



Report on Internal Investigations and Employee Accountability

Fiscal Year 2022



U.S. Customs and Border Protection

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Message from CBP Leadership

U.S. Customs and Border Protection (CBP) strives to be the premier law enforcement agency in the nation, and we hold our workforce to the highest standards of integrity, professionalism, and personal conduct. When just one employee engages in misconduct or corruption, it can pose a threat to our national or economic security.

We are accountable to the American people and the travelers with whom we interact. It is our duty to conduct thorough and timely investigations of alleged misconduct and corruption and evaluate employee misconduct and impose consistent, fair, and prompt corrective action independent of any potential criminal sanctions imposed through the judicial system. We must also be transparent about such violations of law, policy, and standards of conduct and how we hold employees accountable for their actions.

I am pleased to present the annual *Report on Internal Investigations and Employee Accountability, Fiscal Year 2022*. The report provides a description of the entire process, from the receipt of information in our Intake Center, through the investigation, and ultimately to the administrative outcome. It provides statistics on intake, investigative activity, and disciplinary actions; highlights areas of particular concern to the Agency; information on key oversight, transparency, and accountability initiatives; and features summaries of significant investigative and disciplinary outcomes.

Information identifying individual employees has been omitted in accordance with the Privacy Act of 1974. Instead, data is presented in aggregate and case studies do not include personally identifiable information.



Troy A. Miller
Senior Official Performing the Duties of the Commissioner

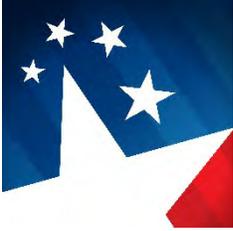
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About CBP

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

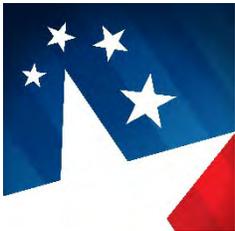
Operating in such a complex threat environment requires tremendous focus and a commitment to the highest standards of professionalism and integrity. The conduct of our employees, both on and off duty, forms the basis of public trust. The American people have entrusted us to protect the homeland and much of what we do draws high levels of public attention and scrutiny. Guided by the highest ethical and moral principles, and exhibiting the highest level of professional responsibility, CBP employees strive to maintain public trust and confidence of the communities we serve and protect. However, like all border agencies in the world, CBP remains vulnerable to the potential for corruption and misconduct within its workforce. CBP takes all allegations of misconduct seriously, investigates thoroughly, and holds employees accountable when policies are violated.





Mission Statement

PROTECT THE AMERICAN PEOPLE, SAFEGUARD OUR BORDERS,
AND ENHANCE THE NATION'S ECONOMIC PROSPERITY.



Vision Statement

ENHANCING THE NATION'S SECURITY THROUGH INNOVATION,
INTELLIGENCE, COLLABORATION, AND TRUST.

Core Values

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

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

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

On a Typical Day in Fiscal Year (FY) 2022, CBP:

Processed:

- 868,867 passengers and pedestrians:
 - 263,000 incoming international air passengers and crew
 - 58,549 passengers and crew on arriving ship/boat
 - 547,318 incoming land travelers
- 91,605 truck, rail, and sea containers
- 226,589 incoming privately owned vehicles
- \$9.2 billion worth of imported products
- 107,000 entries of merchandise at our air, land, and seaports of entry
- \$306 million in duties, taxes, and other fees, including more than \$287 million in duties

Conducted:

- 3,179 apprehensions between U.S. ports of entry
- 41 arrests of wanted criminals at U.S. ports of entry
- 1,377 refusals of inadmissible persons at U.S. ports of entry

Discovered: 240 pests at U.S. ports of entry and 2,677 materials for quarantine: plant, meat, animal byproduct, and soil

Seized:

- 2,895 pounds of drugs
- \$217,700 illicit currency seized
- \$8 million worth of products with Intellectual Property Rights violations

Intercepted: 8 fraudulent documents

Employed: 63,843 men and women including:

- 25,836 CBP officers
- 2,668 CBP Agriculture Specialists
- 19,357 Border Patrol agents
- 569 Air interdiction agents (pilots)
- 364 Marine interdiction agents
- 363 Aviation enforcement agents
- 1,104 Trade personnel

Conducted operations in:

- 22 countries with over 1,000 employees working abroad
- 328 ports of entry within 20 field offices
- 129 Border Patrol stations within 22 sectors, with 35 permanent checkpoints
- 75 Air and Marine Operations locations, including branches and units, National Air Security Operations Centers, and the Air and Marine Operations Center

Source: <https://www.cbp.gov/newsroom/stats/typical-day-fy2022>

Intake, Internal Investigations, and Oversight

The CBP Office of Professional Responsibility (OPR) is an independent office led by an Assistant Commissioner who reports directly to the Commissioner of CBP. Established by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), OPR safeguards and promotes the integrity and security of the CBP workforce.

OPR's Investigative Operations Directorate (IOD) leads the investigative, oversight, proactive mitigation and awareness raising activities related to workforce misconduct, critical incidents, and work-related threats through four core mission activities described below:

Investigations: Special agents investigate criminal and other serious misconduct by CBP personnel and contractors or impacting CBP operations such as corruption, fraud, harassment, and excessive force. Ultimately, investigations are conducted to determine whether the subject has committed a crime or violated a standard of conduct.

Oversight and Review: OPR's mandate often extends into circumstances that do not involve misconduct but nonetheless require federal oversight and review to maintain a culture of transparency and accountability. These matters stem from critical incidents that may involve serious injury, death, or destruction of property. They also include detention standards, in-custody and other deaths, and Prison Rape Elimination Act (PREA) cases.

Prevention and Awareness: Supporting the entire CBP enterprise, OPR studies misconduct and corruption to increase organizational awareness and inform prevention efforts. OPR also publishes information on our website and in reports to increase transparency about investigations and accountability.

Protective Operations: OPR provides protective details and related investigations to safeguard key personnel as well as monitoring or mitigating threats to those key personnel and the offices they lead.

OPR's IOD also performs a range of operational and administrative enabling activities including intake, operations management, standards and compliance, operations research and analysis, and threat intelligence and targeting.

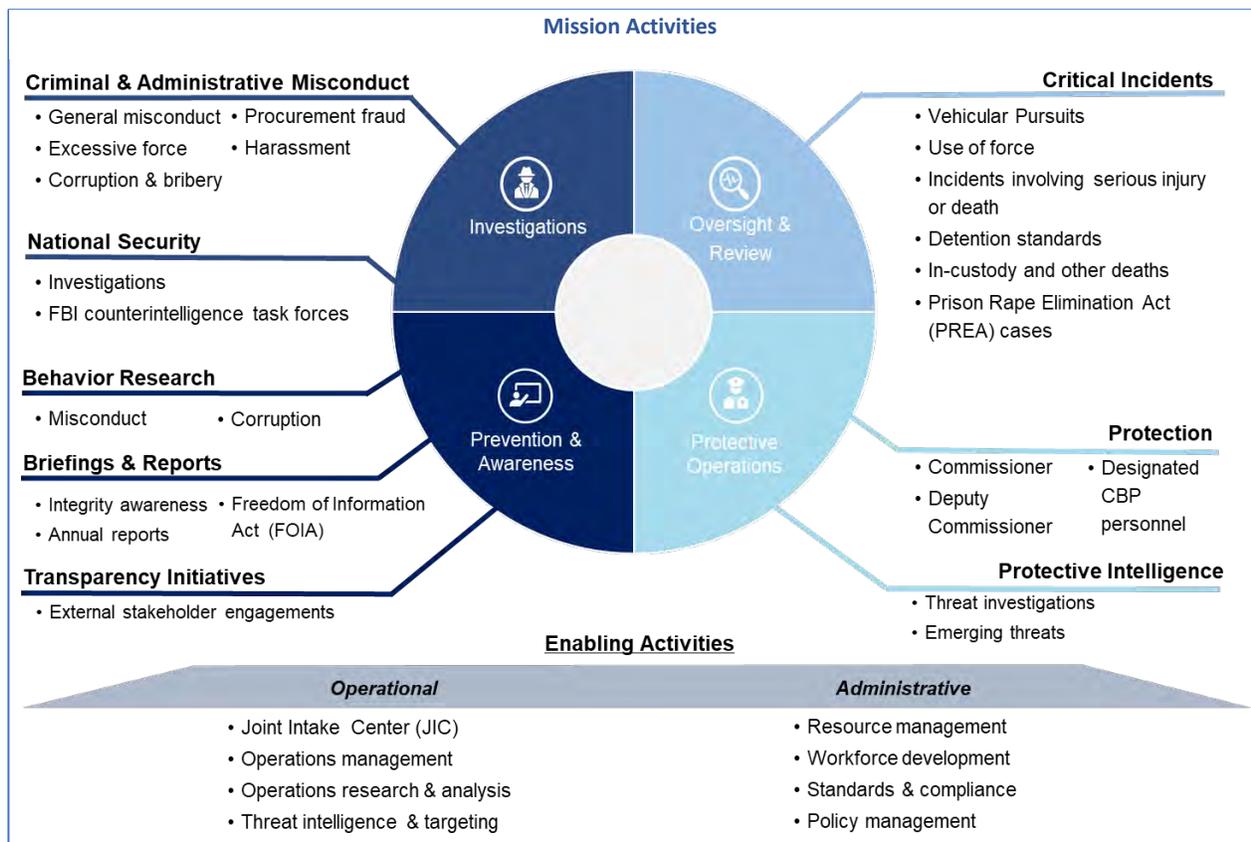
Guiding Principles

Integrity in all we say and do.

