

(b) (7)(E)

EPS 110/10



U.S. Customs and
Border Protection

July 2, 2019

MEMORANDUM FOR: Aaron A. Hull
Chief Patrol Agent
El Paso Sector

FROM:

[Signature] (b)(6) (b)(7)(C)
Patrol Agent in Charge
El Paso Station

(b) (6)

SUBJECT: Congressional Allegation

On July 1, 2019, the El Paso Station hosted the Congressional Hispanic Caucus for a facility tour. They were escorted to the El Paso Station processing area, where an operational briefing began. During the briefing, Congresswoman Alexandria Ocasio-Cortez began loudly knocking on the window of the processing area and alleged that a Border Patrol Agent (BPA) was taking a "selfie" photo of her. The agent was later identified as BPA (b) (6), (b) (7)(C) of the (b) (7)(E) (b) (7)(E). Attached you will find the memorandum from BPA (b) (6), (b) (7)(C), (b) (7)(E) along with memoranda from three additional witnesses.

Attachments

(b) (7)(E)

EPS 110/10



U.S. Customs and
Border Protection

July 2, 2019

MEMORANDUM FOR:

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

Acting Patrol Agent in Charge
El Paso Station

FROM:

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

(b) (6)

Patrol Agent in

(b) (7)(E)

TDY El Paso Station

SUBJECT:

Congressional Allegation

On July 01, 2019 at approximately 1145 hours El Paso Station Processing Command Center (b) (7)(E) received visitors from the Congressional Hispanic Caucus, amongst this group was U.S. Representative (Rep.) Alexandria Ocasio-Cortez.

During the briefing which was presented by El Paso Sector Command Staff, Rep. Ocasio-Cortez abruptly voiced an allegation that a female agent outside of the (b) (7)(E) had just taken a selfie with Rep. Ocasio-Cortez in the background. Rep. Ocasio-Cortez not only verbally voiced this concern, she became agitated and animated as she began to bang on the glass, pointing and screaming at the agent.

I excused myself from the briefing area and addressed the female agent, identified as Border Patrol Agent (BPA) (b) (6), (b) (7)(C). I explained to BPA (b) (6), (b) (7)(C) the allegation made by Rep. Ocasio-Cortez, in which she immediately denied taking any photo. BPA (b) (6), (b) (7)(C) did admit to having her cell phone in her hand and showed me the current image on the screen. The image appeared to me to be web-based and had nothing to do with interior photos of the detention area. As I was returning to the (b) (7)(E) Rep. Ocasio-Cortez exited the (b) (7)(E) to personally admonish and berate BPA (b) (6), (b) (7)(C) accusing her of unprofessional conduct and asking her if she will have future contact with children. Rep. Ocasio-Cortez voiced that BPA (b) (6), (b) (7)(C) should have no contact with children, suggesting her unprofessional conduct (alleged photo) as the reason why.

At approximately 1245 hours I addressed both BPA's (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that a memorandum was required from each of them pertaining to the allegation. BPA (b) (6), (b) (7)(C) was seated next to BPA (b) (6), (b) (7)(C) and was privy to the commotion and my conversation with BPA (b) (6), (b) (7)(C).

At approximately 1315 hours Supervisory Border Patrol Agent (b) (6), (b) (7)(C) served both agents their Notice of Rights/Weingarten and shortly after both agents submitted their formal memorandums.

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Attached to this correspondence are the two BPA memorandums and copies of Weingarten Notice.

Attachments.

(b) (7)(E)

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U.S. Customs and
Border Protection

July 2, 2019

MEMORANDUM FOR:

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

Acting Patrol Agent in Charge
El Paso Station

FROM:

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

(b) (6)

Supervisory Border Patrol Agent
El Paso Station

SUBJECT:

Congressional Allegation

On July 1, 2019, I was assigned to work the day shift (6am to 2pm). My assignment for the day was the supervisor in charge of transportation for the El Paso Station. At approximately 1145 hours, I was in the El Paso Station Processing (b) (7)(E) when DPAIC (b) (6), (b) (7)(C) entered the (b) (7)(E) and announced (b) (7)(E) were entering the area. At this point several individuals filed into the (b) (7)(E) to include individuals that I recognized from news reports, these individuals included Congresswoman Alexandria Ocasio-Cortez, Congresswoman Rashida Tlaib and Congressman Joaquin Castro the other individuals I did not recognize.

DPAIC (b) (6), (b) (7)(C) positioned himself in the center of the processing (b) (7)(E) and began to speak to the group regarding the processing facility. At that moment I was at my work station speaking on the phone. As DPAIC (b) (6), (b) (7)(C) was speaking two women from the group came near my area and began to point towards the monitor (b) (7)(E)

(b) (7)(E) The two women began to talk within themselves regarding how many subjects were in a certain cell. At that point Congresswoman Alexandria Ocasio-Cortez approached the two women raised her voice to the extent that it drowned out DPAIC (b) (6), (b) (7)(C) and demanded to know where a certain cell she was pointed at was located. She briefly turned towards my direction for an answer when outside of the (b) (7)(E) Ms. Ocasio allegedly saw a Border Patrol Agent take a selfie of her. Ms. Ocasio pointed to the agent and began to bang on the glass and yell from inside the (b) (7)(E) to the agent. I did not see any agent take a picture of Ms. Ocasio.

