30 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

(b) (6), (b) (7)(C) is Agent (b) (6), (b) (7)(C) he now on the mid-night shift. Agents (b) (6), (b) (7)(C) and Agent (b) (6), (b) (7)(C) both stated they were there near St. Anne Church. The Agents got call from their SBPA to back-up CBP-OFO Officers at a parking lot adjacent to the church. The Agents observed a least four CBP-OFO Officers, one individual in handcuffs by a CBP-OFO vehicle. SBPA (b) (6), (b) (7)(C) will email the details.

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

2/23/2012

Supervisory Border Patrol Agent
Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 4:09 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

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

Please review these and see if you can speak to the agents involved, especially the one on the 4th page, where did that event take place?

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) Ofc
586 (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 3:53 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

No record in DTS's vehicle stops log or apprehension log.

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

Supervisory Border Patrol Agent
Detroit Station
"Il segreto dello cose fatte e di agire!" Dante Alighieri

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 3:49 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Faith Leaders Question Border Patrol Actions

Here you go (b) (6), (b) (7)(C) as soon as you can, thanks.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:45 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Faith Leaders Question Border Patrol Actions

We need better then that (b) (6), (b) (7)(C) have someone check the logs or enforce and see if you had any arrests that day at the church, or within a quarter mile of it, and get back to us with any particulars, thanks.

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:06 PM
To: (b) (6), (b) (7)(C)
Subject: Re: Faith Leaders Question Border Patrol Actions

Have no clue what its about. I haven't met with them in a while.
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:23:59 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

Youse guys know of anything that occurred on July 25th at St. Anne's Church? (b) (6), (b) (7)(C) was this your normal liaison day with them?

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 1:17 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fw: Faith Leaders Question Border Patrol Actions

Gentlemen
Please see below press release in regards to Border Patrol in Detroit. Looks like they want a response from us on this one. HQ OBP might want to take this one. This is from WWJ CBS Radio Detroit.

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

From: (b) (6), (b) (7)(C)@dhs.gov>
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:12:28 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

From: (b) (6), (b) (7)(C)@cbsradio.com]
Sent: Wednesday, September 21, 2011 1:09 PM
To: (b) (6), (b) (7)(C)@dhs.gov
Subject: Faith Leaders Question Border Patrol Actions

Take a peak -- let me know if you have any comment! Thanks, (b) (6), (b) (7)(C)

Contact: (b) (6), (b) (7)(C)@michiganimmigrationreform.org

MEDIA ADVISORY

Faith Leaders Will Gather To Question Border Patrol Action at Church,
Release National Report on Abusive Enforcement by Border Patrol

Concerned community members will gather on Wednesday, September 21st at 11:30 a.m. at St. Anne's Catholic Church in Detroit to raise questions about a Border Patrol enforcement action that took place at St. Anne's Church during mass on July 25, 2011.

Advocates will also release to the media a new report by No More Deaths, which details the results of more than 13,000 interviews with migrants along the southwest border. The interviews document pattern of abuse, including individuals suffering severe dehydration who are then routinely deprived of water; people with life-threatening medical conditions denied treatment; children and adults being beaten during apprehensions and in custody; detainees crammed into over-crowded cells and being subjected to extreme hot and cold, sleep deprivation, and subjecting detainees to humiliation and other forms of psychological abuse.

Who: Father (b) (6), (b) (7)(C) Pastor, St. Anne's Church
(b) (6), (b) (7)(C) Council on American Islamic Relations - Michigan
Representative of the office of Congressman John Conyers
Supportive Local Community and Faith Leaders

When: Wednesday, September 21st, 11:30 a.m.

Where: St. Anne's Catholic Church, 1000 Ste. Anne Street, Detroit

www.michiganimmigrationreform.org

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

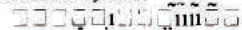
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No. Bldg. RRB Ste. 8.3D
(b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Phone No. 202- (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

(b) (7)(E)

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, (b) (7)(E) and redacted) for follow up.

The first complaint [redacted].

The second complaint alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church, in Lincoln Park, Michigan, during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were "watching traffic," and then departed the scene.

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@dhs.gov

=====
WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.
=====

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 2:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I reviewed apprehension logs, vehicle stop logs, ICAD reports, and schedules. All were negative for any activity in the surrounding zones for August 6, 2011. There was one agent assigned to (b) (7)(E) where the church is located (BPA (b) (6), (b) (7)(C) and one agent assigned to next zone to the south (BPA (b) (6), (b) (7)(C) during day shift. Each agent was asked if they recall being in the parking lot of the church and both agent replied that they have never been in the parking lot or having talked to the pastor of the church. Detroit Station covers the zone to the north and Detroit Agents do not cross over the River Rouge which separates the stations boundaries.

Of note would be the fact that there were not any agents assigned to the same vehicle during 8/6/11 and the pastor said he confronted agents (plural). They also allege that the agents left in a car. The nearest sedan assigned to the area was in (b) (7)(E) which is well south of the area (12 ½ miles). Fort Street and Outer drive where the church is located is out of our Primary Operating Domain (POD). The western edge of the POD is located approximately two miles to the east of the location of the alleged incident. (b) (7)(E)

(b) (7)(E)

The information given in the allegation does not match the records I have.

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

Patrol Agent in Charge
USBP/Gibraltar Station
Phone: (734) (b) (6), (b) (7)(C) station
Phone: (734) (b) (6), (b) (7)(C) desk
Cell: (586) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Civil Rights/Civil Liberties rquests

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

Please review the attached IA complaint and run it to ground on your end, I am trying to avoid a Management Inquiry, but it will be dependent on what you find out, thanks.

<< (b) (7)(E) >>

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

Assistant Chief Patrol Agent

G-481 Daily Unit Assignment Log, Shift 33

Office: DTM/GIB

Saturday, August 06, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	Supervisory Border Patrol Agent	(b) (6), (b) (7)(C)			0800-1600	
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	42
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	43
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	44
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	Grosse Ile
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	45
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	46
	Patrol Border	(b) (6), (b) (7)(C)			0800-1600	46
	Vessel Crewman	(b) (6), (b) (7)(C)			0800-1600	Vessel Crewman w/OAM
	I-75 Monroe County Corridor	(b) (6), (b) (7)(C)			0800-1600	I-75 Monroe County
NONE	Sick Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Annual Leave	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Off Duty	(b) (6), (b) (7)(C)			0800-1600	
NONE	Travel Status	(b) (6), (b) (7)(C)			0800-1600	

Department of Homeland Security, Customs and Border Protection
Sensitive But Unclassified

Total Manpower is: 10

Examined and Approved by: _____

(b) (7)(E)

Date 2/16/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class
3

Station
Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202- (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202 **(b) (6), (b) (7)(C)** office)
(202 **(b) (6), (b) (7)(C)** cell)
(202 **(b) (6), (b) (7)(C)** fax)

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, redacted, and (b) (7)(E) [REDACTED] for follow up.

The first complaint [redacted].

The second complaint [redacted].

The third complaint alleges that on August 10, 2011 (b) (6), (b) (7)(C) [REDACTED] a church elder at St. Stephen's Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 pm. He found a single Border Patrol vehicle stationed in the parking lot. Mr. (b) (6), (b) (7)(C) [REDACTED] allegedly approached the agents in the car to ask them what they were doing at the church. The agents allegedly replied that they were making a u-turn (despite being stationary), and drove off.

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions:

Best,

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [REDACTED]
(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

=====

WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

=====

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:00 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Civil Rights/Civil Liberties rquests

Attachments: (b) (7)(E)

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011 (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

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

Sent: Tuesday, February 21, 2012 7:27 AM

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

Cc:

Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDF's and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it. for example, did (b) (6), (b) (7)(C) put anything together for it, thanks. << File:

(b) (7)(E)

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) Ofc
586 (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted (b) (7)(E) and redacted) for follow up.

The first complaint [redacted].

The second complaint alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church, in Lincoln Park, Michigan, during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were “watching traffic,” and then departed the scene.

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor

Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

=====
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=====

DTM 100/10-C



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

FEB 24 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Assistant Chief
Office of Internal Affairs

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals (b) (7)(E) Civil Rights and Civil
Liberties

Attached, please find the Detroit Sector Border Patrol's response to Complaint Referrals (b) (7)(E). After a thorough review, I concur with the findings.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C).

Attachments



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

DTM 100/10-C

FEB 23 2012

MEMORANDUM FOR: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Chief Patrol Agent
Detroit Sector

FROM: (b) (6), (b) (7)(C)
Assistant Chief Patrol Agent
Detroit Sector

SUBJECT: Complaint Referrals Nos. (b) (7)(E) Civil Rights and Civil
Liberties

Customs and Border Protection Internal Affairs forwarded four Joint Intake Center allegations/complaints for our review and investigations. Three of the four complaints are against our personnel in the Detroit Border Patrol Station (DTS) and their area of responsibility (AOR), the fourth is in Gibraltar Station's AOR.

The complaints, sent by the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL), requested specific information, investigative reports, interviews, and policies relating to encounters with the public at specific community locations, and of specific aliens processed and detained in Detroit Sector. As there are multiple events to address in this request, each event will be taken in bullet point form in the order they were addressed in the CRCL complaint.

- The first complaint, (b) (7)(E) CRCL, alleges that on the morning of October 15, 2011, two U.S. Border Patrol Agents in separate vehicles approached five Latino youths at the Riverfront Park and proceeded to interrogate them. One of the youths, identified as (b) (6), (b) (7)(C) was found to be an illegal alien, and was detained and transported to the Border Patrol Station along with two of the other youths who claimed to have immigration documents which were not within their possession. The undocumented alien identified as (b) (6), (b) (7)(C) was supposedly told that his mother would have to come to the station and pick him up, he called her, she showed up, she was interviewed as to her citizenship, was found to be an undocumented alien, and was also detained. They were both processed and placed into Deportation proceedings.

There is no Riverfront Park in the DTS's AOR. However, there is a Riverside Park. An extensive search of all databases and hardcopy records was conducted for DTS and Detroit Sector with negative results. Not only were the given dates reviewed, but files from 30 days before and 30 days after were also investigated, all with negative results. Without additional information i.e., aliens last names, agents' names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The second complaint, (b) (7)(E) CRCL, alleges that on July 25, 2011, at least four Office of Field Operations and Border Patrol vehicles were spotted in the east parking lot

of St. Anne's Catholic Church in Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operations off of church property after repeated protests by the church pastor.

This exact complaint was received by Detroit Border Patrol Sector Headquarters through local media, and was investigated in late September, 2011. Below is the final email report on the subject by DTS Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C). A complete copy of the email string is also attached:

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs and Border Protection Port of Entry compound, and is separated by a wall.

On July 25th at about 7:12 PM, SBPA (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs' property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention, and she replied that they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to back-up the Customs Officers on scene. Upon arriving, they met with Customs Officers (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C). SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel, and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass, and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject, and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred. There is no other documentation associated with this incident from the Border Patrol. The Detroit OFO was supposed to continue documentation, but DTM does not have any verification on whether this occurred.

- The third complaint, (b) (7)(E) CRCL, alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church in Lincoln Park, Michigan during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were “watching traffic,” and then departed the scene.

The church identified in the allegation is located in (b) (7)(E) the Gibraltar Border Patrol Station’s AOR, but is out of their Primary Operational Domain (POD). According to the G-481 (Daily work assignments), only one agent (BPA (b) (6), (b) (7)(C)) was assigned to that zone during dayshift. He was questioned about the allegation and had no knowledge of the event. Again, without additional information, i.e., agents’ names, vehicle identification numbers, etc., we cannot investigate this allegation further.

- The fourth complaint, (b) (7)(E) alleges that on August 10, 2011, (b) (6), (b) (7)(C) a church elder at St. Stephen’s Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 PM. He found a single Border Patrol vehicle stationed in the parking lot. Mr. (b) (6), (b) (7)(C) allegedly approached the Agents in the car to ask them what they were doing at the church. The Agents allegedly replied that they were making a U-turn (despite being stationary), and drove off.

The church identified in the allegation is located in (b) (7)(E) DTS’s AOR, but west of I-75, out of their POD. According to the G-481, two agents (BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)) were assigned to that zone during dayshift in separate vehicles. Each of them was questioned about the allegation and each had no knowledge of it. As discussed previously, we cannot investigate this allegation further.

Copies of the email traffic concerning these allegations are included with this memorandum for your review and consideration. Copies of the pertinent G-481s are also included. A copy of Chief Fisher’s memo on Considerations during Planned Enforcement Actions at or near Certain Community Locations is included.

If you have any questions, please contact Assistant Chief Patrol Agent (b) (6), (b) (7)(C) at (586) (b) (6), (b) (7)(C)

Attachments

OBP 50/1.1.2-C



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

FEB 02 2012

MEMORANDUM FOR: All Chief Patrol Agents
All Division Chiefs (b) (6), (b) (7)(C)

FROM: Michael J. Fisher
for Chief
U.S. Border Patrol

SUBJECT: Considerations During Planned Enforcement Actions At or Near
Certain Community Locations

The presence of Border Patrol agents conducting enforcement activities at or near schools and places of worship is a sensitive issue in many communities given the public's interest in the U.S. Border Patrol's mission. Accordingly, careful planning is important before undertaking enforcement action at or near these establishments. It is U.S. Border Patrol policy to avoid the apprehension of persons on or near school premises and places of worship.

The following establishments should be considered to be within the context of this policy:

- Pre-schools, primary schools, secondary schools, and post-secondary schools;
- Other facilities where education is conducted, as determined by field leadership;
- Places of worship; and
- Places where funerals, weddings, or other public religious ceremonies take place.

This is not an exhaustive list. Agents should consult their supervisors for guidance when an enforcement action is contemplated or planned at or near a location, not specifically listed above, that may be considered similar in nature, description or function.

Prior written approval from the Chief Patrol Agent is required when enforcement actions or investigative activities are likely to lead to an apprehension at or near these locations. Activities at these locations that simply involve the inspection of records, preliminary investigations, or similar actions during which apprehensions will not be made may be approved by the Deputy Chief Patrol Agent. Any investigative activity that involves domiciled or institutionalized aliens should be referred to U.S. Immigration and Customs Enforcement, Homeland Security Investigations, as appropriate.

This policy does not specifically preclude enforcement actions at the listed locations; however, when situations arise that call for entry into the above mentioned locations without prior written approval, agents are expected to exercise common sense and good judgment while taking the appropriate action. Exigent circumstances requiring an agent to enter these establishments shall be reported immediately through the chain of command to the Chief Patrol Agent.

Considerations During Planned Enforcement Actions At or Near Certain Community Locations
Page 2

This policy supersedes and replaces the January 17, 2008 memorandum *Enforcement Actions at Schools and Places of Worship*, by then-Chief David V. Aguilar.

Staff may direct questions to Acting Associate Chief (b) (6), (b) (7)(C) of the Strategic Planning, Policy and Analysis Division, Policy Branch, at (202) (b) (6), (b) (7)(C)

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

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

FROM: (Name, org, symbol, Agency/Post)	Room No. Bldg. RRB Ste. 8.3D
(b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Phone No. 202- (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief

Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief

Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 6:46 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: [REDACTED]
Subject: CRCL SHORT FORM COMPLAINT NO. (b) (6), (b) (7)(C), (b) (7)(E)

This is a CRCL Short Form Complaint: On November 14, 2011, CRCL received the below report from the Alliance for Immigrants Rights & Reform Michigan (AIR), alleging that on October 15, 2011, in a community park known as Riverfront Park, two Border Patrol agents interrogated five Latino youth and detained one (named (b) (6), (b) (7)(C)) who the agents determined to be undocumented. The account goes on to say that Border Patrol agents used (b) (6), (b) (7)(C) to lure his mother to the station, thinking she was coming to pick him up. When she arrived at the Border Patrol station, it is alleged that she was also questioned about her legal status and was subsequently arrested. Both (b) (6), (b) (7)(C) and his mother were then placed in deportation proceedings.

Please make an attempt to identify (b) (6), (b) (7)(C) and his mother, and provide CRCL with an account of the incident, including the mother's arrest. Please provide CRCL with all relevant records.

THE AIR COMPLAINT STATES:

On the morning of October 15th, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6), (b) (7)(C) (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards. At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish. (b) (6), (b) (7)(C) was told that his mother would have to come pick him up. (b) (6), (b) (7)(C) asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b) (6), (b) (7)(C) mother arrived to pick him up, she was questioned, detained, and now both she and (b) (6), (b) (7)(C) are in deportation proceedings. Agents mocked (b) (6), (b) (7)(C) when his mother arrived, saying that they'd "changed their minds."

Thank you.

(b) (6), (b) (7)(C) [REDACTED]
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC 20005
202 (b) (6), (b) (7)(C) [REDACTED]
(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

dhs-signature



~~**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.~~

(b) (7)(E)

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 8:47 AM
To: (b) (6), (b) (7)(C)
Attachments: (b) (7)(E)

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

I will address the attached one now and will get back to you on the others when I gather some info on them. As for this one, we show no arrests on Oct 15, 2011. No I-44's showing anyone brought into the station to determine status for the entire month of October. We show nobody with the name (b) (6), (b) (7)(C) written up in the month of October, no mother/son combination written up in the month of October. No encounters in the area of Riverside Park, I assume that's where they meant even though the complaint says "Riverfront Park".

I have done all the research I can on this one and all I can say is it doesn't look like it was us.

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

Patrol Agent in Charge
Detroit Border Patrol Station
313 (b) (6), (b) (7)(C) Office)
313 (Cell)
313 (Fax)

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:54 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests
 Nada from 9/10/11 – 11/15/11

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:29 AM
To: (b) (6), (b) (7)(C)
Subject: Re: Civil Rights/Civil Liberties rquests

I know, give me another 15 days each direction please, thanks.

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:23:32 2012
Subject: Re: Civil Rights/Civil Liberties rquests

I looked at the entire month of October

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:14:56 2012
Subject: Re: Civil Rights/Civil Liberties rquests

(b) (6), (b) (7)(C) in reference to your data search for (b) (6), (b) (7)(C) and his mom", and the two others in that group that were brought to the station to verify status, did you search 30 days before and 30 days after (I-44, I-213, Tickets issued) just to make sure we covered it all (no ICAD search)?

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Feb 22 11:00:06 2012
Subject: FW: Civil Rights/Civil Liberties rquests

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

2/23/2012

Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties requests

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

(b) (7)(E)

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011 (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not) (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in Zone 41. That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 7:27 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Civil Rights/Civil Liberties requests

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

Review the attached PDFs and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it, for example, did Hall put anything together for it, thanks. (b) (7)(E)

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

Assistant Chief Patrol Agent

U.S. Border Patrol/ Detroit Sector

26000 South St., Bldg 1516

Selfridge ANGB, Michigan 48045

586- (b) (6), (b) (7)(C) Ofc

586- Cell

2/23/2012

G-481 Daily Unit Assignment Log, Sub Group Days

Office: DTM/DTS

Wednesday, August 10, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	APAIC, Local, Office	(b) (6), (b) (7)(C), (b) (7)(E)			0700-1500	
	SBPA, Local, Office				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Northern Lake St. Clair 11 Mile to 23 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Southern Lake St. Clair Alter Road to 11 Mile				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Belle Isle, Mt. Elliott to Alter Road				0800-1600	Plain-clothes
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	Prosecution
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Downtown Detroit, Mt. Elliott to Ambassador Bridge				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Ambassador Bridge to Rouge River				0800-1600	
	Training				0800-1600	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Off Duty				N/A	
NONE	Continuance Of Pay				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Administrative Leave				0800-1600	
NONE	Detail Out Station				0800-1600	
NONE	Detail Out Station				0800-1600	

Department of Homeland Security, Customs and Border Protection
 Sensitive But Unclassified (b) (6), (b) (7)(C)

Total Manpower is: 14

Examined and Approved by: _____

(b) (7)(E)

8/10/2011

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class

3

Station

Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202 (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)

(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) [redacted]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [redacted]
Cc: (b) (6), (b) (7)(C) [redacted] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (b) (7)(E) [redacted], and redacted) for follow up.