Transparency in our processes, activities, and decisions.

Accountability for our actions.

Dignity for each person with whom we interact.



The Fiscal Year 2022 Congressional appropriation to CBP included funding to increase OPR IOD’s investigative operations by 350 positions, effectively doubling its resources. The increase in positions ensures that CBP’s OPR IOD is commensurate in size with the internal affairs and professional responsibility units of other law enforcement organizations and is well-equipped to address an expanded mission set by Congress, the Department of Homeland Security (DHS), and CBP leadership. This expanded mission set includes increased capacity for review of critical incidents, procurement fraud, Prison Rape Elimination Act (PREA) and sexual assault expertise, and more proactive investigations. With these additional resources, OPR IOD will add a substantial number of investigators at its highest priority locations.

This expansion requires an improved operating model to manage a nearly doubled workforce and broader range of responsibilities. The new operating model will include senior managers to oversee a cadre of additional field investigators as well as the range of specialized investigations. They are complemented by subject matter experts at headquarters to advise field investigators on specialized investigations including procurement fraud, PREA and sexual assault, harassment, critical incidents, and other types of fraud. It also includes an increase in a contingent of non-law enforcement positions to carry out specific functions including transparency, quality control, research, and analysis, as well as to provide administrative support to the additional criminal investigators.

Reportable Matters

CBP expects its workforce to demonstrate high standards of professional conduct, as established in our Standards of Conduct. Any activity that violates these standards as well as state or federal criminal laws must be reported. This includes, but is not limited to, bribery, theft, misuse of funds, smuggling, drug possession, perjury, civil rights violations, and instances in which an employee is arrested. It also includes serious misconduct that could jeopardize CBP's mission such as misuse of government Information Technology (IT) systems, falsification, abuse of official position for personal gain, workplace violence or harassment, improper association, and willful misuse of government vehicle or property. In addition to allegations of misconduct, the Joint Intake Center (JIC) also receives information on a variety of other matters including employee performance issues, workplace disagreements and grievances, critical incidents, technology disruptions, lost property, evidence handling discrepancies, and matters involving non-CBP facilities or individuals who have no affiliation to CBP.

These reports come from many sources including employees, contractors, other law enforcement agencies, members of the public, and advocacy groups. Employees are required to report suspected misconduct and illegal activity and may do so by contacting OPR through the JIC or the DHS Office of Inspector General (OIG) directly. Entities outside CBP may report alleged misconduct to the JIC and the DHS OIG or they may contact the CBP Information Center. They may also contact the CBP Information Center to file complaints related to travel, immigration, and trade issues. The Information Center refers all allegations of misconduct to the JIC.

CBP Joint Intake Center	DHS Office of Inspector General	CBP Information Center
<p>Phone: 1-877-2INTAKE</p> <p>Email: JointIntake@cbp.dhs.gov</p> <p>Mail: P.O. Box 14775 1200 Pennsylvania Ave. NW Washington, DC 20044</p>	<p>Phone: 1-800-323-8603</p> <p>Email: DHSOIGHOTLINE@dhs.gov</p> <p>Website: http://www.oig.dhs.gov/hotline</p>	<p>Phone: 1-877-CBP-5511</p> <p>Website: https://help.cbp.gov</p>

Intake

The JIC is the centralized intake point and clearinghouse for complaints and allegations of misconduct involving CBP employees and contractors. The intake process is initiated upon receipt of an allegation of misconduct, complaint, or other report. OPR records each instance, assigns a file number in the Joint Integrity Case Management System, and classifies the matter into one of the following categories:

Criminal Misconduct

Conduct in violation of federal criminal laws such as bribery, drug smuggling, money laundering, and human trafficking.

Criminal, Non-Federal Misconduct

Conduct in violation of state and local laws such as domestic violence and driving under the influence of alcohol or drugs.

Non-Criminal Serious Misconduct

Substantive misconduct that could jeopardize CBP's mission such as conflict of interest, harassment, disclosure of law enforcement sensitive information, and falsification.

Administrative Misconduct

Misconduct of a lesser severity that is usually referred to CBP management such as hostile work environment, rude or discourteous conduct, and misuse of government property.

Information Received

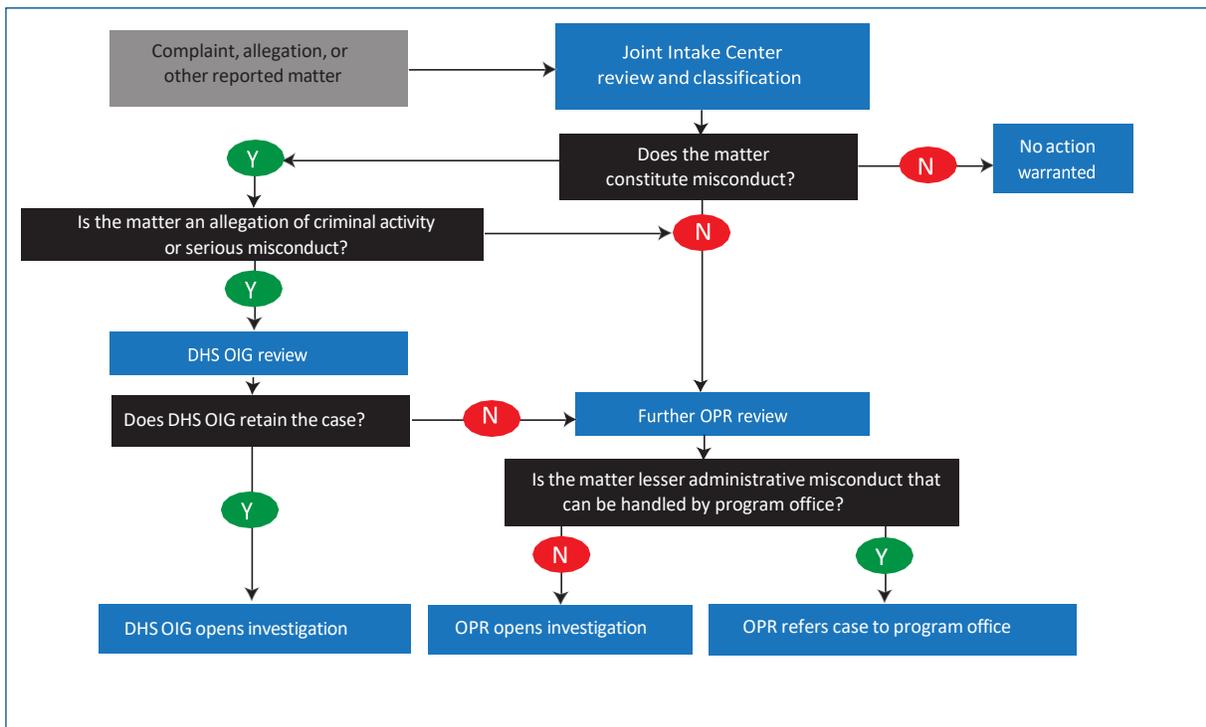
Matters that do not constitute misconduct such as seizure discrepancies not indicative of tampering and lost/missing property with no indication of employee negligence. These reports are typically closed, as no action is warranted.

The graphic below depicts the intake process. As reports are received in the JIC, OPR reviews each one to distinguish between misconduct and other matters, and to determine the appropriate entity or entities involved and the most appropriate course of action to address the report.

Allegations of serious misconduct are referred to the DHS OIG for independent review and determination in accordance with the DHS Management Directive 0810.1. DHS OIG may hold the case and conduct its own investigation. DHS OIG and OPR also conduct some investigations jointly. Several significant outcomes during FY 2022 were attributable to cases of this type.

OPR retains cases DHS OIG does not accept as well as those cases which do not meet the criteria for referral. These cases are sent to OPR field offices for further review and appropriate action. OPR field offices initiate investigations on allegations of criminal and serious misconduct. Cases involving lesser administrative misconduct are assigned back to the employee’s program office for inquiry or immediate management action. Matters that do not constitute misconduct are classified as Information Received and closed or referred, as appropriate.

The Intake Process



Fiscal Year 2022 Intake

The Joint Intake Center received **10,371** reports over the course of the fiscal year.

[Including **212** referrals from the CBP Information Center]

85% of reports were related to employees in CBP's operational components.



87% of reports (**9,016**) indicated criminal, serious, and administrative misconduct.



1,207 reports were classified as Information Received and closed and did not warrant further action.

148 reports were outside OPR's investigative jurisdiction and referred to the appropriate agencies.

A comparison of FY 2021 and FY 2022 reveals several key points:

- The number of reports received in the JIC increased 12% overall from FY 2021 to FY 2022, from 9,279 to 10,371.
- The CBP Information Center received less complaints from external sources indicative of misconduct or mistreatment, referring 212 cases to the JIC in FY 2022 versus the 310 it referred to the JIC in FY 2021.
- The percentage of reports related to employees in the U.S. Border Patrol and the Office of Field Operations employees are lower in FY 2022.



- Overall, the JIC received more reports indicative of misconduct in FY 2022 than in FY 2021; however, there were differences by the type of suspected misconduct:
 - Reports of Criminal Misconduct, Non-Federal Criminal Misconduct, and Administrative Misconduct each decreased in FY 2022.
 - Whereas reports of Non-Criminal Serious Misconduct increased significantly in FY 2022 from 2,174 in FY 2021 to 5,059 in FY 2022. The increase is attributed to instances in which CBP employees and contractors violated policy by sending emails from their government accounts to email accounts outside the CBP system. Each instance was thoroughly reviewed to determine whether sensitive information was disclosed.