Ms. Ocasio turned to the group and began to speak in the direction of DPAIC (b) (6), (b) (7)(C) Ms. Ocasio said (paraphrase) that woman (referring to the agent that she alleged took the selfie) cannot work with children. Ms. Ocasio became more animated and began to stomp her foot she then said "I as a woman of color do not feel safe here, as women of color none of us feel safe here, nobody of color feels safe here" Ms. Ocasio then stormed out of the processing (b) (7)(E) to the processing area to confront the agent who allegedly took the picture of Ms. Ocasio. The entire group followed her out to the processing area I remained in the (b) (7)(E)

Congressional Allegation
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Through the glass of the processing (b) (7)(E) I did see DPAIC (b) (6), (b) (7)(C) and Ms. Ocasio having an exchange of words in front of a cell occupied by adult Cuban women. Ms. Ocasio was able to enter the cell where she remained for several minutes. DPAIC (b) (6), (b) (7)(C) and Congressman Joaquin Castro were also in the cell with Ms. Ocasio as well three other members of the group.

A portion of the Congressional group along with DPAIC (b) (6), (b) (7)(C) and Chief Aaron Hull went towards the sally port and outside to the tents.

At approximately 1230 hours, the entire Congressional group reconvened and left the El Paso Station Processing area.

(b) (7)(E)

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U.S. Customs and
Border Protection

July 1, 2019

MEMORANDUM FOR:

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

Acting Patrol Agent in Charge
El Paso Station

FROM:

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

(b) (6)

Border Patrol Agent – Resident Agent
(b) (7)(E)

SUBJECT:

AOC Incident

On July 1, 2019, I heard loud banging on the window behind me while I was working inside the processing area. I turned around to this lady shaking her finger at me, I was not sure why she was trying to attract my attention until Patrol Agent in Charge (PAIC) (b) (6), (b) (7)(C) came to me and told me that they were accusing me of taking "selfie shots" of Congresswoman Ocasio-Cortez. At this time, I immediately handed my phone to PAIC (b) (6), (b) (7)(C) to show him I had no photos of Ms. Ocasio-Cortez on my phone and he confirmed there were no photos of Ms. Ocasio-Cortez. Although my phone was out, I was not taking any photos.

(b) (7)(E)

EPS 110/10



U.S. Customs and
Border Protection

July 01, 2019

MEMORANDUM FOR:

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

Acting Patrol Agent in Charge
El Paso Station

FROM:

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

(b) (6)

Border Patrol Agent

(b) (7)(E)

SUBJECT:

AOC Incident

On July 1, 2019, I heard a loud banging on the (b) (7)(E) window behind me while I was standing in front of a computer in the processing area. I turned around and saw a lady yelling and pointing her finger at Border Patrol Agent (BPA) (b) (6), (b) (7)(C). I was standing next to BPA (b) (6), (b) (7)(C) and did not witness BPA (b) (6), (b) (7)(C) taking any photos. I was instructed by Patrol Agent in Charge (b) (6), (b) (7)(C) to write this memorandum.

(b) (7)(E)

EPT 100/9



U.S. Customs and
Border Protection

July 1, 2019

MEMORANDUM FOR:

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

Border Patrol Agent

(b) (7)(E)

FROM:

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

(b) (6)

Supervisory Border Patrol Agent
El Paso Station

SUBJECT:

Notice of Rights

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

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

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

"(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at-

B. Any examination of an employee in the unit by a representative of the agency in connection with an investigation if-

- (i) the employee reasonably believes that the examination may result in disciplinary action against the employee and
- (ii) the employee requests representation."

This is a compelled statement, and as such falls within the protections prescribed in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

(b) (6)

BPA-RF

Title

07/1/2019

Date and Time of Notice

(b) (7)(E)

EPT 100/9



U.S. Customs and
Border Protection

July 1, 2019

MEMORANDUM FOR:

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

Border Patrol Agent

(b) (7)(E)

FROM:

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

Supervisory Border Patrol Agent
El Paso Station

(b) (6)

SUBJECT:

Notice of Rights

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

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

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B. Any examination of an employee in the unit by a representative of the agency in connection with an investigation if-

- (i) the employee reasonably believes that the examination may result in disciplinary action against the employee and
- (ii) the employee requests representation."

This is a compelled statement, and as such falls within the protections prescribed in *Garrity v. New Jersey*, 385 U.S. 493 (1967).

(b) (6)

Signature of Agent

BPA

Title

07/01/2019 01:16

Date and Time of Notice