The first complaint alleges that on July 25, 2011, at least four OFO and Border Patrol vehicles were spotted in the east parking lot of St. Anne's Catholic Church in, Detroit, Michigan. Allegedly, volunteers directing traffic (there was a Monday night Mass to celebrate the Novena to St. Anne), approached the cars to ask what was going on, but they were not given an explanation. A man who had been driving was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol allegedly established that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protests by the church pastor.

The second complaint [redacted].

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

(b) (6), (b) (7)(C) [redacted]

(b) (6), (b) (7)(C) [redacted]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]@dhs.gov

=====

~~**WARNING:** This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to~~

(b) (6), (b) (7)(C)**From:** (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 5:31 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** St. Annes Church Incident Summary - Faith Leaders Question Border Patrol Actions

As requested, here is a summary of the events that occurred.

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

St. Anne's Church is located at the intersection of Lafayette Street and St. Anne (42.19°13.03" N / 83.04°23.82" W). They have a parish parking lot across the street from the church that borders the U.S. Customs Port of Entry compound and is separated by a wall.

On July 25th at about 7:12 PM, Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) received a call from Customs Supervisor (b) (6), (b) (7)(C) wherein she told them that two of her Officers had detained two suspected MS13 gang members in the aforementioned parking area. The Officers were conducting an external perimeter check of the Customs property. SBPA (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) to notify ICE Agents of the detention and she said they would not respond due to the hour of day. SBPA (b) (6), (b) (7)(C) sent Border Patrol Agents (BPAs) (b) (6), (b) (7)(C) to the area as back-up for the Customs Officers on scene. Upon arriving they met with Customs Officers (b) (6), (b) (7)(C) who had a subject named (b) (6), (b) (7)(C) detained – the other subject is unknown. According to the responding BPAs, they saw at least four marked Customs vehicles on the scene when they arrived.

While there, a Church representative advised all Officers and Agents that the parking lot belonged to the church. Upon hearing this, the BPAs on scene notified SBPA (b) (6), (b) (7)(C) SBPA (b) (6), (b) (7)(C) told them not to take enforcement action, but remain for officer safety reasons until the Customs Officers received word from their chain of command as to how to resolve the incident. SBPA (b) (6), (b) (7)(C) then drove to the Customs office at the U.S./Canada tunnel and personally advised Supervisor (b) (6), (b) (7)(C) and her Superior, of the circumstances. As the incident unfolded, parishioners began arriving for a scheduled mass and some began to film the incident. The Parish Priest also made an appearance and voiced his concerns.

After receiving word from their chain of command, the Customs Officers released the detained subject and all uniformed personnel left the scene. SBPA (b) (6), (b) (7)(C) advised the Detroit Station chain of command of the incident immediately after it occurred.

From: (b) (6), (b) (7)(C)**Sent:** Wednesday, September 21, 2011 4:30 PM**To:** (b) (6), (b) (7)(C)**Cc:** (b) (6), (b) (7)(C)**Subject:** RE: Faith Leaders Question Border Patrol Actions

(b) (6), (b) (7)(C) is Agent (b) (6), (b) (7)(C) who is now on the mid-night shift. Agents (b) (6), (b) (7)(C) and Agent (b) (6), (b) (7)(C) both stated they were there near St. Anne Church. The Agents got call from their SBPA to back-up CBP-OFO Officers at a parking lot adjacent to the church. The Agents observed at least four CBP-OFO Officers, one individual in handcuffs by a CBP-OFO vehicle. SBPA (b) (6), (b) (7)(C) will email the details.

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

2/23/2012

Supervisory Border Patrol Agent

Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

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

Sent: Wednesday, September 21, 2011 4:09 PM

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

Subject: RE: Faith Leaders Question Border Patrol Actions

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

Please review these and see if you can speak to the agents involved, especially the one on the 4th page, where did that event take place?

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

Assistant Chief Patrol Agent

U.S. Border Patrol/ Detroit Sector

26000 South St., Bldg 1516

Selfridge ANGB, Michigan 48045

586 (b) (6), (b) (7)(C) Ofc

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

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

Sent: Wednesday, September 21, 2011 3:53 PM

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

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

Subject: RE: Faith Leaders Question Border Patrol Actions

No record in DTS's vehicle stops log or apprehension log.

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

Supervisory Border Patrol Agent

Detroit Station

"Il segreto dello cose fatte e di agire!" Dante Alighieri

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

Sent: Wednesday, September 21, 2011 3:49 PM

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

Cc:

Subject: FW: Faith Leaders Question Border Patrol Actions

Here you go (b) (6), (b) (7)(C) as soon as you can, thanks.

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

Sent: Wednesday, September 21, 2011 2:45 PM

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

Cc:

Subject: RE: Faith Leaders Question Border Patrol Actions

We need better then that (b) (6), (b) (7)(C) have someone check the logs or enforce and see if you had any arrests that day at the church, or within a quarter mile of it, and get back to us with any particulars, thanks.

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

2/23/2012

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 2:06 PM
To: (b) (6), (b) (7)(C)
Subject: Re: Faith Leaders Question Border Patrol Actions

Have no clue what its about. I haven't met with them in a while.
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:23:59 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

Youse guys know of anything that occurred on July 25th at St. Anne's Church (b) (6), (b) (7)(C) was this your normal liaison day with them?

From: (b) (6), (b) (7)(C)
Sent: Wednesday, September 21, 2011 1:17 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Fw: Faith Leaders Question Border Patrol Actions

Gentlemen
Please see below press release in regards to Border Patrol in Detroit. Looks like they want a response from us on this one. HQ OBP might want to take this one. This is from WWJ CBS Radio Detroit.

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

From: (b) (6), (b) (7)(C)@dhs.gov>
To: (b) (6), (b) (7)(C)
Sent: Wed Sep 21 13:12:28 2011
Subject: FW: Faith Leaders Question Border Patrol Actions

From: (b) (6), (b) (7)(C)@cbsradio.com]
Sent: Wednesday, September 21, 2011 1:09 PM
To: (b) (6), (b) (7)(C)@dhs.gov
Subject: Faith Leaders Question Border Patrol Actions

Take a peak -- let me know if you have any comment! Thanks, (b) (6), (b) (7)(C)

Contact: (b) (6), (b) (7)(C)@michiganimmigrationreform.org

MEDIA ADVISORY

Faith Leaders Will Gather To Question Border Patrol Action at Church,
Release National Report on Abusive Enforcement by Border Patrol

Concerned community members will gather on Wednesday, September 21st at 11:30 a.m. at St. Anne's Catholic Church in Detroit to raise questions about a Border Patrol enforcement action that took place at St. Anne's Church during mass on July 25, 2011.

Advocates will also release to the media a new report by No More Deaths, which details the results of more than 13,000 interviews with migrants along the southwest border. The interviews document pattern of abuse, including individuals suffering severe dehydration who are then routinely deprived of water; people with life-threatening medical conditions denied treatment; children and adults being beaten during apprehensions and in custody; detainees crammed into over-crowded cells and being subjected to extreme hot and cold, sleep deprivation, and subjecting detainees to humiliation and other forms of psychological abuse.

Who: Father (b) (6), (b) (7)(C) Pastor, St. Anne's Church
(b) (6), (b) (7)(C) Council on American Islamic Relations - Michigan
Representative of the office of Congressman John Conyers
Supportive Local Community and Faith Leaders

When: Wednesday, September 21st, 11:30 a.m.

Where: St. Anne's Catholic Church, 1000 Ste. Anne Street, Detroit

www.michiganimmigrationreform.org

Date 2/17/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class 3

Station Detroit

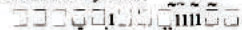
DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) (b) (6), (b) (7)(C) Assistant Chief, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202- (b) (6), (b) (7)(C)

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA





Joint Intake Center Transmittal Form

Date February 17, 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.

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs

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

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

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

(b) (6), (b) (7)(C)@dhs.gov

(b) (7)(E)

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.
2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, (b) (7)(E) and redacted) for follow up.

The first complaint [redacted].

The second complaint alleges that on August 6, 2011, a Border Patrol car was stationed behind Casa de Mi Padre Evangelical church, in Lincoln Park, Michigan, during morning services. After receiving numerous reports from the congregation, the pastor confronted the officers about why they were there. The officers allegedly responded that they were "watching traffic," and then departed the scene.

The third complaint [redacted].

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@dhs.gov

=====
WARNING: This document is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.
=====

(b) (6), (b) (7)(C)
From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 2:56 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I reviewed apprehension logs, vehicle stop logs, ICAD reports, and schedules. All were negative for any activity in the surrounding zones for August 6, 2011. There was one agent assigned to (b) (7)(E) where the church is located (BPA (b) (6), (b) (7)(C)) and one agent assigned to next zone to the south (BPA (b) (6), (b) (7)(C)) during day shift. Each agent was asked if they recall being in the parking lot of the church and both agent replied that they have never been in the parking lot or having talked to the pastor of the church. Detroit Station covers the zone to the north and Detroit Agents do not cross over the River Rouge which separates the stations boundaries.

Of note would be the fact that there were not any agents assigned to the same vehicle during 8/6/11 and the pastor said he confronted agents (plural). They also allege that the agents left in a car. The nearest sedan assigned to the area was in (b) (7)(E) which is well south of the area (12 1/2 miles). Fort Street and Outer drive where the church is located is out of our Primary Operating Domain (POD). The western edge of the POD is located approximately two miles to the east of the location of the alleged incident (b) (7)(E)

The information given in the allegation does not match the records I have.

(b) (6), (b) (7)(C)
Patrol Agent in Charge
USBP/Gibraltar Station
Phone: (734) (b) (6), (b) (7)(C) station
Phone: (734) (b) (6), (b) (7)(C) desk
Cell: (586) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Civil Rights/Civil Liberties rquests

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

Please review the attached IA complaint and run it to ground on your end, I am trying to avoid a Management Inquiry, but it will be dependent on what you find out, thanks.

(b) (7)(E)
(b) (6), (b) (7)(C)
Assistant Chief Patrol Agent

G-481 Daily Unit Assignment Log, Shift 33

Office: DTM/GIB

Saturday, August 06, 2011

Zone	Assignment	Fleet #	Star #	Agent Name	Shift	Comments
(b) (7)(E)	Supervisory Border Patrol Agent	(b) (6), (b) (7)(C), (b) (7)(E)			0800-1600	
	Patrol Border				0800-1600	42
	Patrol Border				0800-1600	43
	Patrol Border				0800-1600	44
	Patrol Border				0800-1600	Grosse Ile
	Patrol Border				0800-1600	45
	Patrol Border				0800-1600	46
	Patrol Border				0800-1600	46
	Vessel Crewman				0800-1600	Vessel Crewman w/OAM
	I-75 Monroe County Corridor				0800-1600	I-75 Monroe County
NONE	Sick Leave				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Travel Status				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Annual Leave				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Off Duty				0800-1600	
NONE	Travel Status				0800-1600	

Department of Homeland Security, Customs and Border Protection
Sensitive But Unclassified

Total Manpower is: 10

Examined and Approved by: _____

(b) (7)(E)

2/22/2012

Date 2/16/12

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. ACPA (b) (6), (b) (7)(C) Detroit Sector		
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) CRCL

Class
3

Station
Detroit

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, OBP/IA	Room No. Bldg. RRB Ste. 8.3D
	Phone No. 202- (b) (6), (b) (7)(C)





Joint Intake Center Transmittal Form

Date February 17, 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.

(b) (7)(E)

02/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C)@dhs.gov

2/17/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

This is a Class 4 allegation. The case has been closed at the JIC, but a response is still required for CRCL. In the past, a management inquiry has been requested each time a CRCL allegation was forwarded through the JIC.

Most CRCL allegations are more accurately categorized as complaints. These tend to focus on general policy issues, rather than individual misconduct. At the same time, the volume of these complaints is increasing. In order to more accurately align investigative efforts with the category of allegation, to reduce the workload for field investigators, and to expedite the process for all parties involved, you may now choose either of the following options:

1. Open the case, conduct a management inquiry, and coordinate with LER, per your sector management inquiry protocol. If you choose to do so, please forward a copy of the Administrative Inquiry Report (AIR) to me at CBP Office of Internal Affairs, Investigative Operations Division, Room 8.3D.

2. Instead of a management inquiry, you may prepare an informational summary or memorandum in response. A one- to two-page document outlining the circumstances of the incident is suggested. You may attach any relevant documents, such as station tracking or feeding logs. This is a general summary of the related events. It is intended to address the complaint, rather than to investigate individual allegations of misconduct. A sample summary is attached. Please forward your summary response to me.

If you suspect misconduct while gathering the facts of the incident, please coordinate with LER to address, or notify me if the suspected misconduct warrants the creation of an additional JIC file.

I will review and forward your response to CRCL.

Please let me know if you have any questions.

Thanks,

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

Assistant Chief
Office of Internal Affairs
(202) **(b) (6), (b) (7)(C)** (office)
(202) **(b) (6), (b) (7)(C)** (cell)
(202) **(b) (6), (b) (7)(C)** (fax)
(b) (6), (b) (7)(C) @dhs.gov

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C) [REDACTED]
Cc: (b) (6), (b) (7)(C) [REDACTED] (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, redacted, and (b) (7)(E) [REDACTED] for follow up.

The first complaint [redacted].

The second complaint [redacted].

The third complaint alleges that on August 10, 2011 (b) (6), (b) (7)(C) [REDACTED] a church elder at St. Stephen's Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 pm. He found a single Border Patrol vehicle stationed in the parking lot. (b) (6), (b) (7)(C) [REDACTED] allegedly approached the agents in the car to ask them what they were doing at the church. The agents allegedly replied that they were making a u-turn (despite being stationary), and drove off.

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions:

Best,

(b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED]

Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C) [REDACTED]
(b) (6), (b) (7)(C) [REDACTED]@dhs.gov

=====

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=====

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

From: (b) (6), (b) (7)(C)
Sent: Wednesday, February 22, 2012 11:00 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Civil Rights/Civil Liberties rquests

Attachments: (b) (7)(E)

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

After checking the ICAD report for Oct 15th, there was no activity listed for anywhere near Riverside Park or any encounters with any group of subjects. And the SBPA working that day has no memory of any agents bringing any aliens into the station that day.

Also I talked to BPA (b) (6), (b) (7)(C) who was the second agent assigned to (b) (7)(E) which St Stephens is located, he stated that he was nowhere near that church at any time. We had two agents assigned, each in separate vehicles in that zone and both say they were nowhere near the church

The other listed complaint in Lincoln Park is in GIB's area

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 21, 2012 10:59 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Civil Rights/Civil Liberties rquests

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

I contacted radio to get ICAD reports for each date but (b) (6), (b) (7)(C) said that the system only has them stored going back to November 2011. (b) (6), (b) (7)(C) has older copies archived but he wont be back until Friday.

As for the other complaints, The St Anne's complaint was all OFO, we responded and observed for officer safety while OFO did whatever they do. We took no action, OFO supervisor advised SBPA (b) (6), (b) (7)(C) that they were going to do an SIR (not sure if they ever did or not). (b) (6), (b) (7)(C) notified me at home that night via text message to advise that they took no action, he said he also notified radio to make sure they made an ICAD entry relating to this, from what I can remember, there is an entry in ICAD, I remember seeing it the last time we looked into this same complaint. Don't know why whoever it is complaining keeps rehashing the same thing but its getting old.

As for the St. Stephens Church complaint, without an address listed, I can only assume it's the one listed at 1235 Lawndale which is in (b) (7)(E). That day we only had 2 agents assigned to that zone (481 attached) BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C). I talked to BPA (b) (6), (b) (7)(C) and he said he was never there during that time, BPA (b) (6), (b) (7)(C) is off duty so I will have to follow up when he returns to duty.

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

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

Sent: Tuesday, February 21, 2012 7:27 AM

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

Cc:

Subject: Civil Rights/Civil Liberties rquests

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

Review the attached PDF's and address each, I am trying to avoid Management Inquiries, but depending on what you find out, we may not have that luxury. I have the email from SBPA (b) (6), (b) (7)(C) on the 07/25/2011 OFO Church parking lot arrest, just verify that there is nothing else on it. for example, did (b) (6), (b) (7)(C) but anything together for it, thanks. (b) (7)(E)

(b) (7)(E)

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

Assistant Chief Patrol Agent
U.S. Border Patrol/ Detroit Sector
26000 South St., Bldg 1516
Selfridge ANGB, Michigan 48045
586 (b) (6), (b) (7)(C) Ofc
586 Cell

From: (b) (6), (b) (7)(C)@HQ.DHS.GOV]
Sent: Wednesday, February 15, 2012 5:06 PM
To: (b) (6), (b) (7)(C)
Cc: (IA)
Subject: Request for Information and Documents in Short Form Complaint

I have been assigned three complaints (redacted, redacted, and (b) (7)(E) for follow up.

The first complaint [redacted].

The second complaint [redacted].

The third complaint alleges that on August 10, 2011, (b) (6), (b) (7)(C) a church elder at St. Stephen's Lutheran Church in Detroit, Michigan, arrived at the church at approximately 12:30 pm. He found a single Border Patrol vehicle stationed in the parking lot. (b) (6), (b) (7)(C) allegedly approached the agents in the car to ask them what they were doing at the church. The agents allegedly replied that they were making a u-turn (despite being stationary), and drove off.

Please provide me with the following information:

- Copies of all documents related to any investigations, apprehensions, detentions, and/or removals related to these incidents, including but not limited to I-213s and TECS records.
- Copies of all documents related to any internal investigations related to these complaints;
- Names and statements of all CBP employees involved in these encounters;
- CBP orders, policies, SOPs, and/or training materials regarding enforcement activities at sensitive locations, including but not limited to churches.

Feel free to contact me if you have any questions.

Best,

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

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

Policy Advisor


Office for Civil Rights and Civil Liberties

Department of Homeland Security

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

(b) (6), (b) (7)(C)@dhs.gov

=====
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=====

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">Immigration and Customs Enforcement Office of Professional Responsibility</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER
		(b) (7)(E)
		PREPARED BY
		(b) (6), (b) (7)(C)
		2. REPORT NUMBER
		001
3. TITLE		
(b) (6), (b) (7)(C) SUPVY BORDER PATROL AGENT (PAIC)/1201 Falsification-Investigation Related/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Initial Report	Allegation	
8. TOPIC		
Alleged use of derogatory language in email and sworn testimony		
9. SYNOPSIS		
<p>On March 1, 2012, the Joint Intake Center (JIC), Washington D.C., received an anonymous email regarding U.S. Customs and Border Protection (CBP) Patrol Agent in Charge (PAIC) (b) (6), (b) (7)(C) Sandusky Bay, OH. PAIC (b) (6), (b) (7)(C) has allegedly referred to illegal aliens with offensive and derogatory terms in an email. As part of a lawsuit filed against the Sandusky Bay station, PAIC (b) (6), (b) (7)(C) also reportedly stated under sworn testimony that the term "wets" is a commonly used Border Patrol term and is not considered offensive.</p>		
10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b) (6), (b) (7)(C) Joint Intake Specialist	02-MAR-2012	Joint Intake Center
12. APPROVED BY(Print Name & Title)	13. APPROVED DATE	15. TELEPHONE NUMBER
(b) (6), (b) (7)(C) Joint Intake Specialist	02-MAR-2012	(202) (b) (6), (b) (7)(C)
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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 March 1, 2012, the Joint Intake Center (JIC), Washington D.C., received an anonymous email regarding U.S. Customs and Border Protection (CBP) Patrol Agent in Charge (PAIC) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Sandusky Bay, OH. PAIC (b) (6), (b) (7)(C) has allegedly referred to illegal aliens with offensive and derogatory terms in an email. As part of a lawsuit filed against the Sandusky Bay station, PAIC (b) (6), (b) (7)(C) also reportedly stated under sworn testimony that the term "wets" is a commonly used Border Patrol term and is not considered offensive.

The following is a recreation of the information provided in the anonymous email. No spelling, grammar or formatting changes have been made.

<BEGIN>

This letter is to inform CBP Joint Intake Center of serious misconduct by United States Border Patrol Agent (b) (6), (b) (7)(C) Agent (b) (6), (b) (7)(C) stationed at The Sandusky Bay Station in Sandusky, Ohio.