Percent Change in Types of Misconduct Matters Reported Year over Year FY 2021 vs. FY 2022	Fiscal Year 2021		Fiscal Year 2022	
		Criminal Misconduct		
	734	▼2%	717	
	Non-Federal Criminal Misconduct			
	232	▼20%	185	
	Non-Criminal Serious Misconduct			
	2,174	▲133%	5,059	
	Administrative Misconduct			
	4,718	▼35%	3,055	
	Total			
	7,858	▲15%	9,016	

In FY 2022, OPR instituted two key initiatives to enhance the intake and investigative process. First, OPR signed a Memorandum of Understanding with the DHS Office of Immigration Detention Ombudsman (OIDO) integrating the office into the JIC intake process. OIDO conducts active deconfliction of allegations that involve migrant detention. Allegations that do not meet the level of an OPR investigation, per the case prioritization matrix, are referred to OIDO to address directly with the CBP component. Examples of these allegations include food issues, shelter issues, or condition issues. Any misconduct allegations that are uncovered or received by OIDO directly, are entered into the JIC by OIDO for referral to an OPR field office for investigation. OIDO works jointly on some investigations involving migrant detention. Additionally, OPR joined OIDO on several field visits to detention centers during FY 2022.

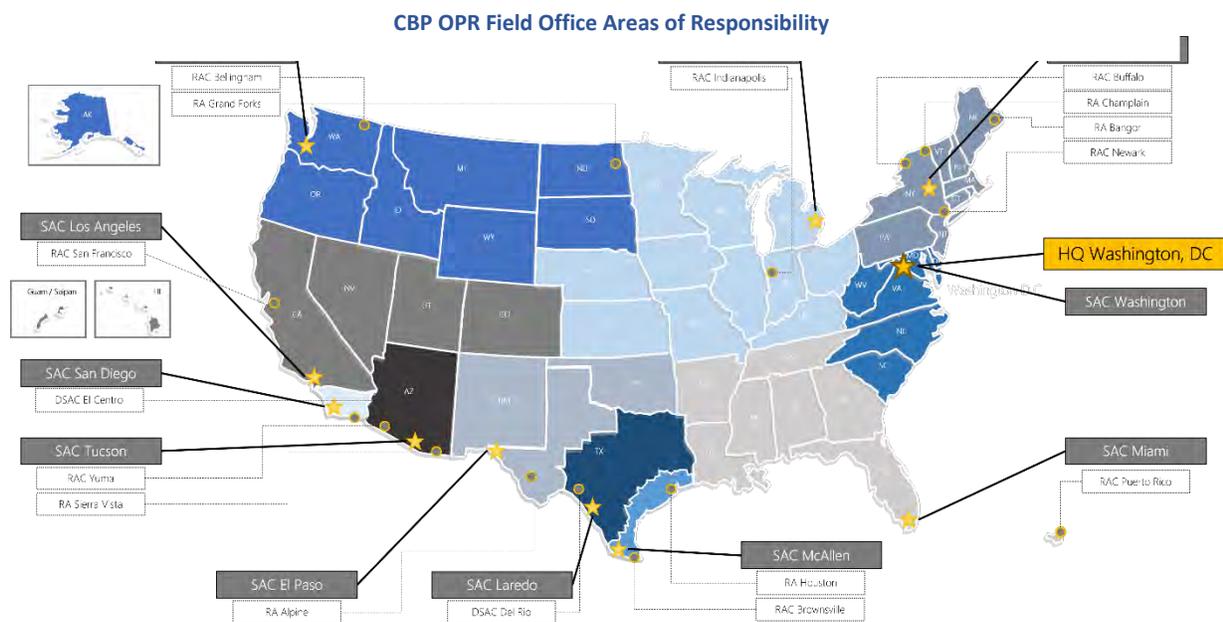
Secondly, OPR formalized a program to address reports regarding workplace harassment. While the JIC partners with all stakeholders for daily business operations, the OPR Harassment Program utilizes a process separate and distinct from the Equal Employment Opportunity (EEO) counseling and investigative process. Once the JIC is notified of harassment allegations, complaints are triaged to determine if the allegation meets the threshold of a harassment complaint (i.e., ensuring it is not a conduct, grievance, or performance issue). If allegation does not meet the threshold of harassment (i.e.,

it is a conduct or performance issue) it is logged for agency record retention and submitted to component liaison officers for appropriate routing for administrative inquiry, management referral, or OPR Investigation. If the allegation does meet the threshold of harassment, the case is documented for agency record retention, the Complainant and Subject are contacted by the OPR Harassment Coordinator for a brief interview, and the facts are assessed to determine if there is a need for an administrative inquiry or management intervention. The OPR Harassment Coordinator conducted 380 such interviews and created 604 files in FY 2022.

Internal Investigations

After intake, the JIC transfers allegations of misconduct that have either been declined by the DHS OIG or were not subject to referral to one of the ten OPR field offices throughout the United States, based on the duty location of the subject of the allegation. These offices, led by Special Agents in Charge, are in Seattle, Los Angeles, San Diego, Tucson, El Paso, Houston, Detroit, Miami, New York, and Washington, DC. Cases are assigned based on the duty station of the subject of the allegation. Cases involving members of the Senior Executive Service and some GS-15 managers are assigned to the Special Investigations Unit, situated in Washington, DC.

One of the greatest challenges is the sheer size of the border and the large number of federal, state, local, and tribal law enforcement agencies that may have a matter under investigation or review by OPR. For this reason, the ability to develop and maintain highly collaborative relationships with these stakeholders is critical. OPR personnel routinely respond to incidents or allegations that may fall under the purview of multiple agencies. OPR criminal investigators collaborate closely with key stakeholders and law enforcement partners in the Federal Bureau of Investigation (FBI) Border Corruption Task Forces (BCTF), the Drug Enforcement Administration (DEA) and both the DHS OIG and Homeland Security Investigations (HSI), as well as with state, local, and tribal law enforcement agencies.

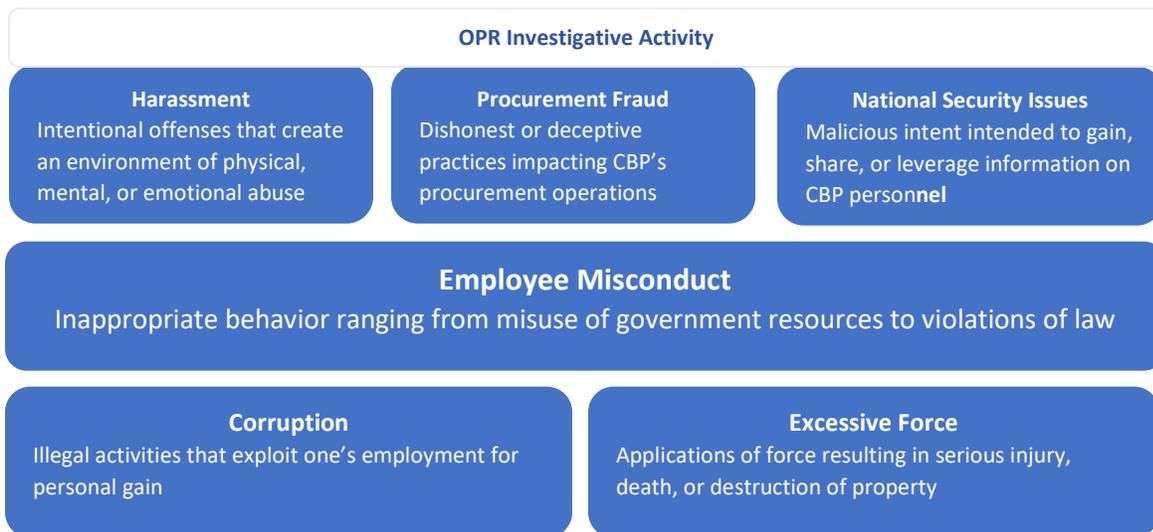




Of the **9,016** matters reported to the JIC indicative of criminal, serious, and administrative misconduct:

1,059	98	7,555
Cases opened and investigated by CBP OPR	Cases retained for investigation or under review by DHS OIG	Cases of lesser administrative misconduct referred to program management for review
82	10	212
Cases referred to other law enforcement agencies	Cases pending further review	Cases closed because no further action warranted

CBP OPR investigative activity generally focuses on suspected CBP employee misconduct (criminal and administrative), criminal activity impacting CBP operations, and matters of national security involving targeted CBP personnel.



In FY 2022, OPR created the Procurement Fraud Program, a headquarters managed program providing investigative oversight and support to OPR field investigators. Its purpose is to investigate complex and sensitive criminal, civil, and/or administrative investigations with a nexus to procurement fraud involving alleged misconduct, criminal activity, and/or corruption by CBP employees and related entities. The program supports fraud detection and investigation, while proactively leading prevention efforts to identify vulnerabilities affecting CBP programs. During the fiscal year, the Fraud Program opened 13

cases nationwide, provided a Fraud Awareness Briefing to 90 CBP Contracting Officials, and trained OPR agents and analysts on conducting complex fraud investigations.

OPR Investigative Outcomes

1,059 investigations opened

803 investigations completed

*Some from previous fiscal years

Resulting in

12

Indictments

18

Arrests

10

Convictions

\$31,198

Fines, fees, restitution, and special assessments paid to the court upon sentencing

152 Personnel Actions

Including 16 removals, 48 suspensions, 20 reprimands, and 38 counselings

2

Employee Debarments

\$24.9 M

Cost avoidance

\$143,231

Cost savings

Oversight and Review

Throughout the year, OPR also initiates reviews as part of its responsibility to provide oversight and review of critical incidents involving serious injury, death, or destruction of property.