Agent (b) (6), (b) (7)(C) is the station's Patrol Agent in Charge (PAIC). PAIC is in a position of leadership and is in control of station policy.

The Sandusky Bay Station is in the middle of a lawsuit alleging civil rights violations of racial profiling. During the discovery phase of this lawsuit, an email written by PAIC (b) (6), (b) (7)(C) was found to having PAIC (b) (6), (b) (7)(C) refer to illegal Hispanic aliens as a derogatory/racial term of "wets".

Further, PAIC (b) (6), (b) (7)(C) under sworn testimony stated that the term "wets" is NOT a derogatory term and that it is a Border Patrol term. This is an insult to other Border Patrol Agents. If that statement were true than the whole Border Patrol is using a racist/derogatory term. PAIC (b) (6), (b) (7)(C) stated that is allowed to use the derogatory/racial term of "wets" because the Hispanic community uses it to refer to themselves.

This statement is an insult to the Hispanic community. PAIC (b) (6), (b) (7)(C) lied under oath to cover up the fact that he used a racist/derogatory

term. PAIC (b) (6), (b) (7)(C) has taken zero accountability for his actions.

Anybody in a leadership position should be held to the highest of standards and thus should NOT use derogatory/racial. The Border Patrol's motto is "Honor First" and clearly PAIC (b) (6), (b) (7)(C) does not follow this and should be held accountable for his actions.

I have included the docket text for document 130 in the case of MUINIZ, et al. vs. GALLEGOS, et al. case number 3:2009-cv-02865 as evidence.

Thank you,

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

I wish not to state my name for fear of retaliation against me

<END>

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001



REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

None

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

From: (b) (6), (b) (7)(C) @gmail.com]
Sent: Thursday, March 01, 2012 4:51 PM
To: JOINT INTAKE
Subject: Use of a derogatory/racial term by PAIC (b) (6), (b) (7)(C)

This letter is to inform CBP Joint Intake Center of serious misconduct by United States Border Patrol Agent (b) (6), (b) (7)(C) Agent (b) (6), (b) (7)(C) is stationed at The Sandusky Bay Station in Sandusky, Ohio. Agent (b) (6), (b) (7)(C) is the station's Patrol Agent in Charge (PAIC). PAIC is in a position of leadership and is in control of station policy. The Sandusky Bay Station is in the middle of a lawsuit alleging civil rights violations of racial profiling. During the discovery phase of this lawsuit, an email written by PAIC (b) (6), (b) (7)(C) was found to having PAIC (b) (6), (b) (7)(C) refer to illegal Hispanic aliens as a derogatory/racial term of "wets". Further, PAIC (b) (6), (b) (7)(C) under sworn testimony stated that the term "wets" is NOT a derogatory term and that it is a Border Patrol term. This is an insult to other Border Patrol Agents. If that statement were true than the whole Border Patrol is using a racist/derogatory term. PAIC (b) (6), (b) (7)(C) stated that is allowed to use the derogatory/racial term of "wets" because the Hispanic community uses it to refer to themselves. This statement is an insult to the Hispanic community. PAIC (b) (6), (b) (7)(C) lied under oath to cover up the fact that he used a racist/derogatory term. PAIC (b) (6), (b) (7)(C) has taken zero accountability for his actions. Anybody in a leadership position should be held to the highest of standards and thus should NOT use derogatory/racial. The Border Patrol's motto is "Honor First" and clearly PAIC (b) (6), (b) (7)(C) does not follow this and should be held accountable for his actions. I have included the docket text for document 130 in the case of MUINIZ, et al. vs. GALLEGOS, et al. case number 3:2009-cv-02865 as evidence.

Thank you,
I wish not to state my name for fear of retaliation against me

Full docket text for document 130:

SEALED Motion to Vacate Voluntary Dismissal and Reinstate Claims Against the Local Defendants and Memorandum in Support [101] filed by Jose Calderon, Rosa Carrillo-Vasquez, Jose Samuel Contreras Garcia, Farm Labor Organizing Committee, AFL-CIO, Maria de Belen Martinez-Castro, Maria Muniz-Muniz, Emeterio Nieto-Medina, Ohio Immigrant Worker Project, Alfonso Palafox, Jesus Rodriguez-Perez, Rocio Anani Saucedo-Carrillo, Belinda Vega. Related document(s) [101].

(Attachments: # (1) Exhibit Attica Response to Plaintiffs RFPD, # (2) Exhibit BP I-213 Incident Reports from Attica PD Referrals, # (3) Exhibit Attica PD Incident Reports to BP, # (4) Exhibit BP Contact List and Roster, # (5) Exhibit Norwalk Response to Plaintiffs RFPD, # (6) Exhibit BP I-213 Incident Reports from Norwalk PD Referrals, # (7) Exhibit Norwalk PD Incident Reports to BP, # (8) Exhibit Norwalk PD E-mail re BP, # (9) Exhibit BP Agent in Charge -- Wets, # (10) Exhibit Plymouth PD Incident Report, # (11) Exhibit Plymouth Response to Plaintiffs RFPD, # (12) Exhibit Plymouth PD Manual) (Mollo, Eugenio)

This letter is to inform CBP Joint Intake Center of serious misconduct by United States Border Patrol Agent (b) (6), (b) (7)(C) Agent (b) (6), (b) (7)(C) stationed at The Sandusky Bay Station in Sandusky, Ohio. Agent (b) (6), (b) (7)(C) is the station's Patrol Agent in Charge (PAIC). PAIC is in a position of leadership and is in control of station policy.

The Sandusky Bay Station is in the middle of a lawsuit alleging civil rights violations of racial profiling. During the discovery phase of this lawsuit, an email written by PAIC (b) (6), (b) (7)(C) was found to having PAIC (b) (6), (b) (7)(C) refer to illegal Hispanic aliens as a derogatory/racial term of "wets".

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Thank you,

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TOLEDO OH 434


27 APR 2012 PM 1 T



U.S. Customs and Border Protection
Joint Intake Center
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington D. C. 20044

20044\$6629



 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001



REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001



REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

Ms (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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


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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001
None	

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

Subject: FW: Request re: Complaint No. (b) (7)(E)

From: (b) (6), (b) (7)(C) On Behalf Of CBPTASKING

Sent: Friday, June 29, 2012 2:09 PM

To: IATASKING

Cc: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

IA: please see below and respond directly.

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

Office of the Executive Secretariat
U.S. Customs and Border Protection
(202) (b) (6), (b) (7)(C) Desk
(202) (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]

Sent: Friday, June 29, 2012 2:07 PM

To: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @dhs.gov

=====

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=====

ICE Records

ICE Records

ICE Records

ICE Records

(b) (7)(E)

7/2/2012



U.S. Department of Homeland Security
 Bureau of Customs and Border Protection
 U.S. Border Patrol Detroit Sector
 26000 South St., bldg 1516
 Selfridge ANGB, MI 48045

REPORT OF INVESTIGATION

Subject: Alleged detainee mistreatment Name: (b) (6), (b) (7)(C) Title: Border Patrol Agent Station: Sandusky Bay, Ohio	File Number: (b) (7)(E)	Report Number: 1
Name: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Supervisory Border Patrol Agent (Signature)	October 29, 2012 (Date)	Office: GIB/DTM
Name: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Chief Patrol Agent (Signature)	11/05/12 (Date)	Office: DTM
Approved By (Name & Title): _____ (Signature) _____ (Date)		

SYNOPSIS

On June 29, 2012, the Joint Intake Center (JIC) received an allegation referred from the U.S. Department of Homeland Security, Office of Civil Rights and Civil Liberties against U.S. Border Patrol Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Bay Border Patrol Station (SBY). On July 24, 2012, I, (b) (6), (b) (7)(C) Supervisory Border Patrol Agent, a designated Fact Finder, was directed to conduct a management inquiry into this allegation. I conducted the interviews of the subjects at the Sandusky Bay Station.

DETAILS OF THE INQUIRY

An Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Report of Investigation (ROI) was received by the reporting officer on July 24, 2012, detailing the allegation. It states that on March 23, 2011, Ms. (b) (6), (b) (7)(C) alleges that she was held in a van for approximately eight hours, and was denied use of a restroom while being processed at the Seneca County Jail, resulting in her urinating on herself. Ms. (b) (6), (b) (7)(C) alleges that she remained in her soiled garments overnight and into the next day until she arrived at a detention facility.

Sandusky Bay Station (SBY) Agents conducted a two-week transportation check operation at the Toledo, Ohio Greyhound Station in March of 2011. The bus station is located 54.1 miles west of SBY at 811 Jefferson Avenue, Toledo, Ohio. According to Google Maps, it takes approximately an hour to drive to the bus station from SBY. Agents participating in the operation worked a 12 p.m. to 8 p.m. shift. On March 23, 2011, Agents (b) (6), (b) (7)(C) arrested five subjects, three males and two females, including Ms (b) (6), (b) (7)(C). Agents interviewed were unable to recall the exact time of arrival, departure or time of arrest of Ms (b) (6), (b) (7)(C). According to ICAD III-Dispatch Report (ICAD), Agent (b) (6), (b) (7)(C) left the bus station at 3:54 p.m. with two female's enroute to SBY for processing. It is unclear how long Ms (b) (6), (b) (7)(C) was in the van but it was substantially less than 8 hours. Ms (b) (6), (b) (7)(C) states in her complaint that she used the restroom before leaving the bus station.

Agent (b) (6), (b) (7)(C) arrived at SBY at 4:40 p.m. Agent (b) (6), (b) (7)(C) was unable to recall transporting the females. (b) (7)(E) is time stamped 4:54 p.m., as to when processing began. At the time of the allegation, the Sandusky Bay Station was located in a renovated building in Sandusky, Ohio and has since moved to a new facility in Port Clinton, Ohio.

Upon arrival at SBY, the five subjects were placed either in cells or on benches in the processing area. These areas are in full view of the processing agents. Both verbal and non-verbal communication is easily achieved. SBY's holding cells are not equipped with toilet facilities and detainees must be escorted a short distance to use a restroom. There were eight to ten people present at any one time during processing. Later that evening, other agents arrived with more subjects, increasing the number of agents and detainees present.

Agent (b) (6), (b) (7)(C) ran record checks concerning Ms (b) (6), (b) (7)(C) through sector dispatch at 7:41 p.m. I believe the actual processing of Ms (b) (6), (b) (7)(C) began at or near this time. Agent (b) (6), (b) (7)(C) processed Ms (b) (6), (b) (7)(C) and had direct communication with her for an extended period. Neither the processing agent nor any other agents present, remembers Ms (b) (6), (b) (7)(C) requesting to use or using the restroom. Agents present did not notice any evidence of Ms (b) (6), (b) (7)(C) soiling herself. Ms (b) (6), (b) (7)(C) did not make any statements to the agents indicating that she had soiled herself. No detainee present made any indications, verbal or non-verbal that Ms (b) (6), (b) (7)(C) needed to use restroom or urinated on herself. Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) went off duty with sector dispatch at 3:54 a.m., Agent (b) (6), (b) (7)(C) left at 3:55 a.m.

Agent (b) (6), (b) (7)(C) began transporting Ms (b) (6), (b) (7)(C) and four others at 9:26 a.m. to Seneca County Jail. Agent (b) (6), (b) (7)(C) arrived at 10:38 a.m. Seneca County Jail is located at 3040 Ohio 100, Tiffin, Ohio. The jail is located 42.7 mile southwest of SBY. According to Google Maps, it takes approximately an hour to drive to the jail from SBY.

According to the I-216 Record of Persons and Property Transferred, five subjects including Ms (b) (6), (b) (7)(C) were transported to the jail on March 24, 2011. The I-216 was signed on March 24, 2011. No time is noted. ICE and the jail assume custody from CBP when the subjects are brought to the jail and the I-216 is signed. Seneca County Jail has 10:45 a.m. as the booking time. Seneca County Jail does not have any knowledge that Ms (b) (6), (b) (7)(C) was soiled at the time of her arrival.

Seneca County Jail's booking area has holding cells with large windows and benches, and is equipped with toilets. A memorandum from (b) (6), (b) (7)(C) Assistant Director for Detention Management, assigns the Seneca County Jail an "acceptable" rating for the 2011 final review.

During the booking process Ms (b) (6), (b) (7)(C) had the opportunity to make a statement regarding her condition, which she did not. Ms. (b) (6), (b) (7)(C) self-completed an intake questionnaire and no complaints, medical or otherwise, were noted by her or the booking officer. Ms (b) (6), (b) (7)(C) booking record does not note anything unordinary.

The reporting officer visited Seneca County Jail during the course of the investigation. ICE Liaison Officer (b) (6), (b) (7)(C) and Licensed Practical Nurse (LPN) (b) (6), (b) (7)(C) provided additional details of Ms (b) (6), (b) (7)(C) and the jail's procedures. Following is a summary of their statements.

Upon arrival, detainees are searched and placed in holding cells until booking. It is Seneca County Jail's procedure to immediately shower and clothe persons who have soiled garments. Documentation of the inmate's condition is then noted. The booking time may differ from arrival time depending on the volume of incoming inmates.

Officer (b) (6), (b) (7)(C) remembered her well. Officer (b) (6), (b) (7)(C) searched Ms (b) (6), (b) (7)(C) and said she was definitely not soiled. Officer (b) (6), (b) (7)(C) said that Ms (b) (6), (b) (7)(C) did not make any complaints to her concerning her treatment while at SBY. Officer (b) (6), (b) (7)(C) described Ms (b) (6), (b) (7)(C) as very polite, but something was wrong or off about her. Ms (b) (6), (b) (7)(C) was booked and placed in a cell.

LPN (b) (6), (b) (7)(C) verified the following information. Sometime on March 25, 2011, Ms (b) (6), (b) (7)(C) complained of dizziness, arm numbness and was getting ill. She was taken to a hospital and was subsequently diagnosed with having a mild stroke. Ms (b) (6), (b) (7)(C) returned to the jail several days later, where she was placed on medical watch until her release (OR).

CONCLUSION

The facts gathered, and the evidence provided indicates that these allegations are **UNSUBSTANTIATED**. It is found that the subjects of the allegation, Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not mistreat Ms. (b) (6), (b) (7)(C). Both the named Agents and Seneca County Jail Officials agree that this event did not happen. The available timeline information does not support the allegation that she was held in a van eight hours at any point while in U.S. Border Patrol custody. Furthermore, Ms. (b) (6), (b) (7)(C) states that she used the restroom at the Toledo, Ohio Greyhound Station before departure. Ms. (b) (6), (b) (7)(C) was not taken to Seneca County Jail for processing as stated in the complaint. Processing was completed at the Sandusky Bay Station. All agents interviewed deny that Ms (b) (6), (b) (7)(C) was not allowed the use of the restroom. The agents present all stated that she or anyone else would be allowed to use the restroom if they requested. Agents present did not notice any evidence of Ms (b) (6), (b) (7)(C) soiling herself at any point. (b) (6), (b) (7)(C) the Supervisory Border Patrol Agent (SBPA) on duty, states that he did not know of any complaints or requests from Ms (b) (6), (b) (7)(C) and did not see evidence of her soiling herself. SBPA (b) (6), (b) (7)(C) did not

field any calls from the jail regarding Ms (b) (6), (b) (7)(C) condition or complaints. The agents do not recall hearing anything about anyone soiling himself or herself at SBY. The Agents named left SBY at approximately 4:00 a.m. Seneca County Jail officials did not note anything unusual or record any complaints regarding Ms (b) (6), (b) (7)(C). In fact, the officer who searched Ms (b) (6), (b) (7)(C) stated that she definitely did not have soiled clothing when she arrived. Further, if she had been soiled, she would have been given the opportunity to shower and change immediately. The above-mentioned inaccuracies and refuted allegations in the complaint, along with the number of agents and detainees present not witnessing any abnormalities associated with Ms (b) (6), (b) (7)(C) support the finding of **UNSUBSTANTIATED**.

EXHIBIT LIST

- A. Email from (b) (6), (b) (7)(C) Office for Civil Rights and Civil Liberties, to CBP Tasking outlining the allegation(s).
- B. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- C. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- D. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- E. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- F. SBPA (b) (6), (b) (7)(C) packet including; Required Appearance and Sworn Testimony, Warning and Assurances, and Affidavit.
- G. EID/Enforce Record and I-213, Record of Deportable/Inadmissible Alien.
- H. ICAD III Dispatch Report (pertinent portion).
- I. SBY G-259 Duty Assignment Sheet.
- J. I-216, Record of Persons or Property Transferred.
- K. Seneca County Sherriff's Office packet including; Booking Form, Intake Questionnaire, Medical Screening, and Memo.
- L. (b) (6), (b) (7)(C) CE Assistant Director for Detention Management, Seneca County Jail Annual Review 2011

M. Google Map directions.

Designated Fact Finder, (b) (6), (b) (7)(C) Supervisory Border Patrol Agent, of the Gibraltar Station, 14801 Middle Gibraltar Rd., Gibraltar, MI 48173, and (734) (b) (6), (b) (7)(C) can testify to the contents of this investigation.

EXHIBIT “A”

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

Subject:

FW: Request re: Complaint No. (b) (7)(E)

From: (b) (6), (b) (7)(C) On Behalf Of CBPTASKING

Sent: Friday, June 29, 2012 2:09 PM

To: IATASKING

Cc: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

IA: please see below and respond directly.

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

Office of the Executive Secretariat
U.S. Customs and Border Protection
(202) (b) (6), (b) (7)(C) Desk
(202) (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Friday, June 29, 2012 2:07 PM

To: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of Ms. (b) (6), (b) (7)(C). In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

=====
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=====

7/6/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Special Agent

Office of Internal Affairs


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

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

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

(b) (6), (b) (7)(C)@dhs.gov

EXHIBIT “B”

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
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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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>

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

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday July, 31, 2006

(Date)

before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

 A Witness

XX A Subject

SBPA (b) (6), (b) (7)(C) _____ Signature
Title

Acknowledgement of Receipt (b) (6), (b) (7)(C) _____
(Employee Signature)

Date: 7-31-12

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

SBPA (b) (6), (b) (7)(C)
Fact Finder Conducting Inquiry:

(b) (6), (b) (7)(C)
Employee's Signature:

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

10:09 am 7/31/2012
Time/Date

(January 2004)

**APPENDIX H
WEINGARTEN RIGHTS**

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

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

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

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

(b) you request representation.

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

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

Signature of Employee

Date

7-31-12

**U.S. Border Patrol
Office of Internal Audit
Advisory to Union Representative**

A U. S. Border Patrol employee has requested that you participate as a union representative in an interview being conducted by the Office of Internal Audit (OIA). This interview is part of an official investigation being undertaken pursuant to the OIA's authority under 8 CFR 103.1(e).

The OIA is conducting this interview in order to obtain the employee's account of the matters under investigation. The OIA understands that you are entitled to assist the employee during the course of the interview, and may pose questions and attempt to clarify issues. In order to facilitate your representation of the union, you will be afforded a reasonable opportunity to confer with the employee during the course of the interview.

The OIA expects that you will refrain from any action that would interfere with the OIA's legitimate interest in achieving the objective of the investigation or would compromise its integrity. The OIA is interested in obtaining the employee's own account of the matters under investigation. Accordingly, please do not attempt to answer questions on behalf of the employee, dictate the employee's answers to questions asked, or otherwise to take charge of this proceeding. In order to maintain the integrity of this investigation, the OIA requests that you not reveal to anyone not present at this proceeding the purpose of the interview or the questions asked and the answers provided.

We expect that any disagreement regarding this interview or your role as a union representative will be resolved amicably during the course of this proceeding. However, in order to avoid an adversarial confrontation and to achieve the objectives of the investigation, the OIA reserves the right to (1) terminate the interview, or (2) afford the employee the choice of either proceeding without your participation or foregoing the opportunity to be interviewed in this matter.

Certification

I hereby certify that **(b) (6), (b) (7)(C)** appeared at an official OIA investigative interview as a union representative and has been provided a copy of this Advisory.

(b) (6), (b) (7)(C)
Name of OIA Investigator

7/31/12
Date

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

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

I have been asked by Supervisory Border Patrol Agent **(b) (6), (b) (7)(C)** U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: Mr. **(b) (6), (b) (7)(C)** please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: Yes.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: Border Patrol Agent, **(b) (6), (b) (7)(C)** Sandusky Bay Station (SBY).