Vehicle Pursuits

Any incident involving serious injury, death, or destruction of property that involves a law enforcement officer operating a motor vehicle in pursuit of another individual.

Detention Standards

Review of the standard of treatment at facilities designated for the physical confinement of individuals according to the CBP National Standards on Transport, Escort, Detention, and Search (TEDS).

In Custody and Other Deaths

Document and review facts and circumstances surrounding deaths; ensure compliance with relevant, rules, regulations, and laws; identify potential gaps in training, policy, or procedure; and initiate misconduct investigation if warranted.

Prison Rape Elimination Act (PREA)

Claims related to suspected PREA violations, to include suspected misconduct by CBP personnel on detainees, as well as detainee to detainee conduct.

Use of Force

Application of force resulting in serious injury, death, or destruction of property where a law enforcement tactic, technique, less-lethal device, or weapon is used to arrest a subject, address a potential threat, or ensure compliance with a lawful order.

Critical Incident Response

On May 3, 2022, then Commissioner Chris Magnus signed a memorandum titled, *Critical Incident Response Transition and Support*, outlining the necessary and time sensitive tasks associated with transitioning responsibility for critical incident response from the U.S. Border Patrol (USBP) to OPR. In September of 2022, the existing critical incident structures in the U.S. Border Patrol were retired and the personnel were redesignated to new functions. On October 1, 2022, OPR assumed full responsibility for responding to and processing CBP-related critical incident scenes, including the coordination of these incidents with external investigative and prosecutive entities. In preparation, OPR began a robust campaign beginning in March 2022 to increase the training OPR criminal investigators receive for these types of incidents. Ninety-five percent of OPR agents attended a basic 40-hour Crime Scene Investigation (CSI) class presented by CBP's Laboratory and Scientific Services. Select OPR agents also received training in the following topics:

- An additional 80 hours of CSI
- Traffic collision investigations
- Shooting incident reconstruction
- Human performance indicators as they relate to use of force incidents
- Death investigations

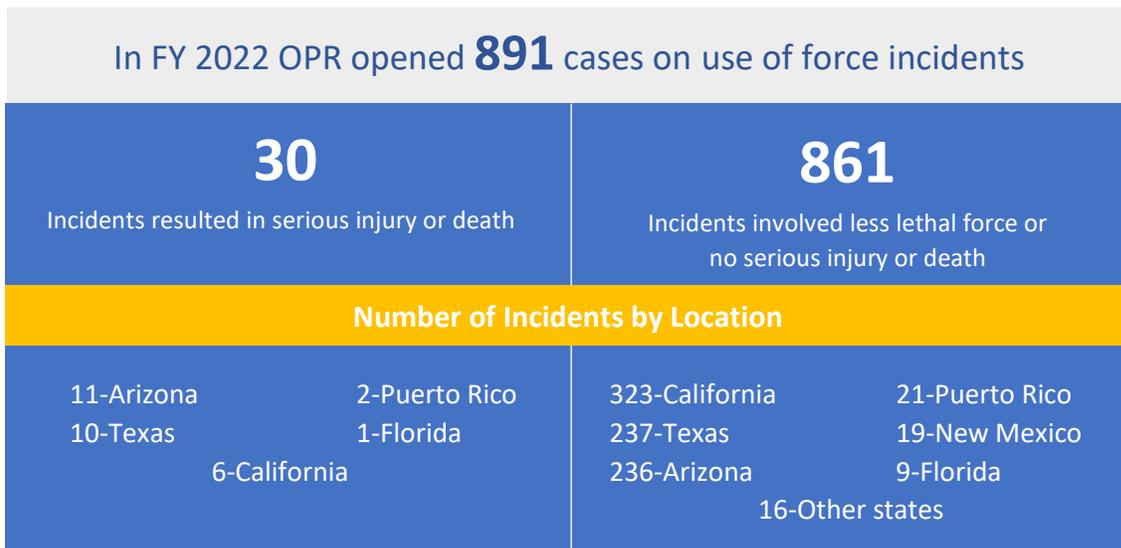
- Use of forensic mapping and diagramming tools

As part of transitioning incident scene processing duties to OPR, CBP established an incident response matrix that provided guidance to CBP personnel regarding which incidents must be reported to OPR and require an OPR response.

Use of Force

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

CBP reviews all use of force cases through a review board concept. The review board process is administrative in nature and begins after the initial criminal review has been completed. Review boards can make recommendations regarding tactics, training, equipment, and policy which are referred to the appropriate CBP office for evaluation and feasibility assessment. Recommendations are tracked by the CBP Law Enforcement Safety and Compliance (LESC) Directorate. Suspected misconduct is referred to the Joint Intake Center for further investigation and is ultimately sent to CBP’s Office of Human Resources Management for potential disciplinary action, if appropriate.



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

In FY 2022, the NUFRB convened two times and reviewed five significant use of force incidents:

- The use of force in all five incidents was found to be within policy.
- In one incident, the board identified a potential policy violation unrelated to the use of force.
- The NUFRB made three recommendations for tactics, training, and equipment.

The Local Use of Force Review Board (LUFBR) reviews all less-lethal use of force incidents not addressed by the NUFRB. Chaired by an OPR Supervisory Criminal Investigator, the LUFBR is comprised of four members and two additional subject matter experts, as necessary. Three voting members represent CBP's law enforcement components of Air and Marine Operations, the U.S. Border Patrol, and the Office of Field Operations. They are joined by non-voting members from the Office of Chief Counsel and the Law Enforcement Safety and Compliance Directorate.

In FY 2022, 67 LUFBRs were held to review a total of 686 less lethal use of force incidents.

- 658 incidents were found to be within policy.
- The remaining 28 incidents were found to be outside policy and were referred to the Joint Intake Center for further investigation¹.

¹ Disciplinary outcomes of these cases are presented in the Employee Accountability and Discipline Process section.

High Profile Cases of Interest

Del Rio Horse Patrol Case

On September 20, 2021, the OPR Del Rio office learned of numerous photos and videos that were circulating throughout national media. These photos and videos appeared to document incidents that took place on September 19, 2021, and involved a large group of predominantly Haitian migrants that had gathered near the Port of Entry in Del Rio, Texas. Specifically, the photos and video documented what appeared to be direct interaction between these migrants and U.S. Border Patrol Agents on horseback. OPR Del Rio quickly mobilized an investigative response that led to a multi-month investigation in conjunction with the U.S. Department of Justice.

Within the first weeks, OPR Del Rio identified and collected numerous sources of media documenting the event, conducted employee and OGA witness interviews, and established a multidisciplinary team of investigators, subject matter experts, and legal counsel to thoroughly analyze the incident. These preliminary results were presented to the U.S. Attorney's Office and ultimately were reviewed by the Civil Rights Division of the Department of Justice. Ultimately, no criminal charges were filed in the case and OPR proceeded to review the matter administratively. OPR identified several employees that had engaged in various acts that violated CBP policies. The results of the disciplinary process are still pending final resolution. OPR's report of investigation was publicly released and can be found at www.cbp.gov/newsroom/accountability-and-transparency.

Robb Elementary School Shooting

On May 25, 2022, USBP personnel responded to a request for assistance by the Uvalde Police Department regarding a reported shooter at a local elementary school. USBP Tactical Unit operators ultimately engaged an adult male subject inside the school, resulting in his death. As the incident unfolded, OPR Del Rio coordinated investigative efforts with the FBI and Texas Rangers. OPR assembled a team of criminal investigators and analysts to review all available video footage captured during the incident.

OPR's review of this incident continues. At the conclusion of this review, the matter will be presented to CBP's NUFRB. CBP will release the findings to the public when appropriate.

In Custody and Other Deaths

The 2013 Death in Custody Reporting Act (DICRA) established a definition for use by all federal law enforcement agencies when making death-related custody determinations. The DICRA requires all such agencies to submit to the U.S. Attorney General Federal Death in Custody Reporting Program (FDCRP), information about the death of any person who is:

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

The FDCRP, managed by the Bureau of Justice Statistics within the U.S. Department of Justice (DOJ), has primary responsibility for collecting, aggregating, analyzing, and reporting that information to Congress and the public on a yearly basis.

With the enactment of the FY 2021 DHS Appropriations Bill on December 27, 2020, Congress mandated CBP to:

- Formulate definitions for CBP-related deaths that are “in-custody” and “not in-custody”
- Immediately review all in and not in custody deaths
- Provide prompt notification to Congress and the public when such incidents occur
- Provide an annual report to Congress detailing all the CBP-related deaths that occurred over each fiscal year.

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

CBP formalized these responsibilities in the internal memorandum, *Notification and Review Procedures for Certain Deaths and Deaths in Custody*, requiring OPR to:

- Investigate CBP-related deaths
- Make custody determinations
- Draft Congressional and public notifications
- Assist the Office of Public Affairs and Office of Congressional Affairs in responding to inquiries
- Publish an annual report to Congress

OPR initiates the review upon notification of a CBP-related death from a CBP operational component. In response, the OPR field office in that area of responsibility activates designated on-duty criminal investigators to respond to the scene to document the circumstances surrounding the incident and begin the investigation. A headquarters-based review team oversees each review to ensure consistency and completion and to provide the responding agents with operational support. The purpose of each death review is to:

- Initiate a review and document the facts and circumstances surrounding the incident
- Ensure compliance with relevant rules, regulations, and laws
- Identify any potential gaps in training, policy, or procedure to mitigate incidents in the future

Following its official release to Congress, the annual CBP-Related Deaths Report will be found at www.cbp.gov/newsroom/accountability-and-transparency.

External Stakeholder Engagement

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

In FY 2022, CBP increased its stakeholder engagement efforts regarding incidents involving death and other critical incidents that drew widespread public concern. As part of CBP's commitment to transparency and in coordination with CBP's Intergovernmental Public Liaison, Office of Congressional Affairs and Office of Public Affairs, OPR participated in several information sharing events with Members of Congress, Non-Governmental Organizations (NGO), and the media. Most notable for OPR in FY 2022 was its participation in key NGO events including an inaugural OPR event in San Diego. These events provided information to update and educate stakeholders on matters ranging from the transfer of CBP's critical incident response capability to OPR, the mass shooting in Uvalde, Texas, and the incident involving the U.S. Border Patrol Horse Patrol Unit in Del Rio, Texas.

CBP remains committed to transparency, accountability, and an effective dialog with stakeholders. As part of its FY 2023 strategy, CBP plans to increase the number of oversight, information sharing, and educational events at OPR field office locations.

Employee Accountability and Discipline

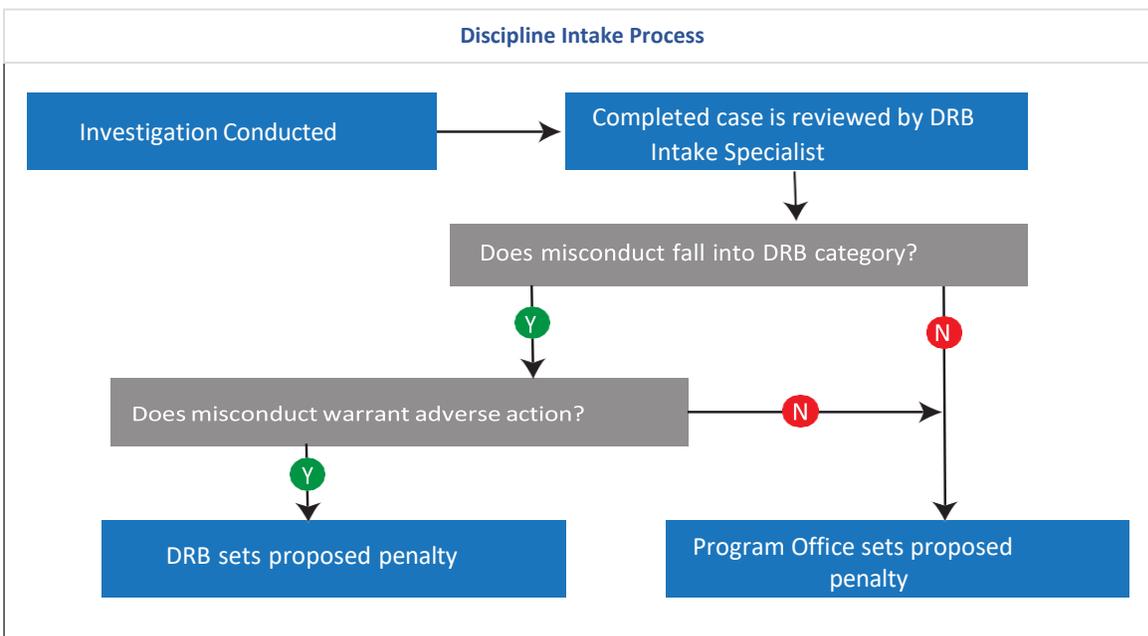
The Human Resources Policy and Programs Directorate (HRPPD) in the CBP Office of Human Resources Management (HRM) is the sole authority within CBP for the management of labor and employee relations (LER) matters. HRPPD develops, establishes, and implements CBP-wide LER policies, programs, and procedures to facilitate effectiveness and operational consistency. HRPPD provides expert advice, training, and processes matters related to disciplinary and adverse actions, medical issues, leave administration, performance-based actions, grievances, unfair labor practices, and more.

In accordance with CBP's Delegations of Authority, the authority to propose or decide disciplinary action is generally delegated to supervisory and managerial officials at the lowest organizational level. The final disposition of proposed discipline is determined by a deciding official in the employee's chain of command unless there is a conflict of interest. In accordance with 5 U.S.C. § 7513(a), Cause and Procedure, the Office of Human Resources Management and component management ensure that the employee's rights are preserved throughout the discipline process and that all decisions rendered are fair, consistent and for "such cause as will promote the efficiency of the service."

Discipline, whether formal or informal action, is imposed to deter misconduct that affects the efficiency of the service and to encourage conduct that complies with the Agency's standards of conduct, standard operating procedures, polices, and office practices.

Discipline Intake

Reports of investigation completed by OPR, CBP's Administrative Inquiry Program, and the DHS OIG are routed to HRM. HRM also receives cases directly from component management when the misconduct



does not require reporting to the JIC. HRM conduct a thorough review to determine whether the report and evidence collected substantiates the misconduct allegation. HRM then routes the case to the appropriate official to propose discipline, whether that is the Discipline Review Board (DRB) or local management.

The table below depicts the differences in discipline case intake between FY2020, FY 2021, and FY 2022.

Intake for FY 2022 was 8% higher than the 8,989 discipline cases received in FY 2021 and 5% higher than the 9,269 discipline cases received in FY 2020. CBP's workforce increased by 4% in the same timeframe.



Discipline Intake by Component Office	FY 2020	FY 2021	FY 2022
Air and Marine Operations	162	220	313
Enterprise Services	311	319	507
Office of Chief Counsel ²	5	2	0
Office of the Commissioner	31	43	78
Office of Congressional Affairs	3	2	4
Office of Field Operations	4,928	4,570	5,094
Office of Professional Responsibility	70	33	55
Office of Public Affairs	4	3	2
Operations Support	109	97	166
Office of Trade	40	44	129
U.S. Border Patrol	3,606	3,656	3,431
Total Intake	9,269	8,989	9,779

LER assisted management to close 9,779 allegations of misconduct against CBP employees during FY 2022. While this is a substantial number of allegations, it is important to note that management determined that half of the allegations were not supported by a preponderance of evidence warranting disciplinary action.

Eighty-seven percent of cases LER assisted management to close in FY 2022 involved employees in OFO and USBP. Employees within these two components comprise 85% of CBP's workforce and include many law enforcement officers who are held to a higher standard than non-weapon carrying employees. OFO and USBP consistently make up over 90% of allegations each year.

² LER does not provide disciplinary servicing to the Office of Chief Counsel (OCC). However, OCC does occasionally request assistance from LER.

Agency-Wide Disciplinary Actions

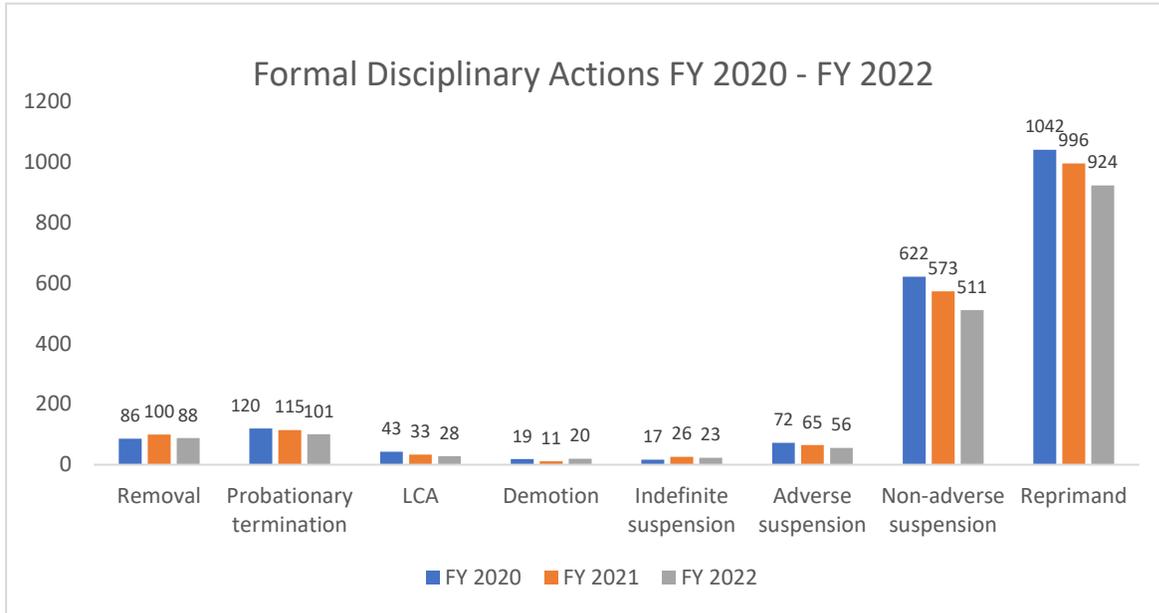
If the allegation is substantiated, employees are held accountable for their actions with either formal disciplinary actions or informal action. Formal disciplinary actions include reprimand, suspension, demotion, last chance agreement³ (LCA), and removal from federal service. Informal action refers to oral or written counseling.