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011? **(b) (6), (b) (7)(C)** was shown a 259 for the time period in question.*

A: Yes.

Q: What was your assignment for the day?

A: Bus station.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

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

PAGE 1 OF 5

7-31-12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: With whom were you working with?

A: I can't remember.

Q: Did you make any apprehensions that day?

A: I can't remember.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)?

A: I can't recall the specifics of that day.

At this time (b) (6), (b) (7)(C) was shown Ms. (b) (6), (b) (7)(C) I-213.

Q: After receiving the form titled "Your Required and Sworn Testimony", did you review or research the events of that day?

A: No.

Q: Do you remember this individual?

A: No.

Q: Does she speak English?

A: I don't know.

Q: At approximately what time was she apprehended?

A: I honestly don't remember the incident.

Q: After the apprehension, where was she placed?

A: I don't remember.

Q: Was Ms. (b) (6), (b) (7)(C) apprehended with any others?

A: I don't remember.

Q: Have you discussed this event with anyone else since you were notified of the allegation?

A: Yes.

Q: In what type of vehicle was Ms. (b) (6), (b) (7)(C) transported?

A: I don't remember.

Q: Did she make any requests at any time before departure?

A: I do not recall.

Q: Do you recall escorting her to the bathroom at the Bus Station?

A: No.

(b) (6), (b) (7)(C) 7-31-12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 2 of 5

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: SBY in Sandusky, OH.

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: About 70 minutes.

Q: Who transported the detainees?

A: I don't know.

Q: Were any stops made along the way?

A: I say no.

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

Q: At what time did you arrive at SBY?

A: I don't recall.

Q: Upon arrival at SBY, where were the subjects placed?

A: In the holding area or annex, processing area.

Q: Was Ms. (b) (6), (b) (7)(C) isolated from the others while at SBY?

A: No.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with the others while at SBY?

A: Yes.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with Agents while at SBY?

A: Yes.

Q: Are detainees in full view of Agents while in the processing area?

A: Yes.

Q: As for the previous questions regarding processing, do you recall this specific event?

A: No.

Q: Are your answers regarding the previous processing questions, what is regarded as normal SOP?

A: Yes.

Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)

A: I don't recall.

Q: Who was the processing Agent?

A: By the 213 looks like (b) (6), (b) (7)(C)

Q: How long did the processing take?

A: Do not recall.

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

7-31-12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Does SBY have restroom facilities available to detainees?

A: Yes.

Q: Are the restrooms freely available, as in their cell or holding area, or do they have to be escorted to another area to use the restroom?

A: They have to be escorted.

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: I don't recall.

Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: I don't recall denying her, we don't deny people access to the bathroom.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: I don't recall.

Q: Did any of the other four detainees use the restroom?

A: I don't recall.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: No.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: No.

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I do not recall.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: I don't recall.

Q: Who transported Ms. (b) (6), (b) (7)(C)?

A: I don't recall.

Q: Did you transport Ms. (b) (6), (b) (7)(C)?

A: I don't recall.

(b) (6), (b) (7)(C) 7-31-12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 4 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: How long is the trip to Seneca County Jail?

A: About an hour.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) appear to have wet herself?

A: I don't recall.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) make any statements to you or others present that she wet herself?

A: No, I didn't hear that and I don't remember anyone saying anything like that. I don't remember any alien ever saying that.

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: No.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief? Yes.

I have read the foregoing statement consisting of 5 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 31st day of

July, 2012.

Signature of Management
Inquiry investigator:

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

Signature of Management
Inquiry witness:

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

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


7-31-12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 5 of 5

EXHIBIT “C”

 <p align="center">DEPARTMENT OF HOMELAND SECURITY</p> <p align="center">REPORT OF INVESTIGATION</p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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


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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001
None	

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday July, 31, 2006 2012 03
(Date)

before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

A Witness
 A Subject

SBPA (b) (6), (b) (7)(C) _____
Title Signature

Acknowledgement of Receipt:
(Employee Signature)

Date: 7/31/2012

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

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

Fact Finder Conducting Inquiry:

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

Employee's Signature:

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

Witness:

12:14 pm 7/31/12

Time/Date

(January 2004)

**APPENDIX H
WEINGARTEN RIGHTS**

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

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

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

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

(b) you request representation.

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

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

Signature of Employee

Date

7/31/2012

**U.S. Border Patrol
Office of Internal Audit
Advisory to Union Representative**

A U. S. Border Patrol employee has requested that you participate as a union representative in an interview being conducted by the Office of Internal Audit (OIA). This interview is part of an official investigation being undertaken pursuant to the OIA's authority under 8 CFR 103.1(e).

The OIA is conducting this interview in order to obtain the employee's account of the matters under investigation. The OIA understands that you are entitled to assist the employee during the course of the interview, and may pose questions and attempt to clarify issues. In order to facilitate your representation of the union, you will be afforded a reasonable opportunity to confer with the employee during the course of the interview.

The OIA expects that you will refrain from any action that would interfere with the OIA's legitimate interest in achieving the objective of the investigation or would compromise its integrity. The OIA is interested in obtaining the employee's own account of the matters under investigation. Accordingly, please do not attempt to answer questions on behalf of the employee, dictate the employee's answers to questions asked, or otherwise to take charge of this proceeding. In order to maintain the integrity of this investigation, the OIA requests that you not reveal to anyone not present at this proceeding the purpose of the interview or the questions asked and the answers provided.

We expect that any disagreement regarding this interview or your role as a union representative will be resolved amicably during the course of this proceeding. However, in order to avoid an adversarial confrontation and to achieve the objectives of the investigation, the OIA reserves the right to (1) terminate the interview, or (2) afford the employee the choice of either proceeding without your participation or foregoing the opportunity to be interviewed in this matter.

Certification

I hereby certify that **(b) (6), (b) (7)(C)** appeared at an official OIA investigative interview as a union representative and has been provided a copy of this Advisory.

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

Name of OIA Investigator

7/31/12

Date

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

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

I have been asked by Supervisory Border Patrol Agent (b) (6), (b) (7)(C) U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: (b) (6), (b) (7)(C) please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: Yes I do.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: Border Patrol Agent, (b) (6), (b) (7)(C) Sandusky Bay.

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011?

A: Yes, I believe so.

Q: What was your assignment for the day?

A: Assigned to bus check detail.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

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

7/31/12

PAGE 1 OF 5

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: With whom were you working with?

A: Agent (b) (6), (b) (7)(C) was there periodically.

Q: Did you make any apprehensions that day?

A: Yes.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C)

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

A: Yes.

Q: Do you remember this individual?

A: Yes.

Q: Does she speak English?

A: Yes.

Q: At approximately what time was she apprehended?

A: I don't recall.

Q: Was Ms. (b) (6), (b) (7)(C) apprehended with any others?

A: Yes.

Q: How many?

A: I don't recall.

Q: Were any of the other individuals female?

A: I believe so.

Q: After the apprehension, where was she placed?

A: I don't recall.

Q: At any time was she placed in a van?

A: I don't recall, some sort of unit.

Q: How long was she in the transport vehicle before you departed for the Sandusky Bay Station (SBY)?

A: I don't recall.

Q: Did she make any requests at any time before departure?

A: I don't remember.

Q: Did Ms. (b) (6), (b) (7)(C) request to use the restroom?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom?

A: I don't recall.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 2 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: To SBY.

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: Roughly an hour, hour 15 minutes.

Q: Who transported the individuals?

A: I don't recall.

Q: Were any stops made along the way?

A: Not that I recall.

Q: At what time did you arrive at SBY?

A: I don't recall.

Q: Upon arrival at SBY, where were the subjects placed?

A: In the processing detention area.

Q: Was Ms. (b) (6), (b) (7)(C) isolated from the others while at SBY?

A: Not that I recall.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with the others while at SBY?

A: Yes.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with Agents while at SBY?

A: Yes.

Q: Are detainees in full view of Agents while in the processing area?

A: Yes.

Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)

A: Yes.

Q: How long did the processing take?

A: I don't recall.

Q: Who was the processing Agent?

A: I was.

Q: Was Ms. (b) (6), (b) (7)(C) in your view the whole time?

A: Whenever I was present in the processing room, there was a significant amount of people; she wasn't the only one I processed.

Q: While processing did you have significant dialogue with Ms. (b) (6), (b) (7)(C)

A: Yes.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Does SBY have restroom facilities available to detainees ?

A: Yes.

Q: Are the restrooms freely available, as in their cell or holding area, or do they have to be escorted to another area to use the restroom?

A: They are available in the processing area which they have to be escorted to.

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: Yes.

Q: Was (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: Not that I recall.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: I don't recall.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: Not that I recall.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: No.

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I don't recall.

Q: Did you transport Ms. (b) (6), (b) (7)(C)?

A: No.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: I don't recall.

Q: Who transported Ms. (b) (6), (b) (7)(C)?

A: I don't know.

Q: How long is the trip to Seneca County Jail?

A: Approximately 45 minutes to an hour.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 4 of 5

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

Q: When was the last time you saw Ms. (b) (6), (b) (7)(C)?

A: Whenever I processed her.

Q: At that time, did she appear to or make any statements that she wet herself?

A: No.

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: No.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief? Yes.

I have read the foregoing statement consisting of 5 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 31st day of

July, 2012.

Signature of Management
Inquiry investigator:

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

Signature of Management
Inquiry witness:

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


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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

EXHIBIT “D”

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) SUPERVISORY BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.		



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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>



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

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday July, 31, 2006
(Date)

before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

 A Witness
XX A Subject

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

Acknowledgement of Receipt: (b) (6), (b) (7)(C)
(Employee Signature)

Date: 7/31/12

ADMINISTRATIVE WARNING ACKNOWLEDGMENT – NON-BARGAINING UNIT EMPLOYEES

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

For Non-Bargaining Unit Employees

I, the undersigned employee of United States Customs and Border Protection, hereby acknowledge receipt of the Administrative Warning. I understand:

That SBPA (b) (6), (b) (7)(C), acting as the Designated Agency Fact Finder, has been charged with conducting an official inquiry.

I have been informed this inquiry is solely administrative in nature.

I understand I have a duty to respond to written or oral questions fully, truthfully, and under oath. I also must provide documents and other materials concerning matters of official interest when directed to do so by the Designated Agency Fact Finder.

I have been informed that I may be subject to disciplinary action, up to and including removal from the agency (termination of employment) for my failure or refusal to answer proper questions relating to the performance of my duties as an employee of U.S. Customs and Border Protection.

I have been informed that I may also be subject to criminal prosecution and/or administrative disciplinary action for any false answer that I give to any questions.

Signature of Employee: (b) (6), (b) (7)(C)

Date: 7/31/12 Time: 11:20 am

Signature of Designated Agency Fact Finder:

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

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

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

Fact Finder Conducting Inquiry:

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

Witness:

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

Employee's Signature:

11:25 am 7/31/12

Time/Date

(January 2004)

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

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

I have been asked by Supervisory Border Patrol Agent **(b) (6), (b) (7)(C)** U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: **(b) (6), (b) (7)(C)** please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: Yes.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: Supervisory Border Patrol Agent, **(b) (6), (b) (7)(C)** Sandusky Bay.

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011?

A: Yes.

Q: What was your assignment for the day?

A: Transportation check in Toledo.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

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

7/31/12

PAGE 1 OF 5

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: With whom were you working with?

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

Q: Did you make any apprehensions that day?

A: I don't specifically remember if I made any arrests, but I was there.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C)

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

A: Yes.

Q: Do you remember this individual?

A: Yes.

Q: Does she speak English?

A: Yes.

Q: At approximately what time was she apprehended?

A: I want to say around 4, but I'm not exactly sure.

Q: Was Ms. (b) (6), (b) (7)(C) apprehended with any others?

A: She was travelling alone, but there were several other apprehensions.

Q: How many?

A: 4 to 5.

Q: Were any of the other individuals female?

A: Yes, I believe there was one other female.

Q: After the apprehension, where was she placed?

A: Much of the time she was outside the station sitting next to the wall.

Q: Was she placed in a van at anytime?

A: She probably was.

Q: How long was she in the van before you departed for the Sandusky Bay Station (SBY)?

A: I don't specifically recall.

Q: Did she make any requests at any time before departure?

A: I know we escorted her to the bathroom at least once.

Q: At what time was Ms. (b) (6), (b) (7)(C) allowed to use the restroom?

A: I don't recall the specific time.

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: Directly to Sandusky Station on Market St.

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

7131112

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 2 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: About an hour 15 minutes.

Q: Were any stops made along the way?

A: No.

Q: Did you transport?

A: I believe Agent **(b) (6), (b) (7)(C)** transported.

Q: At what time did you arrive at SBY?

A: I don't recall specifically.

Q: Upon arrival at SBY, where were the subjects placed?

A: They were placed in our holding area where we do our processing.

Q: Was Ms. **(b) (6), (b) (7)(C)** isolated from the others while at SBY?

A: She was sitting on a bench not in one of the cages.

Q: Was Ms. **(b) (6), (b) (7)(C)** able to communicate with the others while at SBY?

A: Yes.

Q: Was Ms. **(b) (6), (b) (7)(C)** able to communicate with Agents while at SBY?

A: Yes.

Q: Are detainees in full view of Agents while in the processing area?

A: Yes.

Q: Were you present during the processing of Ms. **(b) (6), (b) (7)(C)**?

A: At times, not the whole time.

Q: Who was the processing Agent?

A: I believe **(b) (6), (b) (7)(C)**

Q: How long did the processing take?

A: I don't know specifically how long her processing took because we had several other cases going on.

Q: Does SBY have restroom facilities available to detainees ?

A: Yes.

Q: Are the restrooms freely available, as in their cell or holding area, or do they have to be escorted to another area to use the restroom?

A: It's in the processing area and they can use it.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: As always, we always do.

Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: Definitely not by myself and I'm not aware of anyone else doing either.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: I don't specifically recall but, if she asked she would have been allowed to.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: I'm not sure. I would assume so.

Q: Did anyone in that group use the restroom?

A: They always do, yes.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: No.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: Not that I'm aware of.

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I'm not sure, it would be after 11:30 pm or so.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: Yes.

Q: Who transported Ms. (b) (6), (b) (7)(C)

A: I'm not sure.

Q: Did you transport Ms. (b) (6), (b) (7)(C)

A: I believe I may have, I looked back at my T&A it showed that I transported to Seneca.

Q: How long is the trip to Seneca County Jail?

A: Slightly over an hour, about the same as Toledo.

Q: Did notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself upon arrival at Seneca County Jail?

A: No.

(b) (6), (b) (7)(C) 7/31/12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 4 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Did Ms. (b) (6), (b) (7)(C) make any statements to you or others present that she wet herself upon arrival at Seneca County Jail?

A: No..

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: Jus t that I'm not aware, theres no way she wouldn't be allowed to use the bathroom, it's common practice to allow them to use the restroom prior to transport.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief? I do.

I have read the foregoing statement consisting of 5 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 31st day of

July, 2012.

Signature of Management
Inquiry investigator:

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

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

Signature of Managemen
Inquiry witness:

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

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


7/31/12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 5 of 5

EXHIBIT “E”

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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


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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001

None

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday October 16, 2012

(Date)

before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

 A Witness

XX A Subject

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

10/16/12

SBPA

Title

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

Signature

Acknowledgement of Receipt
(Employee Signature)

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

Date: 10/16/12

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

SBP (b) (6), (b) (7)(C)
Fact Finder Conducting Inquiry:

(b) (6), (b) (7)(C)
Employee's Signature:

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

1150 / 10-16-12
Time/Date

(January 2004)

**APPENDIX H
WEINGARTEN RIGHTS**

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

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

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

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

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

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

Signature of Employee

Date

10/10/12

**ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE**

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

I have been asked by Supervisory Border Patrol Agent **(b) (6), (b) (7)(C)** U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: **(b) (6), (b) (7)(C)** please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: I do.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: U.S. Border Patrol Agent, **(b) (6), (b) (7)(C)** and Sandusky Bay.

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011?

A: Yes.

Q: What was your assignment for the day?

A: Was assigned to transportation check.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

(b) (6), (b) (7)(C) 12/16/12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: With whom were you working with?

A: I believe (b) (6), (b) (7)(C) and can't remember the others.

Q: Did you make any apprehensions that day?

A: Yes.

Q: How many apprehensions that day?

A: Can't remember sir.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

A: Yes.

Q: Do you remember this individual?

A: Yes.

Q: At approximately what time was she apprehended?

A: I don't remember.

Q: After the apprehension, where was she placed?

A: She was placed in the unit and brought back to the station.

Q: How long was she in the service vehicle before you departed for the Sandusky Bay Station (SBY)?

A: Don't know. Don't even remember if I was the one who brought her back.

Q: Did she make any requests at any time before departure?

A: Don't remember.

Q: Was Ms. (b) (6), (b) (7)(C) allowed to use the restroom?

A: Don't remember.

Q: Did Ms. (b) (6), (b) (7)(C) request to use the restroom?

A: Don't remember.

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: To SBY.

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: Approximately an hour.

Q: Were any stops made along the way?

A: No.

Q: At what time did you arrive at SBY?

A: Again, I don't remember if I transported her.

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

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 2 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: Upon arrival at SBY, where were the subjects placed?

A: Holding cell.

Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)?

A: Don't remember.

Q: Who was the processing Agent?

A: I don't remember.

Q: How long did the processing take?

A: Probably 3 or 4 hrs, I don't remember.

Q: Did you process anyone that day?

A: Don't remember.

Q: Does SBY have restroom facilities available to detainees ?

A: Yes.

Q: Are the restrooms freely available, as in their cell, or do they have to be escorted to an other area to use the restroom?

A: They have to be escorted.

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: I do not remember.

Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: No.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: No.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: Don't know.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: Don't Know.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: No.

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

10/14/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I have No idea.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: I have no idea.

Q: Who transported Ms. (b) (6), (b) (7)(C)

A: I have no idea.

Q: How long is the trip to Seneca County Jail?

A: Approximately an hour I believe.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) appear to have wet herself?

A: I have no idea.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) make any statements to you or others present that she wet herself?

A: No.

Q: Have you heard of anyone soiling themselves at SBY at anytime?

A: No.

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: It's been over a year and a half, I don't remember any specifics.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief?

I do.

(b) (6), (b) (7)(C) 10/14/12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 4 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE

I have read the foregoing statement consisting of 4 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 16th day of

October, 2012.

Signature of Management
Inquiry investigator:

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

Signature of Management
Inquiry witness:

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

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

10/16/12
(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 5 of 5

EXHIBIT “F”

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to appear telephonically on Wednesday, October 17, 2012 @ 1400. before SBPA (b) (6), (b) (7)(C)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

XX ^ Witness
 ^ Subject

SBPA (b) (6), (b) (7)(C) _____ Signature
Title (b) (6), (b) (7)(C)

Acknowledgement of Receipt: _____
(Employee Signature)

Date: 10/16/2012

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

SBPA (b) (6), (b) (7)(C)
Fact Finder Conducting Inquiry:

(b) (6), (b) (7)(C)
Employee's Signature:

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

1445/10/17/2012
Time/Date

(January 2004)

Unsworn Declaration*

1 I, (b) (6), (b) (7)(C), a designated Fact Finder for U. S. Customs and Border Protection
2 (CBP), do hereby state:

3 On October 17, 2012 , I conducted a telephonic interview with (b) (6), (b) (7)(C)
4 of the U.S. Border Patrol . I asked SBPA (b) (6), (b) (7)(C) the following questions and he
5 provided the following answers:

6
7 Q: You have been provided a form titled Warning and Assurances, did you
8 understand this form?

9 A: Yes.

10
11 Q: Do you understand that this is a compelled statement and that you are
12 obligated to answer all questions fully and truthfully?

13 A: Yes.

14
15 Q: Please state your full name and spell your last name.

16 A: (b) (6), (b) (7)(C) last name spelled (b) (6), (b) (7)(C)

17
18 Q: Are you feeling well today?

19 A: I am thank you.

20
21 Q: Is there any reason you would not be able to answer my questions today?

22 A: No.

23
24 Q: Do you have any questions before we begin?

25 A: No.

26
27 Q: What is your title, pay grade and duty station?

28 A: Operations Officer, (b) (6), (b) (7)(C) NTC-Cargo.

29
30 Q: When did you enter on duty with the United States Border Patrol?

31 A: (b) (6), (b) (7)(C)

32
33 Q: Were you working on the day of March 23, 2011?

34 A: I assume so.

35
36 Q: Where was your place of employment located at that time?

37 A. Sandusky Bay Station.

38

39

* In accordance with the provisions of Title 28, Part V, Chapter 115, Section 1746
{Unsworn Declarations Under Penalty of Perjury}

Unsworn Declaration*

40 Q: What was your title at that time?

41 A: SBPA.

42
43 Q: Did you perform transit check operations at the Toledo Greyhound station on
44 that day?

45 A: I don't believe so.

46
47 Q: Did you supervise agents who performed transit check operations at the
48 Toledo Greyhound station?

49 A: I don't believe so, my recollection is that there was an operation going on at
50 the bus station.

51
52 Q: Were any apprehensions made that day?

53 A: According to the I-213 yes.

54
55 Q: How many?

56 A: According to the event there are 6 names.

57
58 Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C)

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

60 A: Yes.

61
62 Q: Do you remember this individual?

63 A: No.

64
65 Q: At approximately what time was she apprehended?

66 A: I don't recollect.

67
68 Q: After the apprehension, where was she placed?

69 A: I do not know.

70
71 Q: Did she make any requests at any time before departure?

72 A: To my knowledge no.

73
74 Q: Where were the subjects transported to from the Toledo Greyhound Station?

75 A: SBY.

76
77 Q: How long does the trip from the Toledo Greyhound Station to SBY take?

78 A: On average about 45 minutes to an hour.

79
80 Q: Were any stops made along the way?

81 A: I do not know. Typically no.

* In accordance with the provisions of Title 28, Part V, Chapter 115, Section 1746
{Unsworn Declarations Under Penalty of Perjury}

Unsworn Declaration*

82 Q: At what time did they arrive at SBY?

83 A: I do not know.

84 Q: Upon arrival at SBY, where were the subjects placed?

85 A: They would have been taken to detention.

86 Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)

87 A: I do not recollect.

88 Q: Who was the processing Agent?

89 A: I do not recollect.

90 Q: How long did the processing take?

91 A: I do not recollect.

92 Q: Does SBY have restroom facilities available to detainees ?

93 A: Yes.

94 Q: Are the restrooms freely available, as in their cell, or do they have to be escorted to another area to use the restroom?

95 A: It requires an escort.

96 Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

97 A: She should have been.

98 Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

99 A: By myself No. I do not recollect others. I see no reason why they would have.

100 Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

101 A: I do not recollect

102 Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

103 A: I do not recollect

104 Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

105 A: No.

* In accordance with the provisions of Title 28, Part V, Chapter 115, Section 1746 {Unsworn Declarations Under Penalty of Perjury}

Unsworn Declaration*

- 124 Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others
- 125 present that she wet herself?
- 126 A: To my recollection no.
- 127
- 128 Q: Did anyone at any time make any statements to you or others present that
- 129 she wet herself?
- 130 A: I do not recollect.
- 131
- 132 Q. Did you review Ms. (b) (6), (b) (7)(C) file?
- 133 A: I assume so but I I do not recollect.
- 134
- 135 Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County
- 136 Jail?
- 137 A: I do not recollect.
- 138
- 139 Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?
- 140 A: Typical procedure is yes but, I do not recollect.
- 141
- 142 Q: Are detainees routinely placed in transport vehicles for extended periods of
- 143 time before being transported?
- 144 A: No.
- 145
- 146 Q: Was Ms. (b) (6), (b) (7)(C) held in a transport van for an extended period of
- 147 time before leaving for Seneca County Jail?
- 148 A: I do not recollect.
- 149
- 150 Q: Who transported Ms. (b) (6), (b) (7)(C) to Seneca County Jail?
- 151 A: I do not recollect.
- 152
- 153 Q: How long is the trip to Seneca County Jail?
- 154 A: A little over an hour.
- 155
- 156 Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) appear to
- 157 have wet herself?
- 158 A: I do not know.
- 159
- 160 Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) make any
- 161 statements to you or others present that she wet herself?
- 162 A: I do not recollect.
- 163
- 164 Q: Does Seneca County Jail have bathroom facilities in the cells?
- 165 A: Yes.

* In accordance with the provisions of Title 28, Part V, Chapter 115, Section 1746
{ Unsworn Declarations Under Penalty of Perjury }

Unsworn Declaration*

166 Q: Did Seneca County Jail call SBY to notify you or another Supervisor of any
167 discrepancies or problems with Ms. (b) (6), (b) (7)(C)

168 A: I do not recollect.

169
170 Q: Have you heard of anyone soiling themselves at SBY at any time?

171 A: No.

172
173 Q: Is there anything else pertaining to this incident I may not have asked and
174 you would like to add?

175 A: Typically, when subjects are transported from the Toledo Bus Station and
176 before transportation to a detention facility, they are offered the use of the
177 restroom. Anyone can request the use of the bathroom at any time.
178

179

180

181 I declare under penalty of perjury that the foregoing information I have provided is true
182 and correct to the best of my knowledge and belief.

183

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

184

Signature of Declarant: _____

185

Executed on the 17th day of October 2012.

186

187

188

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

189 Signature of Witness _____

190

Printed Name of Witness: _____

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

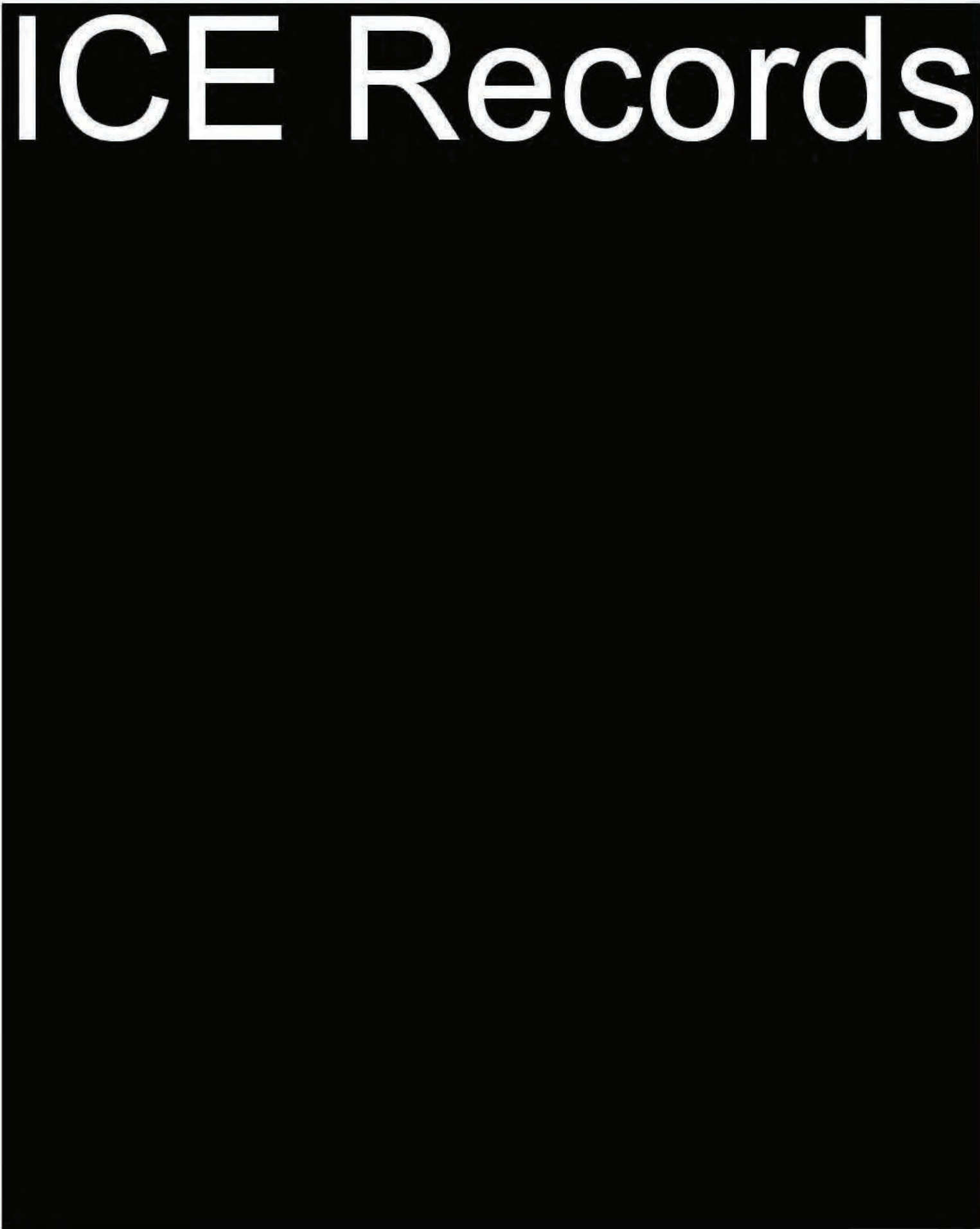
* In accordance with the provisions of Title 28, Part V, Chapter 115, Section 1746
{Unsworn Declarations Under Penalty of Perjury}

EXHIBIT “G”

ICE Records

ICE Records

ICE Records



ICE Records

Family Name (CAPS) (b) (6), (b) (7)(C)		First	Middle	Sex F	Hair BLK	Eyes BRO	Complexion BLR
Country of Citizenship CAMEROON	Passport Number and Country of Issue See Narrative	File Number CASE No. (b) (6), (b) (7)(C)		Height 65	Weight 120	Occupation LABORER	
U.S. Address SENECA COUNTY JAIL 3040 SOUTH STATE ROUTE 100 TIFFIN, OHIO, 44883				Scars and Marks SCAR FOOT, RIGHT			
Date, Place, Time, and Manner of Last Entry 03/15/2005, 1207, 0 mile(s) A of NEW, B2 VISA				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence (b) (6), (b) (7)(C) LITTORAL, CAMEROON				FBI Number (b) (7)(E)			
Date of Birth (b) (6), (b) (7)(C) Age: 61				Date of Action 03/23/2011		Location Code DTM/SBY	
City, Province (State) and Country of Birth ACCRA, ACCRA, GHANA		AR <input checked="" type="checkbox"/>	Form (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number (b) (6), (b) (7)(C)		Social Security Account Name					
Date Visa Issued		Social Security Number					
Immigration Record POSITIVE - See Narrative				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children NONE	
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Word(s) R1B	
Name and Address of (Last) Current U.S. Employer		Type of Employment		Salary		Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) PINS # (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Left Index Print (b) (6), (b) (7)(C) Right Index Print (b) (6), (b) (7)(C)							
ARREST COORDINATES: Latitude: (b) (7)(E) Longitude: (b) (7)(E)							
PASSPORT NUMBER AND COUNTRY OF ISSUE: PASSPORT #: (b) (6), (b) (7)(C) CAMEROON							
FATHER NAME AND ADDRESS: Nationality: CAMEROON (b) (6), (b) (7)(C)							
Alien has been advised of communication privileges _____ (Date/Initials)				(b) (6), (b) (7)(C) Border Patrol Agent (Signature and Title of Immigration Officer)			
Distribution: A-FILE STATION SECTOR		Received (Subject and Documents) (Report of Interview) Officer: (b) (6), (b) (7)(C) on: March 23, 2011 at 2331 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: (b) (6), (b) (7)(C)					

Alien's Name (b) (6), (b) (7)(C)	File Number (b) (6), (b) (7)(C)	Date 03/23/2011
Event No (b) (7)(E)		
(b) (6), (b) (7)(C) DOUALA, LITTORAL, CAMEROON MOTHER NAME AND ADDRESS: ----- Nationality: NIGERIA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) DOUALA, LITTORAL, CAMEROON FUNDS IN POSSESSION: ----- United States Dollar 101.80 RECORDS CHECKED: ----- (b) (7)(E)		
NARRATIVE: ----- ENCOUNTER INFORMATION: On March 23, 2011, at approximately 1515 hours, Border Patrol Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) were performing a transportation check at the Greyhound Bus Station in Toledo, Ohio when they encountered two individuals on a bus bound for New York City, New York who freely admitted to Agent (b) (6), (b) (7)(C) that they were not citizens of the United States, and that they were not in possession of any documents that would allow them to enter, transit, or remain in the United States legally. Both individuals were taken into custody and transported to the Sandusky Bay Border Patrol Station for processing. Both subjects entered the United States in between the ports of entry and had not been inspected, admitted or paroled by an immigration officer. Neither of the subjects was in possession of any immigration documents permitting them to enter, travel through or remain in the United States. The two subjects were placed under arrest and transported to the Sandusky Bay Border Patrol Station for processing. One of the subjects was identified as (b) (6), (b) (7)(C) (DOB: (b) (6), (b) (7)(C) COB: Ghana, COC: Cameroon). PROCESSING INFORMATION: (b) (6), (b) (7)(C) fingerprints and photograph were entered into the (b) (7)(E)		
Signature (b) (6), (b) (7)(C)	Title Border Patrol Agent	

Alien's Name (b) (6), (b) (7)(C)	File Number (b) (6), (b) (7)(C)	Date 03/23/2011
Event No (b) (7)(E)		
(b) (7)(E) database and returned with the immigration and criminal histories listed below.		
<p>CRIMINAL HISTORY: Fingerprint analysis revealed no prior criminal history for (b) (6), (b) (7)(C) is being issued FBI # (b) (7)(E) as a result of today's arrest.</p> <p>IMMIGRATION HISTORY: Record checks revealed that (b) (6), (b) (7)(C) had been issued a Non Immigrant B2 Visitor for Pleasure Visa and entered the United States legally on 03/15/2005 by plane at Newark Liberty International Airport Port of Entry in Newark, New Jersey. (b) (6), (b) (7)(C) failed to depart the United States when her Visa expired on September 13, 2005. (b) (6), (b) (7)(C) did apply for an adjustment of status. That application was denied on 03/29/2006 and the denial notice was sent to her on 03/29/2006. (b) (6), (b) (7)(C) was previously assigned A# (b) (6), (b) (7)(C)</p> <p>TRAVEL: (b) (6), (b) (7)(C) claims that she left her home in Douala, Littoral, Cameroon on approximately March 12, 2005 and boarded a commercial airline flight from Douala, Littoral, Cameroon to Brussels, Belgium. She then states to have boarded another commercial airline flight from Brussels bound for Newark, New Jersey. (b) (6), (b) (7)(C) then claims to have been admitted into the United States as a Non Immigrant B2 Temporary Visitor for Pleasure at Newark Liberty International Airport Port of Entry in Newark, New Jersey on 03/15/2005 at 1207 hours. After Entering the United States (b) (6), (b) (7)(C) claims that she traveled to New York City, New York where she lived and worked since her arrival in the United States. (b) (6), (b) (7)(C) claims that she was traveling back to New York City from a funeral in Minnesota when she was encountered by Border Patrol Agents in Toledo, Ohio.</p> <p>RESIDENCE / EMPLOYMENT HISTORY: (b) (6), (b) (7)(C) claims to have resided in New York City, New York since her arrival in the United States. She also states to have worked as a nanny since she arrived in the United States.</p> <p>DISPOSITION: A Notice to Appear is being executed on (b) (6), (b) (7)(C) as per Section 212(a)(6)(A)(i) of the Immigration and Nationality Act.</p> <p>(b) (6), (b) (7)(C) and her property were turned over to the Seneca County Jail for the duration of his proceedings.</p> <p>(b) (6), (b) (7)(C) was advised of his right to speak with a consular officer of her native country of Cameroon, which she declined.</p> <p>(b) (6), (b) (7)(C) did not claim any fear of returning to her native country of Cameroon.</p> <p>(b) (6), (b) (7)(C) was advised of and offered but declined a Stipulated Order of Removal.</p>		
Signature (b) (6), (b) (7)(C)	Title Border Patrol Agent	

Alien's Name (b) (6), (b) (7)(C)	File Number (b) (6), (b) (7)(C) Event No: (b) (7)(E)	Date 03/23/2011
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(b) (6), (b) (7)(C) was not offered a bond due to her inability to provide a permanent address or substantiate any of her claims of residence.

Signature (b) (6), (b) (7)(C)	Title Border Patrol Agent
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EXHIBIT “H”

US Department of Homeland Security - Sensitivity Level 3
SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
USBP Detroit Sector - Thu Mar 24 06:10:56 2011
ICAD III - Dispatch Report

10-013 Star (b) (6), (b) (7)(C) RC:S Unit: Group: 2011 03/23 15:15 SBY Opr: (b) (6), (b) (7)(C)
Area: Location:OS Shift: Ticket:No
10/15 to the os
10-041 Star (b) (6), (b) (7)(C) RC:S Unit: (b) (6), (b) (7)(C) Group: 2011 03/23 15:22 DTS Opr:
Area: Location: Shift: Ticket:No
10-050 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 15:30 SBY Opr:
Area: Location: Shift: Ticket:No

Database 50/51/52

LAST NAME (b) (6), (b) (7)(C), (b) (7)(E)
FIRST NAME
DOB/SSN#
CIS A#
CCH FBI/SID#
IBIS

FAXED TO SBY
ORG SHFRED

10-041 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 15:30 SBY Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-019 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 15:30 SBY Opr:
Area: Location: Shift: Ticket:No
10-097 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 15:34 SBY Opr:
Area: Location: Shift: Ticket:No

Subject Transport

Segment# 1 - Operator (b) (6), (b) (7)(C), (b) (7)(E)

Subjects - Adult Fem: 2 Adult Male: 0 Juv: 0 Undetermined: 0 Total: 2

Start - DTIM:03/23/11 15:33 Odometer:14959.0 Location:toledo bus station to os

Segment - Duration:00:00 Mileage:0.0

* Total - Duration:00:00 Mileage:0.0

10-015 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 15:35 SBY Opr: (b) (6), (b) (7)(C)
Area: Location:SBY Shift: Ticket:No
3 MALES FROM TOLEDO BUS STATION TO SBY
10-050 Star (b) (6), (b) (7)(C) RC:S Unit: Group: 2011 03/23 15:50 SBY Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No

Database 50/51/52

LAST NAME (b) (6), (b) (7)(C), (b) (7)(E)
FIRST NAME
DOB/SSN#
CIS A#
CCH FBI/SID#
IBIS

US Department of Homeland Security - Sensitivity Level 3
 SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
 USBP Detroit Sector - Thu Mar 24 06:10:56 2011
 ICAD III - Dispatch Report

10-041	Star	(b) (6), (b) (7)(C)	RC: Unit	(b) (6), (b) (7)(C)	Group:	2011 03/23 16:38 SMM Opr	(b) (6), (b) (7)(C)
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:38 SMM Opr	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:38 SMM Opr	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:38 SMM Opr	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:39 SMM Opr	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC:S Unit		Group:	2011 03/23 16:39 SMM Opr	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:39 SMM Opr	
	Area		Location:			Shift: Ticket:No	
10-098	Star		RC: Unit:		Group:	2011 03/23 16:40 SBY Opr	
	Area:		Location:			Shift: Ticket:No	

Record Last Updated: 03/23/11 16:50:24 by operator (b) (6), (b) (7)(C)

Subject Transport

Segment# 1 - Operator: (b) (6), (b) (7)(C), (b) (7)(E)

Subjects - Adult Fem: 2 Adult Male: 0 Juv: 0 Undetermined: 0 Total: 2
 Start - DTTM:03/23/11 15:33 Odometer:14959.0 Location:toledo bus station to os
 End - DTTM:03/23/11 16:39 Odometer:15022.0 Location:os
 Segment - Duration:01:06 Mileage:63.0
 • Total - Duration:01:06 Mileage:63.0