	Removal	Probationary Termination	Last Chance Agreement	Demotion	Indefinite Suspension	Adverse Suspension	Non-adverse Suspension	Reprimand	Counseling	Totals
Office										
Air and Marine Operations	1	1	-	-	1	2	19	26	143	193
Enterprise Services	6	1	-	-	-	3	15	32	99	156
Office of the Commissioner	1	-	-	-	-	-	-	1	25	27
Office of Field Operations	46	69	15	12	12	17	254	509	1,286	2,220
Office of Professional Responsibility	-	-	-	1	-	-	-	-	14	15
Office of Public Affairs	-	-	-	-	-	-	-	-	1	1
Operations Support	2	1	1	-	-	2	2	9	47	64
Office of Trade	-	1	-	-	-	-	3	3	61	68
U.S. Border Patrol	32	28	12	7	10	32	218	344	862	1,545
Totals	88	101	28	20	23	56	511	924	2,538	4,289

³ In a Last Chance Agreement, the employee's removal is held in abeyance for the duration of the agreement period and the employee serves a suspension. If the employee commits misconduct during the LCA period, the removal is effected immediately.

Although the discipline intake in FY 2022 was 8% higher than in FY 2021, there was a 9% decrease in the number of formal disciplinary actions taken. The rate of formal disciplinary actions from FY 2021 to FY 2022 was even lower, formal disciplinary actions decreased 13% over the number of formal disciplinary actions taken in FY 2021.



A Closer Look: Special Topics of Significance

The following section provides additional detail on four topics of significance to CBP: employee arrests, complaints from the public, misconduct related to use of force, and positive drug tests. The disciplinary outcomes listed are included in the results reported in the previous section.

Employee Arrests

Employees are required to report to the JIC instances in which they are arrested, cited, detained, or indicted for violations of law. For ease of discussion, these instances are collectively referred to as arrests.

Upon receipt in the JIC, OPR opens an investigation to document the facts and circumstances surrounding the arrest. OPR further investigates to determine if there is any connection to the workplace and if the employee also violated any policies, rules, or procedures. The results of the investigation are forwarded to the Office of Human Resources for disposition.

All reported arrests are classified into one of 16 categories according to the nature of the offense:

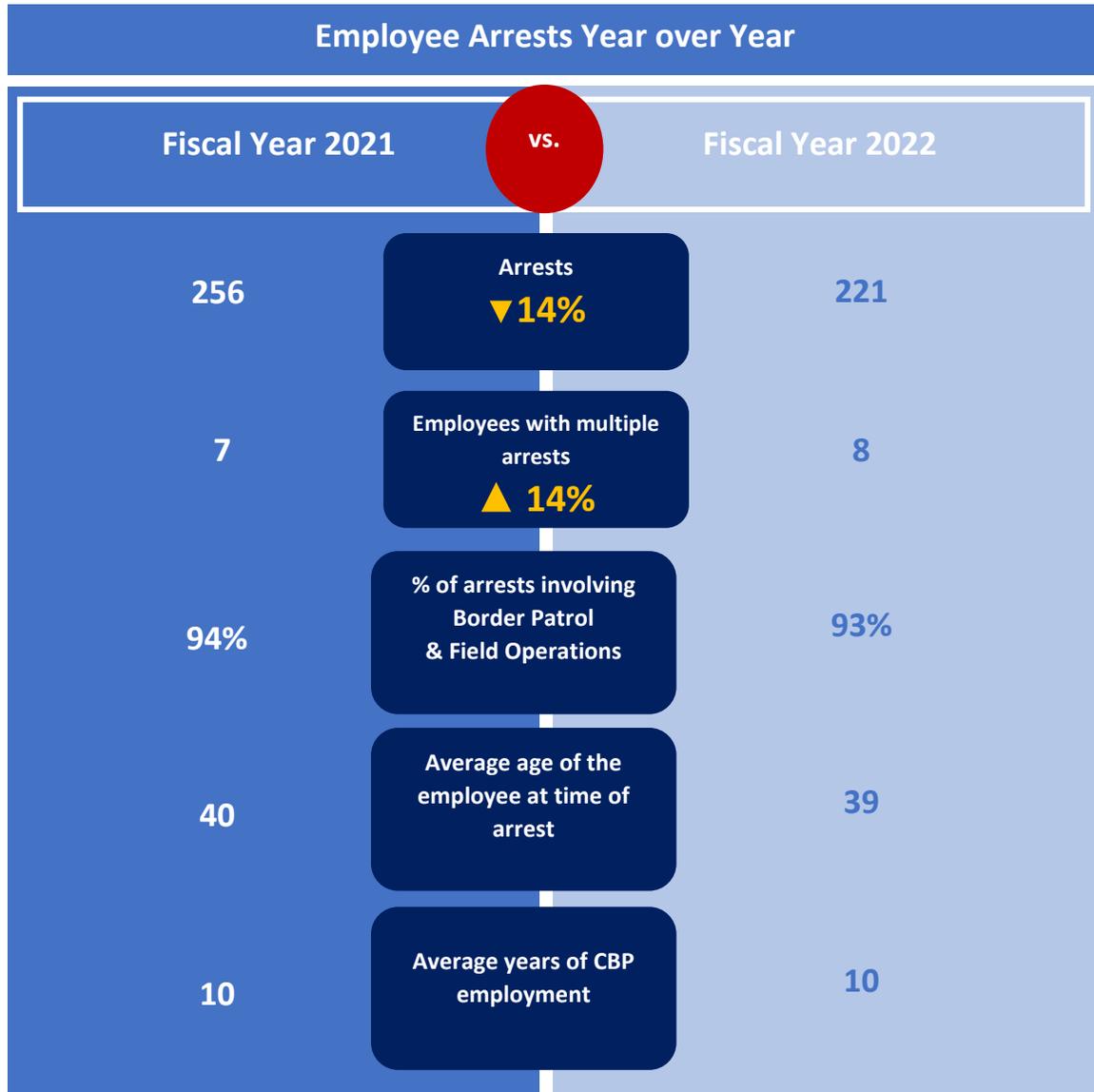
Assault	Domestic/Family Misconduct	Miscellaneous Misconduct	Traffic/Driving Misconduct
Civil Rights Violations	Drug/Alcohol Related Misconduct	Property Crimes	Violent Crimes
Corruption	Impeding the Criminal Justice System	Sexual Misconduct	Weapons Violations
Crimes Involving Children	Minor Offenses	Threatening Behavior	White Collar Crime

Despite the requirement to report, employees sometimes delay reporting and, in some cases fail to report such arrests. As a result, the numbers listed here represent all arrests reported as of the date the data was queried⁴. If arrests are reported later or are identified via OPR's continuous evaluation

⁴ Number of arrests occurring in FY 2022 and reported as of 12/1/2022.

research program, they are added to the fiscal year count in which the event took place. A portion of the arrests described herein are the result of investigations carried out by OPR.

Overall, arrests reported to the JIC in FY 2022 decreased from the number reported in FY 2021.



Except for Corruption, the totals in each category reflect criminal activity and subsequent arrests that took place during FY 2022.



While the arrests and indictments in the Corruption category took place in FY 2022, they are typically the result of complex investigations of criminal activity that may span multiple fiscal years.



Drug and Alcohol Related Misconduct continued to be the most frequently reported offense resulting in arrest, comprising 44% of all arrests. This category includes a range of violations including driving under the influence of alcohol, public intoxication, and drug possession.



Domestic and Family Misconduct was the next highest category comprising 19% of arrests reported in the fiscal year.

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

Arrest Offense Category	FY 2021 ⁵	FY 2022 ⁶
Assault Any willful attempt or threat to inflict injury upon another person. Excludes domestic or sexual assault of adults and any assault of children.	11	15
Civil Rights Violations Actions that violate the rights afforded by the U.S. Constitution, particularly civil liberties, due process, equal protection under the law and freedom from discrimination. This includes actions on duty.	1	3
Corruption Illegal activity for personal gain that involved the misuse or abuse of the knowledge, access, or authority granted by virtue of official position or that violated or facilitated the violation of the laws that CBP enforces.	9	3
Crimes Involving Children Any illicit activity involving a child under the age of 18 including sexual acts.	8	10
Domestic/Family Misconduct Physical violence inflicted upon or disturbances that involve an adult spouse, ex-spouse, co-habitant, domestic partner, or date.	47	43
Drug/Alcohol Related Misconduct Range of violations involving drugs and alcohol, primarily operating a vehicle under the influence of alcohol, public intoxication, and possession of controlled substances.	129	98
Impeding the Criminal Justice System Range of actions that inhibit the practices and institutions of government directed at upholding social control, deterring, and mitigating crime.	7	4
Minor Offenses Nuisance offenses including disorderly conduct, public urination, and fighting.	2	2
Miscellaneous Misconduct Arrests not otherwise classified.	5	7
Property Crimes Array of criminal activity involving the destruction, damage, or theft of material property.	14	10
Sexual Misconduct Any type of illicit activity of a sexual nature committed by or upon an adult.	1	3
Threatening Behavior Threatening, harassing, and stalking others.	1	2
Traffic/Driving Misconduct Serious driving infractions such as excessive speed and reckless driving; violations do not involve alcohol.	12	7
Violent Crimes Any act which results in serious harm and/or injury to another person. Excludes all crimes against children and sexual violence against adults.	2	2
Weapons Violations Primarily relating to firearms.	3	7
White Collar Crime A variety of non-violent crimes typically committed for financial gain.	4	5
TOTAL REPORTED ARRESTS	256	221

⁶ Arrests reported, retrieved, and current as of 12/1/2022.

LER has received reports of investigation on 151 of the 221 arrests in FY 2022; the remaining cases are still under investigation⁷. Of the 151 cases, 78 were pending management action. The remaining 73 cases resulted in the following actions. The cases listed as action unwarranted were the results of charges being dropped, or employees were exonerated and thus no disciplinary action was warranted.