10-041	Star	(b) (6), (b) (7)(C)	RC:S Unit	(b) (6), (b) (7)(C)	Group:	2011 03/23 16:43 SBY Opr:	(b) (6), (b) (7)(C)
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:43 SBY Opr:	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:43 SBY Opr:	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:43 SBY Opr:	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:44 SBY Opr:	
	Area		Location			Shift: Ticket:No	
10-041	Star		RC: Unit		Group:	2011 03/23 16:44 SBY Opr:	
	Area		Location:			Shift: Ticket:No	
10-041	Star		RC: Unit:		Group:	2011 03/23 17:07 GIB Opr:	
	Area		Location:			Shift: Ticket:No	
10-041	Star		RC: Unit:		Group:	2011 03/23 17:07 GIB Opr:	

US Department of Homeland Security - Sensitivity Level 3
SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
USBP Detroit Sector - Thu Mar 24 06:10:56 2011
ICAD III - Dispatch Report

PLATE/VESSEL# (b) (6), (b) (7)(C)

R/O NAME NO RECORD

PASSED TO (b) (6), (b) (7)(C)

10-097 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 19:19 SBY Opr (b) (6), (b) (7)(C)

Area: Location: Shift: Ticket:No

HEADED TO OPS POST OFF OF EXIT 250 ON 80/90

Subject Transport

Segment# 1 - Operator (b) (6), (b) (7)(C), (b) (7)(E)

Subjects - Adult Fem: 1 Adult Male: 2 Juv: 0 Undetermined: 0 Total: 3

Start - DTM:03/23/11 19:18 Odometer:28244.0 Location:MM 114 80/90 TO MM 250 80/90

Segment - Duration:00:00 Mileage:0.0

* Total - Duration:00:00 Mileage:0.0

10-019 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 19:19 DTS Opr (b) (6), (b) (7)(C)

Area: Location: Shift: Ticket:No

10-019 Star RC: Unit: Group: 2011 03/23 19:19 DTS Opr

Area: Location: Shift: Ticket:No

10-019 Star RC: Unit: Group: 2011 03/23 19:19 SBY Opr

Area: Location: Shift: Ticket:No

10-098 Star RC: Unit: Group: 2011 03/23 19:25 SBY Opr

Area: Location: Shift: Ticket:No

Subject Transport

Segment# 1 - Operator (b) (6), (b) (7)(C), (b) (7)(E)

Subjects - Adult Fem: 1 Adult Male: 2 Juv: 0 Undetermined: 0 Total: 3

Start - DTM:03/23/11 19:18 Odometer:28244.0 Location:MM 114 80/90 TO MM 250 80/90

End - DTM:03/23/11 19:25 Odometer:28251.0 Location:at osp mm 118

Segment - Duration:00:07 Mileage:7.0

* Total - Duration:00:07 Mileage:7.0

10-042 Star (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/23 19:25 DTS Opr (b) (6), (b) (7)(C)

Area: Location: Shift: Ticket:No

10-050 Star RC: Unit: Group: 2011 03/23 19:41 SBY Opr

Area: Location: Shift: Ticket:No

Database 50/51/52

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

FIRST NAME

DOB/SSN#

CIS A#

CCH FBI/SID#

IBIS

US Department of Homeland Security - Sensitivity Level 3
SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
USBP Detroit Sector - Thu Mar 24 06:10:56 2011
ICAD III - Dispatch Report

10-042	Star Area	(b) (6), (b) (7)(C)	RC: Unit:	Group:	2011 03/24	03:54 MRV Opr	(b) (6), (b) (7)(C)
			Location:			Shift: Ticket:No	
10-042	Star Area		RC:S Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SMM Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC:S Unit:	Group:	2011 03/24	03:54 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:54 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:55 SBY Opr	
			Location:			Shift: Ticket:No	
10-042	Star Area		RC: Unit:	Group:	2011 03/24	03:55 SBY Opr	
			Location:			Shift: Ticket:No	
10-041	Star Area:		RC: Unit:	Group:	2011 03/24	05:15 DTM Opr	
			Location:			Shift: Ticket:No	

US Department of Homeland Security - Sensitivity Level 3
SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
USBP Detroit Sector - Fri Mar 25 06:15:23 2011
ICAD III - Dispatch Report

Area: Location: Shift: Ticket:No
10-042 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 08:58 SBY Opr (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-042 Star: RC: Unit: Group: 2011 03/24 09:11 SBY Opr
Area: Location: Shift: Ticket:No
10-097 Star: RC: Unit: Group: 2011 03/24 09:27 SBY Opr
Area: Location: Shift: Ticket:No

Subject Transport

Segment# 1 - Operator: (b) (6), (b) (7)(C), (b) (7)(E)

Subjects - Adult Fem: 2 Adult Male: 3 Juv: 0 Undetermined: 0 Total: 5

Start - DTIM:03/24/11 09:26 Odometer:15113.0 Location:SBY TO SENECA CO JAIL

Segment - Duration:00:00 Mileage:0.0

* Total - Duration:00:00 Mileage:0.0

10-041 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 09:38 DTM Opr (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-028 Star: RC: Unit: Group: 2011 03/24 09:39 DTM Opr
Area: Location: Shift: Ticket:No

Database 28/29/32

YEAR/MAKE 2010 DODGE

MODEL/LENGTH 4 DOOR

PLATE/VESSEL# (b) (6), (b) (7)(C)

R/O NAME

STERLING HEIGHTS, MI

PASSED VIA 700

10-041 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 09:42 DTM Opr (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-041 Star: RC: S Unit: Group: 2011 03/24 09:42 DTM Opr
Area: Location: Shift: Ticket:No
10-007 Star: RC: Unit: Group: 2011 03/24 09:55 DTM Opr
Area: Location: COMMUNICATIONS Shift: Ticket:No
10-095 Star: RC: Unit: Group: 2011 03/24 10:32 DTM Opr
Area: Location: Shift: Ticket:No

Record Last Updated: 03/24/11 10:40:27 by operator DL

CP POLICE, BADGE (b) (6), (b) (7)(C) 800- (b) (6), (b) (7)(C) CALLED TO REPORT ONE VEHICLE, TWO PERSONS WILL BE GOING FROM WINDSOR TO
DETROIT THRU THE SOUTH TUNNEL TO CHANGE A CAMERA, FOR 1.5 HOURS. 200 UNITS WERE NOTIFIED. 226 RESPONDED.

10-007 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:37 DTM Opr (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-098 Star: RC: Unit: Group: 2011 03/24 10:38 SBY Opr
Area: Location: Shift: Ticket:No

Subject Transport

Segment# 1 - Operator: (b) (6), (b) (7)(C), (b) (7)(E)

US Department of Homeland Security - Sensitivity Level 3
SENSITIVE BUT UNCLASSIFIED, SECURITY LEVEL:HIGH
USBP Detroit Sector - Fri Mar 25 06:15:23 2011
ICAD III - Dispatch Report

Subjects - Adult Fem: 2 Adult Male: 3 Juv: 0 Undetermined: 0 Total: 5
Start - DTIM:03/24/11 09:26 Odometer:15113.0 Location:SBY TO SENECA CO JAIL
End - DTIM:03/24/11 10:37 Odometer:15152.0 Location:SENECA CO JAIL
Segment - Duration:01:11 Mileage:39.0
• Total - Duration:01:11 Mileage:39.0

10-006 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:38 SBY Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-006 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:49 MRV Opr: (b) (6), (b) (7)(C)
Area: Location:611 GLENWOOD Shift: Ticket:No
PUBLIC ASSIST
10-028 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:52 DTM Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
Database 28/29/32
YEAR/MAKE 1972 COACHMEN
MODEL/LENGTH MOTOR HOME
PLATE/VESSEL# (b) (6), (b) (7)(C)
R/O NAME
FAXED TO SSM
INFO SHREDDED
10-006 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:52 DTM Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-006 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 10:57 DTS Opr: (b) (6), (b) (7)(C)
Agent List: (b) (6), (b) (7)(C)
Area:GREY Location:DET BUS DEPOT Shift: Ticket:No
*** AGENTS UPDATED (Query:) 03/24/11 10:57:26 10-006: (b) (6), (b) (7)(C)
10-028 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 11:05 GIB Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
Database 28/29/32
YEAR/MAKE 2010 CHEV
MODEL/LENGTH 4 DOOR
PLATE/VESSEL# (b) (6), (b) (7)(C)
R/O NAME
PASSED TO 385
INFO SHREDDED
10-007 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 11:35 MRV Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
10-8 10-19
10-050 Star: (b) (6), (b) (7)(C) RC: Unit: Group: 2011 03/24 11:41 DTM Opr: (b) (6), (b) (7)(C)
Area: Location: Shift: Ticket:No
Database 50/51/52
LAST NAME (b) (6), (b) (7)(C)

EXHIBIT “I”

DUTY ASSIGNMENT SHEET

STANDARD SHIFTS				SPECIAL ASSIGNMENTS OR LEAVE	
No.	Hours	No.	Hours	AL	Annual Leave
33	0800-1600			X	Off Duty
41	1000-1800			SL	Sick Leave
49	1200-2000			TR	Training
57	1400-2200			TS	Travel Status
65	1600-0000				

Location U.S. Border Patrol Sandusky Bay, Ohio Group	Activity No. 1221	From (date) 3/13/2011	To (date) 3/26/2011
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NAME	Star No.	SHIFT No.	VARIATIONS							SHIFT No.	VARIATIONS								
			Sun	Mon	Tue	Wed	Thu	Fri	Sat		Sun	Mon	Tue	Wed	Thu	Fri	Sat		
			13	14	15	16	17	18	19		20	21	22	23	24	25	26		
<i>UNIT C- Swings</i>																			
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C), (b) (7)(E)	X	X						(b) (7)(E)	X	X	49						
SBPA						X	X						X	X					
BPA				X	X							X	X						
BPA			X	TR	TR	TS	33/SL	AL	X							X	X		
BPA								X	X	57	41	33	33	33	X	X			
BPA			X	TR	TR	TR	TS	AL	X	X	49	49	49	49		X			
BPA					49	49	49	X	X	X	X	49	49	49					49
BPA			X	X				33/SL		X	X				41	33/AL			
BPA			X	X						X	X	49			41	33/SL			
BPA/T						X	X					49	X	X					
BPA/T				X	X							X	X						
BPA/T						X	X					49	X	X					
BPA/T						X	X					49	X	X					
BPA/T					X	X						X	X						
BPA/T							X	X				49		X	X				

Comments:

Remarks:

DUTY ASSIGNMENT SHEET

STANDARD SHIFTS				SPECIAL ASSIGNMENTS OR LEAVE	
<u>No.</u>	<u>Hours</u>	<u>No.</u>	<u>Hours</u>	LA	Administrative Leave
33	0800-1600			AL	Annual Leave
49	1200-2000			SO	Detail Out of Sector
				FL	Family Fairness Leave Act
				X	Off Duty
				SL	Sick Leave
				TS	Travel Status

Location U.S. Border Patrol Sandusky Bay, Ohio Group	Activity No. 1221	From (date) 3/13/2011	To (date) 3/26/2011
---	----------------------	--------------------------	------------------------

NAME	Star No.	SHIFT No.	VARIATIONS							SHIFT No.	VARIATIONS						
			Sun	Mon	Tue	Wed	Thu	Fri	Sat		Sun	Mon	Tue	Wed	Thu	Fri	Sat
			13	14	15	16	17	18	19		20	21	22	23	24	25	26
<i>UNIT B- Days</i>																	
(b) (6), (b) (7)(C)			X	X							X	X			FL		
			49	49	49	49	49	X	X		49	49	49	49	X	X	
					X	X						X	X				
								X	X					SL	X	X	
			X	SO	SO	TS			X		X	AL		SL		X	
			X	X					SL		X	X					
					49	LA	X	X	49		X	X	49	49		49	
			X						X		X		FL	SL	SL	SL	
			AL				X	X					X			X	
						X	X							X	X		
					X	X						X	X				
			X	X							X	X					
							X	X						X		X	
					49	49	49	X	X		49	49	49	49	X	X	

Comments:

Remarks:

EXHIBIT “J”

Form I-216, Record of Persons and Property Transferred

DATE OF TRANSFER: March 24, 2011

FROM: SANDUSKY BAY BORDER PATROL

TO: SENECA COUNTY JAIL

A-Number	Name of Person	Sex	Country of Citizenship	DOB	(1) Status	(2) Crime	(3) Classification Level	(4) Medical Status	IDENT/FINS	(5) G-589 (s)	US Dollar(s) Foreign Currency	I-77	BOP /USM /FBI #
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	M	MEXIC	(b) (6), (b) (7)(C)					(b) (6), (b) (7)(C)				
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	F	MEXIC	(b) (6), (b) (7)(C)					(b) (6), (b) (7)(C)				
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	M	MEXIC	(b) (6), (b) (7)(C)					(b) (6), (b) (7)(C)				
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	F	CAMER	(b) (6), (b) (7)(C)					(b) (6), (b) (7)(C)				
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	M	INDIA	(b) (6), (b) (7)(C)					(b) (6), (b) (7)(C)				
A													
A													
A													
A													
A													
A													
A													
A													

- (1) Indicate whether R = Removal (Deport/Exclude); V = Voluntary Return or Departure; T = Transfer; B = Bond Out; S = Street Release
- (2) Explain: conviction for ____, dangerous, likely to escape, etc.
- (3) Classification Level (1-3) + Restraint Group (A-C) e.g. 1A, 2C, 3B, etc. *
- (4) Indicate medical status: diseased, epileptic, insane, etc.
- (5) Make sure the G-589 invoice number lines up with the currency amount in the next column.

Use a separate line for each person transferred.

Received the above listed persons, property and baggage checks.

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

Printed Name and Title: (b) (6), (b) (7)(C) Correction

Transfer Authorized By: _____

Place and Date: 03/24/2011

0001/0006

03/24/2011 01:34 FAA



EXHIBIT “K”

Seneca Co. Sheriff's Office
Tiffin, OH
Booking Form

Run Date: 03/24/2011 - 12:50

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

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

Booking No: (b) (7)(E)

T 92

Inmate Bio Information

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

Jail ID: (b) (6), (b) (7)(C)

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

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

Booking No: (b) (7)(E)

DOB: (b) (6), (b) (7)(C) AGE: 61

FBI#:

Address:
: OH

Marital Status: S
No of. Children: 0
Military:

Phone:

Occupation N.A.

Education
Employer: N/A

Country/State: /

Church/Religion:
Birth Place: CAMEROON

Potentially Dangerous:
Escape Risk: NO
Suicidal Risk: NO

ClassCode: MX

Housed at Unit: A204

Inmate Physical Information

Sex: ~~MALE~~ Female
Race: ALIC
Ethnicity: AFRICAN
Hair: BLACK
Hair Style: MEDIUM
Eyes: BROWN
Facial Hair: N
Height: 5'09
Weight: 150
Glasses: YES

Build: MEDIUM
Skin: DARK

Alias Info

Type	Alias Information

Release Note:

S/M/T

Type	Description
NONE	No S/M/T/A

Current Booking Information

Arrest Date: 03/24/2011
Booking Date: 03/24/2011
Arrest Type: FULL BOOKING
Arresting Agency: BORDER PATROL
Arrest Location:
Arrest City:
Auto Make: 0
Auto Color:
Alcohol: N
Towed/Where?: N
Phone Calls:

Arrest Time: 10:46
Booking Time: 10:45
Arresting Officer: BORDER
Booking Officer: (b) (6), (b) (7)(C)
Search Officer:
Warrant No.:
Local Check: N
Civil Process: N
Resist: N
Physical Exam: N
Jail Rules: Y

Seneca Co. Sheriff's Office
Tiffin, OH
Booking Form

Run Date: 03/24/2011 - 12:50

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

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

Booking No: (b) (7)(E)

NCIC Check: Y
Physical Education: Y
Court Date:

Court Time:

Release Date: ?
Outdate: 03/24/2011

Release Time: 00:00

Current Charges					
Charge Code	Offense	NCIC	ITN	Docket No br>Case No	Bond Amt
2963.11	FUGITIVE FROM JUSTICE	F		br>	\$0.00
Note:		Dispo: BOND			

Relatives / Visitors					
Relation	Name	Age	Can Visit	Notif?	Address
			Y	N	

I hereby state that I will follow the rules of this Jail as provided in the Inmate Handbook.

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

Inmate Signature

Date

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

Officer's Signature

Date

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

Witness

Date

3-24-11

Intake Questionnaire

Name: (b) (6), (b) (7)(C) Age: 61 yrs

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

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

Have you had a fever or chills in the last seven (7) days?

NO fever (100°F or higher) NO chills

Have you had a cough or sore throat in the last seven (7) days?

NO cough NO sore throat

Have you had any of the following in the last seven (7) days?

NO runny nose NO body aches NO headache
 fatigue NO diarrhea NO nausea/vomiting
 Other: _____

Have you been in close contact with any sick person having any of the above symptoms within the last two (2) weeks?

 yes no

Do you have any of the following communicable diseases?

NO cold NO flu YES pink eye
NO lice NO scabies NO foot fungus
NO staph NO TB NO STD
NO hepatitis B NO hepatitis C NO HIV
 Other: _____

Medical Screening

Signature: (b) (6), (b) (7)(C)
 DOB: (b) (6), (b) (7)(C)
 ALIEN ID: (b) (6), (b) (7)(C)
 Run Date: 03/24/2011 12:50

Jailid: (b) (6), (b) (7)(C)
 SSN: (b) (6), (b) (7)(C)

Booking No: (b) (7)(E)

Booking Officer Observations		
No	Question	Answer
1	VISIBLE SIGNS OF TRAUMA OR ILLNESS REQUIRING IMMEDIATE EMERGENCY OR DOCTOR'S CARE? IF YES, CALL NURSE AND STOP BOOKING PROCESS.	No
2	PHYSICAL INJURIES, DEFORMITIES, PROSTHETIC DEVICES (LIST): IF YES, CALL NURSE AND STOP BOOKING PROCESS.	No
3	APPEARS CONFUSED OR DISORIENTED? IF YES, CALL NURSE AND STOP BOOKING PROCESS.	No
4	OBVIOUS FEVER, SWOLLEN LYMPH NODES, JAUNDICE OR OTHER SIGNS OF INFECTION? IF YES, CALL NURSE AND STOP BOOKING PROCESS.	No
5	POOR SKIN CONDITION, VERMIN, RASHES, OR NEEDLE MARKS? IF YES, CALL NURSE.	No
6	APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR HAS VISIBLE SIGNS OF WITHDRAWAL? (EXTREME PERSPIRATION, PINPOINT PUPILS, SHAKES, NAUSEA, CRAMPING, VOMITTING) IF YES, CALL NURSE.	No
7	BEHAVIOR OR STATEMENTS THAT SUGGEST RISK OF SUICIDE OR ASSAULT? IF YES, CONTACT NURSE AND FIRELANDS.	No

Officer Detainee Questionnaire		
No	Question	Answer
1	ARTHRITIS	No
2	ASTHMA	No
3	DENTAL PROBLEMS	No
4	DIABETES	No
5	EPILEPSY	No
6	FAINTING	No
7	PHYSICIAN PRESCRIBED DIET OR FOOD ALLERGIES?	No
8	URINARY TRACT PROBLEMS	No
9	ULCERS	No
10	VENEREAL DISEASE (VD)	No
11	EVER TESTED POSITIVE FOR AIDS, TB, OR HEPATITIS	No
12	HAVE YOU EVER EXPERIENCED: 1. PRODUCTIVE COUGH LASTING MORE THAN 2 WEEKS? 2. COUGHED UP ANY BLOOD? 3. PERSISTANT LOW-GRADE FEVER? 4. SWOLLEN GLANDS? 5. NIGHT SWEATS? 6. RECURRENT URINARY TRACT INFECTIONS? IF YES TO 2 OR MORE CALL NURSE.	No
13	ANY TYPE OF HEART OR HIGH BLOOD PRESSURE PROBLEMS	No
14	ARE YOU BEING TREATED FOR MENTAL HEALTH PROBLEMS	No
15	HAVE YOU EVER TRIED TO KILL OR HARM YOURSELF	No
16	DO YOU FEEL DEPRESSED OR SUICIDAL NOW	No
17	ARE YOU ALLERGIC TO ANY MEDICATION? IF SO, WHAT?	No
18	ARE YOU TAKING ANY MEDICATION? IF YES, WHAT?	No
19	WHO PRESCRIBED THE MEDICATION	
20	DO YOU HAVE THE MEDICATION WITH YOU	No
21	FEMALE: ARE YOU ON BIRTH CONTROL PILLS	No
22	ARE YOU PREGNANT? IF SO, HOW MANY MONTHS?	No
23	DO YOU HAVE ANY OTHER MEDICAL PROBLEMS	No
24	ADDITIONAL INFORMATION:	No

Alcohol/Drugs		
No	Question	Answer
1	DO YOU USE ALCOHOL?	No
2	IF YES, HOW OFTEN?	
3	ADDITIONAL INFORMATION:	No
4	WHEN DID YOU DRINK LAST	
5	DO YOU USE STREET DRUGS? IF SO, WHAT TYPE?	No

Medical Screening

Inmate: (b) (6), (b) (7)(C) Jailid: (b) (6), (b) (7)(C) Booking No: (b) (7)(E)
 DOB: (b) (6), (b) (7)(C) SSN: [REDACTED]
 ALIEN ID: [REDACTED]
 Run Date: 03/24/2011 12:50

6	MODE OF USE?	
7	DATE AND TIME OF LAST USE?	
8	DO YOU HAVE ANY PROBLEMS WHEN YOU STOP TAKING THEM?	
9	ARE YOU HAVING WITHDRAWAL PROBLEMS AT THIS TIME?	No

Disposition/Referral		
No	Question	Answer
1	GENERAL POPULATION	Yes
2	NURSE NOTIFICATION.	No
3	FIRELANDS NOTIFIED?	No
4	MENTAL ISOLATION	No
5	SUICIDE WATCH. 15 MINUTE CHECKS.	No
6	REFUSE TO ADMIT UNTIL EXAMINED BY A PHYSICIAN	No
7	OTHER	No
8	COMMENT	No
9	DETAINEE REFUSED ANSWER QUESTIONS	No
10	DETAINEE WAS UNABLE TO ANSWER MEDICAL QUESTIONS	No
11	REASON	No
12	DO YOU HAVE MEDICAL INSURANCE OR COVERAGE. IF YES, WHO IS THE CARRIER? WHAT IS THE CARD NUMBER?	No
13	EMERGENCY CONTACT INFORMATION? NAME AND PHONE NO.	Yes BORDER PTL

I hereby give consent for the medical staff of the Seneca County Jail to supervise and administer medical care while incarcerated.