Type of Arrest & Discipline	Closed Cases
Assault	2
Removal	1
Action Unwarranted	1
Corruption	1
Retired/Resigned	1
Crimes Involving Children	1
Counseling	1
Domestic/Family Misconduct	9
Removal	2
Non-adverse Suspension	2
Counseling	1
Action unwarranted	4
Drug/Alcohol Related	41
Removal	7
Last Chance Agreement (LCA)	2
Adverse Suspension	8
Non-adverse Suspension	18
Counseling	1
Retired/Resigned	3
Action Unwarranted	2
Impeding the Criminal Justice System	2
Removal	2
Miscellaneous Misconduct	5
Removal	1
Counseling	1
Action Unwarranted	3
Property Crimes	5
Removal	2
Reprimand	1
Action Unwarranted	1
Retired/Resigned	1
Sexual Misconduct	1
Removal	1
Traffic/Driving	4
Reprimand	1
Action Unwarranted	3
Weapons Violations	2
Counseling	1
Action Unwarranted	1

⁶ Arrests reported, retrieved, and current as of 12/1/2022.

⁷ Case status on arrests reported in FY 2022 was open as of 12/21/2022.

In the *Report on Internal Investigations and Employee Accountability, Fiscal Year 2021*, CBP provided the disciplinary outcomes of 81 of the 253 arrests that were known at the time. To ensure transparency, we have updated the disciplinary outcomes for the FY 2021 arrests.⁸ The table below shows the outcomes of 181 of the 256 FY 2021 arrests. Forty-two of the arrests are pending management action and 33 are still under investigation.

Type of Arrest & Discipline	Closed Cases
Assault	4
Removal	1
Counseling	1
Retired/Resigned	1
Action Unwarranted	1
Corruption	5
Retired/Resigned	5
Crimes Involving Children	1
Retired/Resigned	1
Domestic/Family Misconduct	28
Removal	3
LCA	1
Adverse Suspension	2
Non-adverse Suspension	5
Reprimand	3
Counseling	2
Retired/Resigned	2
Action Unwarranted	10
Drug/Alcohol Related	109
Removal	8
LCA	3
Demotion	2
Adverse Suspension	19
Non-adverse Suspension	56
Counseling	2
Retired/Resigned	16
Action Unwarranted	3
Impeding the Criminal Justice System	7
Removal	2
Adverse Suspension	1
Action Unwarranted	4

⁸ Outcomes of FY 2021 arrests as of 12/21/2022.

Type of Arrest & Discipline	Closed Cases
Minor Offenses	2
Non-adverse Suspension	1
Counseling	1
Miscellaneous Misconduct	4
Removal	1
Action Unwarranted	3
Property Crimes	9
Adverse Suspension	1
Non-adverse Suspension	2
Counseling	1
Retired/Resigned	2
Action Unwarranted	3
Threatening Behavior	1
Retired/Resigned	1
Traffic/Driving	6
Counseling	2
Action Unwarranted	4
Weapons Violations	1
Counseling	1
White Collar Crime	4
Removal	1
Adverse Suspension	1
Retired/Resigned	1
Action Unwarranted	1

Complaints Filed by the Public Via the CBP Information Center

Most of the public’s complaints pertain to issues such as CBP’s search authority (including allegations of rude or unprofessional behavior, bias, or discrimination), delays that cause inconvenience to the traveler, or non-specific complaints about missing property or property damage for which there is no video or corroborating evidence. The JIC opened 212 cases based upon allegations of misconduct made to the CBP Information Center in FY 2022.

LER has received reports of investigation on 186 of the 212 Information Center cases in FY 2022⁹; the remaining referrals are still under investigation. Of the 186 cases, 33 are pending management action.

The remaining 143 cases resulted in the following disciplinary actions:

- 1 reprimand
- 6 counselings
- 2 suspensions
- Management determined no disciplinary action was warranted in 134 cases

⁹ Outcomes of cases as of 12/12/2022.

Misconduct Investigations Related to Use of Force

As reported in the previous Use of Force Oversight section, the National Use of Force Review Board (NUFRB) referred one of the five cases it reviewed for investigation of possible misconduct. The case is open and remains under investigation.

The 67 Local Use of Force Review Boards (LUFRB) reviewed 682 cases; 28 of these were referred to the Joint Intake Center for possible misconduct. Investigations on 21 of the 28 cases have been completed and resulted in the following disciplinary actions:

- 5 counselings
- 1 alternate remediation of training
- Management determined no disciplinary action was warranted in 12 cases
- 3 cases were pending management review

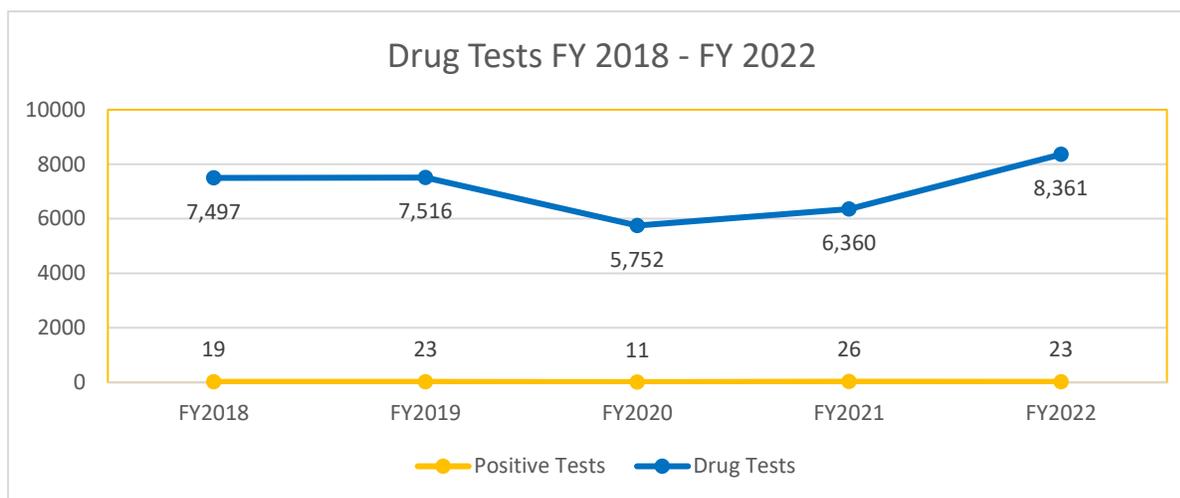
The other seven cases remain open for investigation by OPR or component management.

Drug Free Workplace

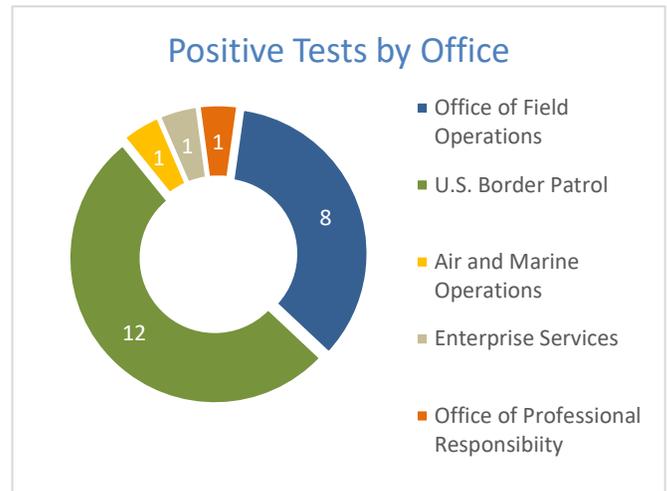
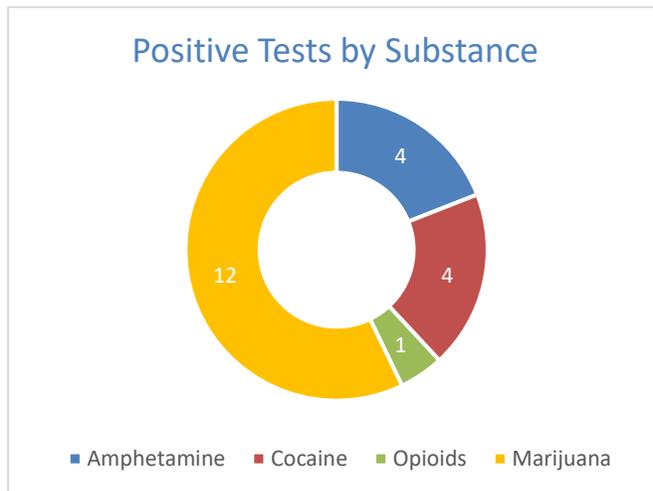
CBP is committed to the Drug Free Workplace Program and mandates a drug-free workplace. As the guardians of our nation's borders, CBP is the leader among other federal agencies in the interdiction of illegal drugs. By the very nature of CBP's mission, illegal drug use is unacceptable. Although the number of tests conducted has varied, the rate of employees testing positive for drugs has consistently remained extremely small.

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

In FY 2022, CBP performed 8,361 random drug tests, a 31% increase from FY 2021.



- Thirteen tests were performed due to reasonable suspicion of drug use. Reasonable suspicion drug testing may be conducted when there is sufficient cause to believe that an employee is using illegal drugs on or off duty.
- One test was performed following an on-the-job accident and four tests were follow ups.
- In total, these tests resulted in 23 employees testing positive for drug use, all but two of which resulted from a reasonable suspicion test. It is considered a positive result when an employee refuses to undergo a drug test and two of the 23 positive tests resulted from refusals. The collector reports a refusal to test when the donor fails to cooperate with any part of the testing process.
- The majority of positive drug tests confirmed use of marijuana and involved employees from USBP.



LER received reports on 21 positive drug tests, while the remaining two cases are pending investigation. Of the 21 cases, 6 are pending management action and 2 cases were refusals to test. The remaining 13 cases resulted in the disciplinary actions listed in the table.

Type of Drug & Discipline	Closed Cases
Marijuana	9
Removal	5
Resigned/Retired	4
Cocaine	2
Resigned/Retired	2
Amphetamine/Methamphetamine	2
Resigned/Retired	2

Various Cases of Interest

The Report on Internal Investigations and Employee Accountability, Fiscal Year 2022 concludes with actual examples of employees who violated the Standards of Conduct, as well as applicable statutes, regulations, and rules governing conduct. While the conduct described in the following paragraphs is deeply troubling, it was carried out by a very small percentage of CBP's workforce. These case summaries demonstrate CBP's commitment to thoroughly investigating and bringing to justice, agency personnel who violate the public's trust. These cases also highlight the effectiveness of CBP's misconduct reporting systems, cooperation with other investigative agencies, and internal investigative capabilities.



OPR received information alleging a CBPO filed a fraudulent application with U.S. Citizenship and Immigration Services (CIS) on behalf of their spouse. OFO management indicated the CBPO never spoke of a spouse although it was rumored the CBPO was in a relationship with a fellow CBP employee. During a CIS interview, the CBPO admitted to being involved in a fraudulent marriage scheme for financial gain. OPR, HSI, and CIS coordinated with the U.S. Attorney's Office to investigate the CBPO as well as the spouse for marriage fraud. Following the investigation, the CBPO was indicted by a federal Grand Jury on one count of Conspiracy and False Statement regarding a 2017 petition. The CBPO resigned from employment and pleaded guilty to one count of Immigration Fraud Conspiracy. The CBPO was sentenced to two years' probation and fined \$8,500. Disciplinary action against the other CBP employee was unwarranted.



A CBPO was investigated for using excessive force during an encounter with a United States Citizen (USC) at a Port of Entry. OPR coordinated investigative activity with the FBI which included obtaining video evidence captured on CBP video recording systems. The CBPO was indicted for Deprivation of Rights under the Color of Law and Falsification of Records in a Federal Investigation. The CBPO was sentenced to 12 months and one day in prison, and two years' supervised release. The CBPO was removed from employment with CBP.



OPR investigated a Supervisory CBPO (SCBPO) for allegedly falsifying Time and Attendance records. Through the course of the investigation, OPR was able to establish the SCBPO had fraudulently collected \$6,479.52 in salary. OPR presented the case before a federal Grand Jury which returned a True Bill indictment against the SCBPO for Embezzlement of Public Funds. A superseding indictment was later issued charging the SCBPO with 17 counts of Embezzlement of Public Funds and one count of False Statements. The SCBPO resigned from employment with CBP while the criminal case was pending.



OPR received a complaint alleging a CBPO twice failed to refer a vehicle associated with active HSI law enforcement records for a secondary inspection and opened inspection lanes without authorization. The subject was also identified as having entered different name variations for the drivers and changed license plate numbers in the CBP database to override and avert systems alerts. During another incident where the same CBPO released a vehicle associated with another active HSI record, OPR directed a secondary officer to inspect the vehicle resulting in the discovery of illicit merchandise. OPR subsequently discovered 22 instances where the CBPO facilitated illegal entry by changing digits or names in CBP databases. The CBPO was indicted for Conspiracy and Smuggling. The CBPO later pleaded guilty to conspiracy to smuggle commercial merchandise into the U.S. The CBPO resigned and was sentenced to 24 months in prison.



A BPA was investigated for misuse of his assigned home-to-work government owned vehicle (GOV). The BPA informed management he parked the GOV at a Border Patrol facility. During the investigation, the BPA admitted he did not park the GOV at the facility. The BPA used the GOV for other than official purposes without supervisory authorization and falsified home-to-work vehicle use logs. The BPA was subsequently removed.



OPR was notified by a local police department of an alleged hit and run incident involving an off-duty BPA. The BPA reportedly struck a cyclist resulting in serious bodily injury to the victim. The BPA was subsequently arrested on a felony arrest warrant, arraigned, and placed on indefinite suspension without pay. The BPA was found guilty of Failure to Stop at the Scene of an Accident Resulting in Serious Impairment or Death and was sentenced to sixty days in jail and two years' probation. The BPA resigned from CBP.



A BPA was investigated for submitting and vouchering false gasoline receipts related to a government van pool. The BPA admitted to personally profiting from his van pool activities during a period of approximately five years. Criminal prosecution was declined in lieu of administrative action. As a result, the BPA was removed from CBP.



OPR and DHS OIG received information that a BPA and his brother were allegedly receiving compensation for providing information to the Gulf Cartel. OPR and DHS OIG were not able to verify this information. A second allegation surfaced that the BPA's father-in-law was involved in narcotics smuggling and disclosed USBP operational information to the Drug Trafficking Organization which he learned from the BPA. OPR, DHS OIG and USBP Intelligence assigned to DEA met with a Confidential Human Source (CHS) who stated the BPA was corrupt. During a follow up debriefing of the CHS, the CHS refused to provide information pertaining to corruption and was deactivated. OPR and DHS OIG investigated the BPA's crossing history, finances, and law enforcement queries and were unable to

identify any derogatory information. Concurrently, Drug Enforcement Administration initiated an investigation which did not reveal any involvement of the BPA with the Gulf Cartel. As a result, no action was taken against the BPA because it was unwarranted. However, the investigation did identify a non-employee subject. The non-employee subject was indicted, and an arrest warrant was issued. During an interview of the non-employee subject following his arrest, he indicated he had no knowledge of the BPA's involvement in criminal activity.



OPR received a report regarding an Undocumented Non-Citizen (UNC) who alleged to have been slapped by a Border Patrol Processing Coordinator. The UNC, when interviewed by OPR and DHS OIG, alleged a Processing Coordinator had slapped him/her in the face, causing pain. OPR retrieved video footage of the incident and interviewed several eyewitnesses to the event. DHS OIG obtained a federal arrest warrant for the subject for Deprivation of Rights Under Color of Law. The Processing Coordinator was subsequently arrested by DHS OIG and OPR, convicted, and sentenced to six months home detention, probation term of 5 years, 50 hours of community service, and terminated from employment with CBP.



An unidentified CBP employee was alleged to have transmitted sexual images and inappropriate messages to an underage female on Facebook. An investigation revealed a Seized Property Specialist was the subject of the allegation. Local sheriff's office detectives, DHS OIG, and OPR subsequently executed an arrest warrant on the employee. Following the arrest, a search warrant was executed at the subject's residence. The Seized Property Specialist pleaded guilty to one count of Attempted Criminal Sexual Conduct in the 4th Degree, a misdemeanor. The employee was sentenced to five years reportable probation, registration in the Sex Offender Registry, and participation in DNA testing. The employee was removed from employment.



An investigation was initiated based on reports that a Mission Support Specialist was spreading rumors concerning a personal relationship between two CBP supervisors and arranged means to track the supervisors' whereabouts. An investigation substantiated the allegation and further revealed the employee used a government computer for unofficial business. The employee was removed from CBP in FY 2022. Disciplinary action against the two CBP supervisors was unwarranted.



An Import Specialist posted employment related information and images of his badge, credentials, and training certificates on social media. He also posted comments during duty hours and derogatory comments toward a civilian. During the OPR interview, the employee neither recalled posting on social media during duty hours nor posting comments regarding the civilian. The Import Specialist was removed from CBP in FY 2022.

Following receipt of a complaint from a Non-Governmental Organization, OPR investigated a report from an Unaccompanied Child (UAC) who alleged after he/she was apprehended by USBP, he/she was inappropriately touched by a non-CBP employee Transportation Officer. Through the course of investigation, OPR was able to identify an incident which occurred outside the scope of OPR's investigation where the same Transportation Officer was alleged to have molested the child of a person the Officer was dating. Proper notification was made, and the Transportation Officer was arrested for that incident and charged with Aggravated Sexual Assault. OPR continued gathering evidence into the initial allegation made by the UAC. OPR presented their findings to the local District Attorney who accepted the case for prosecution. The local police department was able to secure an arrest warrant for the Transportation Officer, who was subsequently arrested and charged with Indecency with A Child. The subject was terminated from his contract employment with CBP and is awaiting trial.

Appendix A

Intake by Program Office

Program Office	FY 2021	FY 2022
Air and Marine Operations	198	299
Enterprise Services	339	651
Office of Chief Counsel	26	35
Office of the Commissioner	36	136
Office of Congressional Affairs	5	3
Office of Field Operations	3,823	5,061
Office of Professional Responsibility	70	93
Office of Public Affairs	3	3
Operations Support	97	197
Office of Trade	43	170
U.S. Border Patrol	4,331	3,468
Unknown/Unnamed Subject	308	255
Total	9,279	10,371

Intake by Class Type

Type of Misconduct	Reports Received by the JIC FY 2021	Reports Received by the JIC FY 2022
Class 1 Criminal Misconduct	734	717
Class 2 Criminal Non-Federal Misconduct	232	185
Class 2 Non-Criminal Serious Misconduct	2,174	5,059*
Class 3 Administrative Misconduct	4,718	3,055
Total	7,858	9,016

*The increase in the Non-Criminal Serious type is attributed to instances in which CBP employees and contractors violated policy and sent emails from their government accounts to email addresses outside the CBP system.



U.S. Customs and Border Protection