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

Inmate Signature

Date

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

Officer's Signature

Date

3-24-11

Witness

Date

INTEROFFICE COMMUNICATION

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

From: Sgt. (b) (6), (b) (7)(C)

Date: 3-25-11

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

On the above date, around 1800 hours, I was informed that there was a female in A block stating that she felt dizzy and was getting sick. Officer (b) (6), (b) (7)(C) and I found (b) (6), (b) (7)(C) laying in her boat in (b) (6), (b) (7)(C). She stated that her head hurt and she felt very dizzy. She said that her left arm felt numb and she couldn't grip anything. (b) (6), (b) (7)(C) said that she was given a TB test in her left arm. The symptoms started after she ate her supper meal. Officer (b) (6), (b) (7)(C) came to the block and started to take vitals. In the middle of getting a blood pressure reading, (b) (6), (b) (7)(C) started throwing up. We helped her down the stairs and took her to booking for further observation.

Her vitals registered as; blood pressure 144/88, blood sugar 102, SPO2 99, and pulse 66. She began to throw up again while in the holding cell. I called Nurse (b) (6), (b) (7)(C) and informed her of the situation and she advised to send (b) (6), (b) (7)(C) to the hospital. At 1833 hours, Deputy (b) (6), (b) (7)(C) transported (b) (6), (b) (7)(C) to the hospital. Nothing further at this time.

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

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

EXHIBIT “L”

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Field Office Director
Detroit Field Office
FROM: (b) (6), (b) (7)(C) (A), AD
Assistant Director for Detention Management
SUBJECT: Seneca County Jail Annual Review 2011

The annual review of the Seneca County Jail conducted on October 18-20, 2011, in Tiffin, Ohio has been received. A final rating of "Acceptable" has been assigned and this review is closed.

The rating was based on the Lead Compliance Inspector (LCI) Summary Memorandum and supporting documentation. The Field Office Director must initiate the following actions in accordance with the Detention Management Control Program (DMCP):

- 1) The Field Office Director, Enforcement and Removal Operations, shall notify the facility within five business days of receipt of this memorandum. Notification shall include copies of the Form G-324A Detention Facility Review Form, the G-324A Worksheet, LCI Summary Memorandum, and a copy of this memorandum.
- 2) The next annual review will be scheduled on or before October 18, 2012.

Should you or your staff have any questions regarding this matter, please contact (b) (6), (b) (7)(C) Deputy Assistant Director, Detention Division at (202) (b) (6), (b) (7)(C)

cc: Official File

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

EXHIBIT “M”

811 Jefferson Ave, Toledo, OH 43624


- | | | |
|--|--|-----------------------------|
| | 1. Head southeast on Jefferson Ave toward N Ontario St
About 2 mins | go 0.4 mi
total 0.4 mi |
| | 2. Turn right onto N Summit St
About 2 mins | go 0.6 mi
total 0.9 mi |
| | 3. Turn left onto Clayton St
About 2 mins | go 0.4 mi
total 1.4 mi |
| | 4. Continue onto OH-51 S/Woodville Rd
About 10 mins | go 4.7 mi
total 6.1 mi |
| | 5. Turn left onto OH-579 E/Williston Rd
Continue to follow OH-579 E
About 14 mins | go 10.7 mi
total 16.8 mi |
| | 6. Turn right onto OH-2 E
About 34 mins | go 33.2 mi
total 50.0 mi |
| | 7. Take the OH-101 exit toward Sandusky/Castalla | go 0.2 mi
total 50.2 mi |
| | 8. Turn left onto OH-101 E/Tiffin Ave
Continue to follow Tiffin Ave
About 6 mins | go 3.1 mi
total 53.3 mi |
| | 9. Continue onto W Washington St
About 46 secs | go 0.7 mi
total 54.0 mi |
| | 10. Turn left onto Wayne St
About 1 min | go 0.1 mi
total 54.1 mi |
| | 11. Take the 2nd left onto E Market St
Destination will be on the left | go 190 ft
total 54.1 mi |





160 E Market St, Sandusky, OH 44870

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.


 160 E Market St, Sandusky, OH 44870

- | | | |
|--|--|-----------------------------|
| | 1. Head northeast on E Market St toward Wayne St | go 190 ft
total 190 ft |
|  | 2. Take the 1st right onto Wayne St | go 0.1 mi
total 0.1 mi |
|  | 3. Take the 2nd right onto E Washington St
About 1 min | go 0.7 mi
total 0.8 mi |
| | 4. Continue onto Tiffin Ave
About 1 min | go 1.1 mi
total 1.9 mi |
|  | 5. Turn left onto Sanford St | go 0.2 mi
total 2.1 mi |
|  | 6. Slight left onto Anderson St | go 0.3 mi
total 2.4 mi |
| | 7. Continue onto W Perkins Ave
About 1 min | go 0.8 mi
total 3.2 mi |
|  | 8. Turn right onto OH-4 S/Hayes Ave
Continue to follow OH-4 S
About 32 mins | go 22.6 mi
total 25.8 mi |
|  | 9. Turn right onto OH-162 W
About 11 mins | go 8.2 mi
total 34.0 mi |
|  | 10. Turn left onto OH-67 W/S Kilbourne St
Continue to follow OH-67 W
About 5 mins | go 3.6 mi
total 37.6 mi |
|  | 11. Turn right onto US-224 W/Benjamin Franklin Hwy
About 6 mins | go 5.1 mi
total 42.7 mi |
|  | 12. Turn left onto OH-100 S/Melmore St
Destination will be on the right | go 128 ft
total 42.7 mi |
-  3040 Ohio 100, Tiffin, OH 44883

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) /BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) , Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) , for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) - Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) - Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
CONTINUATION

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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C), for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C), for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C), Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001



REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security

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

(b) (6), (b) (7)(C) @dhs.gov

<END>

<ATTACHMENTS>

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b) (7)(E)

PREPARED BY

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

2. REPORT NUMBER

001



REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

None

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

Subject: FW: Request re: Complaint No. (b) (7)(E)

From: (b) (6), (b) (7)(C) **On Behalf Of** CBPTASKING
Sent: Friday, June 29, 2012 2:09 PM
To: IATASKING
Cc: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

IA: please see below and respond directly.

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

Office of the Executive Secretariat
U.S. Customs and Border Protection
(202) (b) (6), (b) (7)(C) (Desk)
(202) (b) (6), (b) (7)(C) (Cell)

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of Ms. (b) (6), (b) (7)(C). In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

(b) (6), (b) (7)(C)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@dhs.gov

=====

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=====

ICE Records

ICE Records

ICE Records

ICE Records



U.S. Department of Homeland Security
 Bureau of Customs and Border Protection
 U.S. Border Patrol Detroit Sector
 26000 South St., bldg 1516
 Selfridge ANGB, MI 48045

REPORT OF INVESTIGATION

Subject: Alleged detainee mistreatment Name: (b) (6), (b) (7)(C) Title: Border Patrol Agent Station: Sandusky Bay, Ohio	File Number: (b) (7)(E)	Report Number: 1
Name: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Supervisory Border Patrol Agent (Signature)	October 29, 2012 (Date)	Office: GIB/DTM
Name: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Assistant Chief Patrol Agent (Signature)	11/05/12 (Date)	Office: DTM
Approved By (Name & Title): _____ (Signature) _____ (Date)		

SYNOPSIS

On June 29, 2012, the Joint Intake Center (JIC) received an allegation referred from the U.S. Department of Homeland Security, Office of Civil Rights and Civil Liberties against U.S. Border Patrol Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Bay Border Patrol Station (SBY). On July 24, 2012, I, (b) (6), (b) (7)(C) Supervisory Border Patrol Agent, a designated Fact Finder, was directed to conduct a management inquiry into this allegation. I conducted the interviews of the subjects at the Sandusky Bay Station.

DETAILS OF THE INQUIRY

An Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Report of Investigation (ROI) was received by the reporting officer on July 24, 2012, detailing the allegation. It states that on March 23, 2011, Ms. (b) (6), (b) (7)(C) alleges that she was held in a van for approximately eight hours, and was denied use of a restroom while being processed at the Seneca County Jail, resulting in her urinating on herself. Ms. (b) (6), (b) (7)(C) alleges that she remained in her soiled garments overnight and into the next day until she arrived at a detention facility.

Sandusky Bay Station (SBY) Agents conducted a two-week transportation check operation at the Toledo, Ohio Greyhound Station in March of 2011. The bus station is located 54.1 miles west of SBY at 811 Jefferson Avenue, Toledo, Ohio. According to Google Maps, it takes approximately an hour to drive to the bus station from SBY. Agents participating in the operation worked a 12 p.m. to 8 p.m. shift. On March 23, 2011, Agents (b) (6), (b) (7)(C) arrested five subjects, three males and two females, including Ms. (b) (6), (b) (7)(C). Agents interviewed were unable to recall the exact time of arrival, departure or time of arrest of Ms. (b) (6), (b) (7)(C). According to ICAD III-Dispatch Report (ICAD), Agent (b) (6), (b) (7)(C) left the bus station at 3:54 p.m. with two female's enroute to SBY for processing. It is unclear how long Ms. (b) (6), (b) (7)(C) was in the van but it was substantially less than 8 hours. Ms. (b) (6), (b) (7)(C) states in her complaint that she used the restroom before leaving the bus station.

Agent (b) (6), (b) (7)(C) arrived at SBY at 4:40p.m. Agent (b) (6), (b) (7)(C) was unable to recall transporting the females. (b) (7)(E) is time stamped 4:54 p.m., as to when processing began. At the time of the allegation, the Sandusky Bay Station was located in a renovated building in Sandusky, Ohio and has since moved to a new facility in Port Clinton, Ohio.

Upon arrival at SBY, the five subjects were placed either in cells or on benches in the processing area. These areas are in full view of the processing agents. Both verbal and non-verbal communication is easily achieved. SBY's holding cells are not equipped with toilet facilities and detainees must be escorted a short distance to use a restroom. There were eight to ten people present at any one time during processing. Later that evening, other agents arrived with more subjects, increasing the number of agents and detainees present.

Agent (b) (6), (b) (7)(C) ran record checks concerning Ms. (b) (6), (b) (7)(C) through sector dispatch at 7:41 p.m. I believe the actual processing of Ms. (b) (6), (b) (7)(C) began at or near this time. Agent (b) (6), (b) (7)(C) processed Ms. (b) (6), (b) (7)(C) and had direct communication with her for an extended period. Neither the processing agent nor any other agents present, remembers Ms. (b) (6), (b) (7)(C) requesting to use or using the restroom. Agents present did not notice any evidence of Ms. (b) (6), (b) (7)(C) soiling herself. Ms. (b) (6), (b) (7)(C) did not make any statements to the agents indicating that she had soiled herself. No detainee present made any indications, verbal or non-verbal that Ms. (b) (6), (b) (7)(C) needed to use restroom or urinated on herself. Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) went off duty with sector dispatch at 3:54 a.m., Agent (b) (6), (b) (7)(C) left at 3:55 a.m.

Agent (b) (6), (b) (7)(C) began transporting Ms. (b) (6), (b) (7)(C) and four others at 9:26 a.m. to Seneca County Jail. Agent (b) (6), (b) (7)(C) arrived at 10:38 a.m. Seneca County Jail is located at 3040 Ohio 100, Tiffin, Ohio. The jail is located 42.7 mile southwest of SBY. According to Google Maps, it takes approximately an hour to drive to the jail from SBY.

According to the I-216 Record of Persons and Property Transferred, five subjects including Ms. (b) (6), (b) (7)(C) were transported to the jail on March 24, 2011. The I-216 was signed on March 24, 2011. No time is noted. ICE and the jail assume custody from CBP when the subjects are brought to the jail and the I-216 is signed. Seneca County Jail has 10:45 a.m. as the booking time. Seneca County Jail does not have any knowledge that Ms. (b) (6), (b) (7)(C) was soiled at the time of her arrival.

Seneca County Jail's booking area has holding cells with large windows and benches, and is equipped with toilets. A memorandum from (b) (6), (b) (7)(C) Assistant Director for Detention Management, assigns the Seneca County Jail an "acceptable" rating for the 2011 final review.

During the booking process Ms. (b) (6), (b) (7)(C) had the opportunity to make a statement regarding her condition, which she did not. Ms. (b) (6), (b) (7)(C) self-completed an intake questionnaire and no complaints, medical or otherwise, were noted by her or the booking officer. Ms. (b) (6), (b) (7)(C) booking record does not note anything unordinary.

The reporting officer visited Seneca County Jail during the course of the investigation. ICE Liaison Officer (b) (6), (b) (7)(C) and Licensed Practical Nurse (LPN) (b) (6), (b) (7)(C) provided additional details of Ms. (b) (6), (b) (7)(C) and the jail's procedures. Following is a summary of their statements.

Upon arrival, detainees are searched and placed in holding cells until booking. It is Seneca County Jail's procedure to immediately shower and clothe persons who have soiled garments. Documentation of the inmate's condition is then noted. The booking time may differ from arrival time depending on the volume of incoming inmates.

Officer (b) (6), (b) (7)(C) remembered her well. Officer (b) (6), (b) (7)(C) searched Ms. (b) (6), (b) (7)(C) and said she was definitely not soiled. Officer (b) (6), (b) (7)(C) said that Ms. (b) (6), (b) (7)(C) did not make any complaints to her concerning her treatment while at SBY. Officer (b) (6), (b) (7)(C) described Ms. (b) (6), (b) (7)(C) as very polite, but something was wrong or off about her. Ms. (b) (6), (b) (7)(C) was booked and placed in a cell.

LPN (b) (6), (b) (7)(C) verified the following information. Sometime on March 25, 2011, Ms. (b) (6), (b) (7)(C) complained of dizziness, arm numbness and was getting ill. She was taken to a hospital and was subsequently diagnosed with having a mild stroke. Ms. (b) (6), (b) (7)(C) returned to the jail several days later, where she was placed on medical watch until her release (OR).

CONCLUSION

The facts gathered, and the evidence provided indicates that these allegations are **UNSUBSTANTIATED**. It is found that the subjects of the allegation, Agents (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) did not mistreat Ms. (b) (6), (b) (7)(C). Both the named Agents and Seneca County Jail Officials agree that this event did not happen. The available timeline information does not support the allegation that she was held in a van eight hours at any point while in U.S. Border Patrol custody. Furthermore, Ms. (b) (6), (b) (7)(C) states that she used the restroom at the Toledo, Ohio Greyhound Station before departure. Ms. (b) (6), (b) (7)(C) was not taken to Seneca County Jail for processing as stated in the complaint. Processing was completed at the Sandusky Bay Station. All agents interviewed deny that Ms. (b) (6), (b) (7)(C) was not allowed the use of the restroom. The agents present all stated that she or anyone else would be allowed to use the restroom if they requested. Agents present did not notice any evidence of Ms. (b) (6), (b) (7)(C) soiling herself at any point. (b) (6), (b) (7)(C) the Supervisory Border Patrol Agent (SBPA) on duty, states that he did not know of any complaints or requests from Ms. (b) (6), (b) (7)(C) and did not see evidence of her soiling herself. SBPA (b) (6), (b) (7)(C) did not

field any calls from the jail regarding Ms. (b) (6), (b) (7)(C) condition or complaints. The agents do not recall hearing anything about anyone soiling himself or herself at SBY. The Agents named left SBY at approximately 4:00 a.m. Seneca County Jail officials did not note anything unusual or record any complaints regarding Ms. (b) (6), (b) (7)(C). In fact, the officer who searched Ms. (b) (6), (b) (7)(C) stated that she definitely did not have soiled clothing when she arrived. Further, if she had been soiled, she would have been given the opportunity to shower and change immediately. The above-mentioned inaccuracies and refuted allegations in the complaint, along with the number of agents and detainees present not witnessing any abnormalities associated with Ms. (b) (6), (b) (7)(C), support the finding of **UNSUBSTANTIATED**.

EXHIBIT LIST

- A. Email from (b) (6), (b) (7)(C) Office for Civil Rights and Civil Liberties, to CBP Tasking outlining the allegation(s).
- B. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- C. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- D. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- E. BPA (b) (6), (b) (7)(C) packet including; DHS ROI Case (b) (7)(E) Required Appearance and Sworn Testimony, Warning and Assurances, Weingarten, Union Advisory, and Affidavit.
- F. SBPA (b) (6), (b) (7)(C) packet including; Required Appearance and Sworn Testimony, Warning and Assurances, and Affidavit.
- G. EID/Enforce Record and I-213, Record of Deportable/Inadmissible Alien.
- H. ICAD III Dispatch Report (pertinent portion).
- I. SBY G-259 Duty Assignment Sheet.
- J. I-216, Record of Persons or Property Transferred.
- K. Seneca County Sheriff's Office packet including; Booking Form, Intake Questionnaire, Medical Screening, and Memo.
- L. (b) (6), (b) (7)(C) ICE Assistant Director for Detention Management, Seneca County Jail Annual Review 2011

M. Google Map directions.

Designated Fact Finder, (b) (6), (b) (7)(C) Supervisory Border Patrol Agent, of the Gibraltar Station, 14801 Middle Gibraltar Rd., Gibraltar, MI 48173, and (734) (b) (6), (b) (7)(C) can testify to the contents of this investigation.

EXHIBIT “A”

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

Subject: FW: Request re: Complaint No. (b) (7)(E)

From: (b) (6), (b) (7)(C) On Behalf Of CBPTASKING

Sent: Friday, June 29, 2012 2:09 PM

To: IATASKING

Cc: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

IA: please see below and respond directly.

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

Office of the Executive Secretariat
U.S. Customs and Border Protection
(202) (b) (6), (b) (7)(C) Desk
(202) (b) (6), (b) (7)(C) Cell

From: (b) (6), (b) (7)(C) [REDACTED]@HQ.DHS.GOV]

Sent: Friday, June 29, 2012 2:07 PM

To: CBPTASKING

Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of Ms. (b) (6), (b) (7)(C). In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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

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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

=====
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=====

7/6/12

(b) (7)(E)

This complaint was received from the Office for Civil Rights and Civil Liberties (CRCL).

Please follow your normal procedures for completing the management inquiry and coordinating with LER, but return a copy of the Management Inquiry (MI) to me at:

1300 Pennsylvania Ave. NW, Suite 8.3D
Washington, D.C. 20229

or e-mail me an electronic copy at **(b) (6), (b) (7)(C)**@dhs.gov

A memorandum with further information is attached.

We will provide a response to CRCL after receipt of the MI. Please note the 180-day deadline.

Let me know if you have any questions.

Thanks,

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

Special Agent

Office of Internal Affairs


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

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

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

(b) (6), (b) (7)(C)@dhs.gov

EXHIBIT “B”

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
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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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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


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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @dhs.gov

<END>

<ATTACHMENTS>

<p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p>  <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER (b) (7)(E)</p> <p>PREPARED BY (b) (6), (b) (7)(C)</p> <p>2. REPORT NUMBER 001</p>
<p>None</p>	

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday July 31, 2006

(Date)

before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

 A Witness

XX A Subject

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

Acknowledgement of Receipt: (b) (6), (b) (7)(C)
(Employee Signature)

Date: 7-31-12

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

SBPA (b) (6), (b) (7)(C)
Fact Finder Conducting Inquiry:

(b) (6), (b) (7)(C)
Employee's Signature:

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

10:09 am 7/31/2012
Time/Date

(January 2004)

**APPENDIX H
WEINGARTEN RIGHTS**

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

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

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

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

(b) you request representation.

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

(b) (6), (b) (7)(C) 7-31-12
Signature of Employee Date

**U.S. Border Patrol
Office of Internal Audit
Advisory to Union Representative**

A U. S. Border Patrol employee has requested that you participate as a union representative in an interview being conducted by the Office of Internal Audit (OIA). This interview is part of an official investigation being undertaken pursuant to the OIA's authority under 8 CFR 103.1(e).

The OIA is conducting this interview in order to obtain the employee's account of the matters under investigation. The OIA understands that you are entitled to assist the employee during the course of the interview, and may pose questions and attempt to clarify issues. In order to facilitate your representation of the union, you will be afforded a reasonable opportunity to confer with the employee during the course of the interview.

The OIA expects that you will refrain from any action that would interfere with the OIA's legitimate interest in achieving the objective of the investigation or would compromise its integrity. The OIA is interested in obtaining the employee's own account of the matters under investigation. Accordingly, please do not attempt to answer questions on behalf of the employee, dictate the employee's answers to questions asked, or otherwise to take charge of this proceeding. In order to maintain the integrity of this investigation, the OIA requests that you not reveal to anyone not present at this proceeding the purpose of the interview or the questions asked and the answers provided.

We expect that any disagreement regarding this interview or your role as a union representative will be resolved amicably during the course of this proceeding. However, in order to avoid an adversarial confrontation and to achieve the objectives of the investigation, the OIA reserves the right to (1) terminate the interview, or (2) afford the employee the choice of either proceeding without your participation or foregoing the opportunity to be interviewed in this matter.

Certification

I hereby certify that **(b) (6), (b) (7)(C)** appeared at an official OIA investigative interview as a union representative and has been provided a copy of this Advisory.

(b) (6), (b) (7)(C)
Name of OIA Investigator

7/31/12
Date

ADMINISTRATIVE INQUIRY AFFIDAVIT
~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

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

I have been asked by Supervisory Border Patrol Agent **(b) (6), (b) (7)(C)** U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: Mr. **(b) (6), (b) (7)(C)** please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: Yes.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: Border Patrol Agent, **(b) (6), (b) (7)(C)** Sandusky Bay Station (SBY).

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011? **(b) (6), (b) (7)(C)** was shown a 259 for the time period in question.*

A: Yes.

Q: What was your assignment for the day?

A: Bus station.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

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

PAGE 1 OF 5

7-31-12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: With whom were you working with?

A: I can't remember.

Q: Did you make any apprehensions that day?

A: I can't remember.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)?

A: I can't recall the specifics of that day.

At this time (b) (6), (b) (7)(C) was shown Ms. (b) (6), (b) (7)(C) I-213.

Q: After receiving the form titled "Your Required and Sworn Testimony", did you review or research the events of that day?

A: No.

Q: Do you remember this individual?

A: No.

Q: Does she speak English?

A: I don't know.

Q: At approximately what time was she apprehended?

A: I honestly don't remember the incident.

Q: After the apprehension, where was she placed?

A: I don't remember.

Q: Was Ms. (b) (6), (b) (7)(C) apprehended with any others?

A: I don't remember.

Q: Have you discussed this event with anyone else since you were notified of the allegation?

A: Yes.

Q: In what type of vehicle was Ms. (b) (6), (b) (7)(C) transported?

A: I don't remember.

Q: Did she make any requests at any time before departure?

A: I do not recall.

Q: Do you recall escorting her to the bathroom at the Bus Station?

A: No.

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

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 2 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: SBY in Sandusky, OH.

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: About 70 minutes.

Q: Who transported the detainees?

A: I don't know.

Q: Were any stops made along the way?

A: I'll say no.

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

Q: At what time did you arrive at SBY?

A: I don't recall.

Q: Upon arrival at SBY, where were the subjects placed?

A: In the holding area or annex, processing area.

Q: Was Ms. (b) (6), (b) (7)(C) isolated from the others while at SBY?

A: No.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with the others while at SBY?

A: Yes.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with Agents while at SBY?

A: Yes.

Q: Are detainees in full view of Agents while in the processing area?

A: Yes.

Q: As for the previous questions regarding processing, do you recall this specific event?

A: No.

Q: Are your answers regarding the previous processing questions, what is regarded as normal SOP?

A: Yes.

Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)

A: I don't recall.

Q: Who was the processing Agent?

A: By the 213 looks like (b) (6), (b) (7)(C)

Q: How long did the processing take?

A: Do not recall.

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

7-31-12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT
~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: Does SBY have restroom facilities available to detainees?

A: Yes.

Q: Are the restrooms freely available, as in their cell or holding area, or do they have to be escorted to another area to use the restroom?

A: They have to be escorted.

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: I don't recall.

Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: I don't recall denying her, we don't deny people access to the bathroom.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: I don't recall.

Q: Did any of the other four detainees use the restroom?

A: I don't recall.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: No.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: No.

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I do not recall.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: I don't recall.

Q: Who transported Ms. (b) (6), (b) (7)(C)

A: I don't recall.

Q: Did you transport Ms. (b) (6), (b) (7)(C)

A: I don't recall.

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

7-31-12

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY

PAGE 4 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: How long is the trip to Seneca County Jail?

A: About an hour.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) appear to have wet herself?

A: I don't recall.

Q: Upon arriving at the Seneca County Jail, did Ms. (b) (6), (b) (7)(C) make any statements to you or others present that she wet herself?

A: No, I didn't hear that and I don't remember anyone saying anything like that. I don't remember any alien ever saying that.

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: No.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief? Yes.

I have read the foregoing statement consisting of 5 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 31st day of

July, 2012.

Signature of Management
Inquiry investigator:

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

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

Signature of Management
Inquiry witness:

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

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

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 5 of 5

EXHIBIT “C”

 <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>		1. CASE NUMBER (b) (7)(E)
		PREPARED BY (b) (6), (b) (7)(C)
		2. REPORT NUMBER 001
3. TITLE (b) (6), (b) (7)(C) BORDER PATROL AGENT/0506 CRCL-Detainee/Alien (Other)/SANDUSKY, ERIE, OH		
4. FINAL RESOLUTION		
5. STATUS Initial Report	6. TYPE OF REPORT Allegation	7. RELATED CASES (b) (7)(E)
8. TOPIC Alleged detainee mistreatment, U.S. Border Patrol Agent (b) (6), (b) (7)(C) Sandusky, OH.		
9. SYNOPSIS On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.		
10. CASE OFFICER (Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	11. COMPLETION DATE 02-JUL-2012	14. ORIGIN OFFICE CBP-IA SAC NY-JFK
12. APPROVED BY(Print Name & Title) (b) (6), (b) (7)(C) Joint Intake Specialist	13. APPROVED DATE 02-JUL-2012	15. TELEPHONE NUMBER No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

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

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

Details are reported herein.

DETAILS OF INVESTIGATION:

On Friday, June 29, 2012, the Joint Intake Center (JIC), Washington, DC, received an allegation referred from the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), against U.S. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) for an alleged incident of detainee mistreatment at the Sandusky Border Patrol Station in Sandusky, OH.

The following email was created by (b) (6), (b) (7)(C) Senior Policy Advisor, CRCL and was forwarded to the JIC:

<BEGIN>

From: (b) (6), (b) (7)(C) @HQ.DHS.GOV]
Sent: Friday, June 29, 2012 2:07 PM
To: CBPTASKING
Subject: Request re: Complaint No. (b) (7)(E)

We recently received a complaint alleging that on March 23, 2011, a Ms. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was approached by a CBP agent on a bus in Toledo, Ohio. Allegedly, the agent asked her if she was a citizen of the United States and then detained her. When she asked to use the bathroom, several officers followed her into the Toledo bus station and stood guard outside the bathroom until she was finished. She eventually was led to a van, where they waited for several hours until they were taken to the Seneca County Jail station for processing. At the station, she sat in a holding cell, waiting for an officer to respond to her request to use the bathroom. At this point, she allegedly had spent almost 8 hours waiting in the van and en route to the station. She eventually urinated on herself. She stayed in her urine-soaked clothes overnight and the next day until she was transferred to a detention facility where she was allowed to bathe.

Would you please send me any documents you have regarding the questioning and detention of

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

Ms. (b) (6), (b) (7)(C) In particular, I would like to know when CBP transferred custody of Ms. (b) (6), (b) (7)(C) to ICE. Did CBP maintain custody at the Seneca County Jail station? If so, please send me information about the set-up of the holding cell, including whether it is a dry cell. If it is a dry cell, please provide me with information about how people in the holding cell are supposed to go to the bathroom.

Please let me know if you have any questions.

Best,

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


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

Senior Policy Advisor
Office for Civil Rights and Civil Liberties
Department of Homeland Security
(202) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@dhs.gov

<END>

<ATTACHMENTS>

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	1. CASE NUMBER (b) (7)(E)
	PREPARED BY (b) (6), (b) (7)(C)
	2. REPORT NUMBER 001

None

YOUR REQUIRED APPEARANCE AND SWORN TESTIMONY

You are hereby directed to personally appear on Tuesday July, 31, 2006 2012 (Date) (b) (6), (b) (7)(C)
before SBPA (b) (6), (b) (7)(C) at Sandusky Bay Border Patrol Station @.
(Name and Title) (Location)

You are advised that your willful refusal to appear, as directed herein, and provide sworn testimony in accordance with the authority outlined in 8 CFR 103.1(e) and 8 USC 1357(b), may be construed to be insubordination, which in and 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 removal.

You will be questioned concerning your knowledge of alleged misconduct relating to: Alleged detainee mistreatment of (b) (6), (b) (7)(C) on March 23, 2011 at the Sandusky Bay Station. Specifically, it is alleged that Ms. (b) (6), (b) (7)(C) was made to stay in a van for 8 hours and not allowed to use the restroom, allegedly urinating on herself.

If you are in a bargaining unit, you have a right to Union representation.

Your appearance is requested as:

A Witness
 A Subject

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

Acknowledgement of Receipt:
(Employee Signature)

Date: 7/31/2012

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

WARNING 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 100.2(a).

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 therefrom may be used in the course of any disciplinary proceeding which could result in disciplinary action, including dismissal.

Acknowledgement

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

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

Fact Finder Conducting Inquiry:

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

Employee's Signature:

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

Witness:

12:14 pm 7/31/12

Time/Date

(January 2004)

**APPENDIX H
WEINGARTEN RIGHTS**

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

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

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

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

(b) you request representation.

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

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

Signature of Employee

Date

7/31/2012

**U.S. Border Patrol
Office of Internal Audit
Advisory to Union Representative**

A U. S. Border Patrol employee has requested that you participate as a union representative in an interview being conducted by the Office of Internal Audit (OIA). This interview is part of an official investigation being undertaken pursuant to the OIA's authority under 8 CFR 103.1(e).

The OIA is conducting this interview in order to obtain the employee's account of the matters under investigation. The OIA understands that you are entitled to assist the employee during the course of the interview, and may pose questions and attempt to clarify issues. In order to facilitate your representation of the union, you will be afforded a reasonable opportunity to confer with the employee during the course of the interview.

The OIA expects that you will refrain from any action that would interfere with the OIA's legitimate interest in achieving the objective of the investigation or would compromise its integrity. The OIA is interested in obtaining the employee's own account of the matters under investigation. Accordingly, please do not attempt to answer questions on behalf of the employee, dictate the employee's answers to questions asked, or otherwise to take charge of this proceeding. In order to maintain the integrity of this investigation, the OIA requests that you not reveal to anyone not present at this proceeding the purpose of the interview or the questions asked and the answers provided.

We expect that any disagreement regarding this interview or your role as a union representative will be resolved amicably during the course of this proceeding. However, in order to avoid an adversarial confrontation and to achieve the objectives of the investigation, the OIA reserves the right to (1) terminate the interview, or (2) afford the employee the choice of either proceeding without your participation or foregoing the opportunity to be interviewed in this matter.

Certification

I hereby certify that (b) (6), (b) (7)(C) appeared at an official OIA investigative interview as a union representative and has been provided a copy of this Advisory.

(b) (6), (b) (7)(C)
Name of OIA Investigator

7/31/12
Date

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

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

I have been asked by Supervisory Border Patrol Agent (b) (6), (b) (7)(C) U.S. Customs and Border Protection (CBP), Management Inquiries Unit, to make the following statement:

Q: (b) (6), (b) (7)(C) please stand and raise your right hand. Do you solemnly swear or affirm that the information you are about to provide will be true and correct to the best of your knowledge and belief?

A: Yes I do.

Q: You have been provided a form titled Warning and Assurances, did you understand this form?

A: Yes.

Q: Do you understand that this is a compelled statement and that you are obligated to answer all questions fully and truthfully?

A: Yes.

Q: Please state your full name and spell your last name.

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

Q: Are you feeling well today?

A: Yes.

Q: Is there any reason you would not be able to answer my questions today?

A: No.

Q: Do you have any questions before we begin?

A: No.

Q: What is your title, pay grade and duty station?

A: Border Patrol Agent, (b) (6), (b) (7)(C) Sandusky Bay.

Q: When did you enter on duty with the United States Border Patrol?

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

Q: Were you working on the day of March 23, 2011?

A: Yes, I believe so.

Q: What was your assignment for the day?

A: Assigned to bus check detail.

Q: Did you perform transit check operations at the Toledo Greyhound station?

A: Yes.

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

7/31/12

PAGE 1 OF 5

(AFFIANT'S INITIALS AND DATE)

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: With whom were you working with?

A: Agent (b) (6), (b) (7)(C) was there periodically.

Q: Did you make any apprehensions that day?

A: Yes.

Q: Did you or any other agent present, detain or apprehend an (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)?

A: Yes.

Q: Do you remember this individual?

A: Yes.

Q: Does she speak English?

A: Yes.

Q: At approximately what time was she apprehended?

A: I don't recall.

Q: Was Ms. (b) (6), (b) (7)(C) apprehended with any others?

A: Yes.

Q: How many?

A: I don't recall.

Q: Were any of the other individuals female?

A: I believe so.

Q: After the apprehension, where was she placed?

A: I don't recall.

Q: At any time was she placed in a van?

A: I don't recall, some sort of unit.

Q: How long was she in the transport vehicle before you departed for the Sandusky Bay Station (SBY)?

A: I don't recall.

Q: Did she make any requests at any time before departure?

A: I don't remember.

Q: Did Ms. (b) (6), (b) (7)(C) request to use the restroom?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom?

A: I don't recall.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 2 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: Where were the subjects transported to from the Toledo Greyhound Station?

A: To SBY.

Q: How long does the trip from the Toledo Greyhound Station to SBY take?

A: Roughly an hour, hour 15 minutes.

Q: Who transported the individuals?

A: I don't recall.

Q: Were any stops made along the way?

A: Not that I recall.

Q: At what time did you arrive at SBY?

A: I don't recall.

Q: Upon arrival at SBY, where were the subjects placed?

A: In the processing detention area.

Q: Was Ms. (b) (6), (b) (7)(C) isolated from the others while at SBY?

A: Not that I recall.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with the others while at SBY?

A: Yes.

Q: Was Ms. (b) (6), (b) (7)(C) able to communicate with Agents while at SBY?

A: Yes.

Q: Are detainees in full view of Agents while in the processing area?

A: Yes.

Q: Were you present during the processing of Ms. (b) (6), (b) (7)(C)

A: Yes.

Q: How long did the processing take?

A: I don't recall.

Q: Who was the processing Agent?

A: I was.

Q: Was Ms. (b) (6), (b) (7)(C) in your view the whole time?

A: Whenever I was present in the processing room, there was a significant amount of people; she wasn't the only one I processed.

Q: While processing did you have significant dialogue with Ms. (b) (6), (b) (7)(C)

A: Yes.

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

7/31/12

ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

PAGE 3 of 5

ADMINISTRATIVE INQUIRY AFFIDAVIT

~~FOR OFFICIAL USE ONLY NOT FOR PUBLIC DISCLOSURE~~

Q: Does SBY have restroom facilities available to detainees ?

A: Yes.

Q: Are the restrooms freely available, as in their cell or holding area, or do they have to be escorted to another area to use the restroom?

A: They are available in the processing area which they have to be escorted to.

Q: Was Ms. (b) (6), (b) (7)(C) offered by yourself or any others present, the use of the restroom while at SBY?

A: Yes.

Q: Was Ms. (b) (6), (b) (7)(C) denied by yourself or any others present, the use of the restroom while at SBY?

A: Not that I recall.

Q: Did Ms. (b) (6), (b) (7)(C) make any request to yourself or any others present, to use the restroom while at SBY?

A: I don't recall.

Q: Did Ms. (b) (6), (b) (7)(C) use the restroom while at SBY?

A: I don't recall.

Q: Did you at any time notice the appearance that Ms. (b) (6), (b) (7)(C) may have wet herself?

A: Not that I recall.

Q: Did Ms. (b) (6), (b) (7)(C) at any time make any statements to you or others present that she wet herself?

A: No.

Q: At what time was Ms. (b) (6), (b) (7)(C) transported to the Seneca County Jail?

A: I don't recall.

Q: Did you transport Ms. (b) (6), (b) (7)(C)

A: No.

Q: Was Ms. (b) (6), (b) (7)(C) offered the use of the restroom before departure?

A: I don't recall.

Q: Who transported Ms. (b) (6), (b) (7)(C)

A: I don't know.

Q: How long is the trip to Seneca County Jail?

A: Approximately 45 minutes to an hour.

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

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ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

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ADMINISTRATIVE INQUIRY AFFIDAVIT

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Q: When was the last time you saw Ms. (b) (6), (b) (7)(C)

A: Whenever I processed her.

Q: At that time, did she appear to or make any statements that she wet herself?

A: No.

Q: Is there anything else pertaining to this incident I may not have asked and you would like to add?

A: No.

Do you solemnly swear or affirm that the information provided in this affidavit is true and correct to the best of your knowledge and belief? Yes.

I have read the foregoing statement consisting of 5 pages, each of which I have initialed or signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding the matter for which I provided this statement, I will promptly contact the investigator and provide such information. I made this statement freely and voluntarily without any threats, reward or promises of reward having been made to me in return for it.

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

Signature of affiant

Subscribed and sworn to before me this 31st day of

July, 2012.

Signature of Management Inquiry investigator: (b) (6), (b) (7)(C)

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

Signature of Management Inquiry witness: (b) (6), (b) (7)(C)

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

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ADMINISTRATIVE INQUIRY

(AFFIANT'S INITIALS AND DATE)

EXHIBIT “D”