


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 12

**DEPARTMENT OF HOMELAND SECURITY
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|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 024</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp," approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 09, 2021, Special Agent (SA) [REDACTED], CBP OPR RO/Bangor, Maine, and [REDACTED] CBP OPR, Del Rio, Texas, conducted a compelled interview of BPA [REDACTED] concerning the September 19, 2021, incident involving the Carrizo Springs HPU.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-DEC-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 09-DEC-2021</p> | <p>15. TELEPHONE NUMBER (830) 774-2013</p> |
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10. NARRATIVE

On November 09, 2021, Special Agent (SA) [REDACTED], CBP OPR RO/Bangor, Maine, and Special Agent (SA) [REDACTED], CBP OPR, Del Rio, Texas, conducted a compelled interview of BPA [REDACTED] concerning the September 19, 2021, incident involving the Carrizo Springs HPU. The interview was video and audio recorded with StarWitness equipment and is uniquely identified by Authentication Code: [REDACTED].

BPA [REDACTED] was advised he was being interviewed as a witness to allegations made against the Carrizo Springs HPU on September 19, 2021, in Del Rio, Texas.

BPA [REDACTED] stated he did not speak with any other BPAs to prepare for this interview and was unsure what the allegations were.

BPA [REDACTED] stated he did not have any text messages or emails relating to the allegations made against the Carrizo Springs HPU (Timestamp 06:00).

BPA [REDACTED] was asked if he was aware of what happened at the boat ramp in Del Rio, Texas, on September 19, 2021. BPA [REDACTED] stated he was unsure what the entire situation entailed.

BPA [REDACTED] is currently a Carrizo Springs HPU agent and stated on September 19, 2021, he was assigned to the Del Rio POE (Timestamp 6:20).

BPA [REDACTED] stated he was not directed to prepare a memorandum regarding the HPU activity on September 19, 2021.

BPA [REDACTED] stated he has been a BPA for approximately 15 years and part of the Carrizo Springs HPU for the last year and half. BPA [REDACTED] further explained that prior to this rotation with the Carrizo Springs HPU, he was detailed to the Carrizo Springs HPU for 3 years but could not remember the timeframe.

BPA [REDACTED] said when Carrizo Springs Station solicited BPAs who were interested in a position with the HPU, he submitted his memorandum for consideration. BPA [REDACTED] stated that since he was previously certified, once selected, he was only required to complete a "check" ride with an HPU instructor (Timestamp 7:55).

When asked if being in the HPU changed his responsibilities or authority as a BPA, BPA [REDACTED] said no and agreed he still has the same legal responsibilities.

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BPA ██████ stated that, since joining the HPU, he has completed the initial two-week HPU certification course, on the job training, and a few quarterly trainings (Timestamp 9:15). BPA ██████ added that, after being selected for a second rotation with the HPU, he completed a "check" ride with a HPU instructor and was not required to complete the initial HPU academy a second time. BPA ██████ explained that during a "check" ride, an agent will demonstrate their proficiency on horseback to a HPU instructor.

BPA ██████ stated the HPU certification does not expire (Timestamp 10:06).

BPA ██████ stated, during his first rotation with the HPU, they had quarterly trainings which included desensitizing the horses to certain objects or situations they may encounter while working. BPA ██████ stated Carrizo Springs HPU had not conducted quarterly trainings since he had been on his second rotation with the HPU.

BPA ██████ explained that the purpose of the quarterly training was to desensitize the horse in a training environment, which allowed the horse to become familiar with certain objects or situations it may encounter while being ridden. BPA ██████ further explained that once a horse was familiar with an object or situation, the horse was less likely to react negatively to it, which provided safety for both the horse and rider (10:30).

BPA ██████ did not have any prior experience with horses prior to joining the Carrizo Springs HPU.

BPA ██████ stated that the HPU supported the overall USBP mission as a force multiplier defined as a factor or a combination of factors that gave personnel the ability to accomplish greater feats than without it. BPA ██████ added that being on horseback allowed BPAs to traverse difficult terrain and get to remote locations that were otherwise inaccessible to agents in a vehicle (Timestamp 11:55).

BPA ██████ stated that after training and completing basic horsemanship at the Horse Patrol academy, all additional training was strictly on the job training (Timestamp 13:15).

BPA ██████ stated that the only prior knowledge he had of the situation evolving in Del Rio, Texas, was that there was a very large group of people there. BPA ██████ added that he heard there were approximately ten thousand people in the group.

BPA ██████ stated that, on September 19, 2021, upon arriving for work in Carrizo Springs,

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Texas, he was told by his HPU Supervisory Border Patrol Agents (SBPAs) [REDACTED] and SBPA [REDACTED] that the HPU's assignment that day would be to report to Del Rio, Texas (Timestamp 14:15).

BPA [REDACTED] stated he was unsure who instructed SBPA [REDACTED] and SBPA [REDACTED] to send the Carrizo Springs HPU to Del Rio, Texas (Timestamp 15:15).

BPA [REDACTED] was asked how he learned the HPU would be sent to the Del Rio POE and stated he was told verbally. BPA [REDACTED] further added he was unsure if he received an email referencing the Carrizo Springs HPU assisting in Del Rio, Texas but said he would search his email and provide it to SA [REDACTED] if found.

BPA [REDACTED] stated that SBPA [REDACTED] and SBPA [REDACTED] told him that the role/purpose of the Carrizo Springs HPU that day was to assist where needed (Timestamp 16:15). BPA [REDACTED] stated that SBPA [REDACTED] and SBPA [REDACTED] told him that once the Carrizo Springs HPU arrived in Del Rio, Texas, they were to report to the Incident Commander (IC) for further instructions. BPA [REDACTED] stated he did not remember the name of the IC.

BPA [REDACTED] stated that the Carrizo Springs HPU reported to the IC, and they were told that everyone underneath the bridge was accounted for and anyone else walking around was unknown (Timestamp 17:05).

BPA [REDACTED] stated he was not provided with any Operational Plans. BPA [REDACTED] stated the Carrizo Springs HPU was directed by the IC to assist where needed.

BPA [REDACTED] stated he was unaware of the allegations made against the HPU agents on September 19, 2021. BPA [REDACTED] stated he had seen the media coverage of the events that occurred on September 19, 2021 and was also aware of the allegations being made by the media. BPA [REDACTED] explained that the media was alleging that the HPU agents were whipping people (Timestamp 18:50).

BPA [REDACTED] stated his orders on September 19, 2021, were to listen to the service radio and assist where help was needed (Timestamp 19:50).

BPA [REDACTED] stated he did not receive any directive from management regarding the non-citizens who were crossing and accumulating on the boat ramp (Timestamp 21:25). BPA [REDACTED] also stated he was not advised by USBP management that the non-citizens under the bridge were in

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USBP custody (Timestamp 22:18).

When BPA [REDACTED] was asked if there was any advisement provided regarding the status of the non-citizens walking back and forth across the river from Mexico, BPA [REDACTED] recalled that someone had asked over the radio for guidance on what they should do with all the non-citizens crossing the river. BPA [REDACTED] stated someone responded on the service radio and told them to let them in (Timestamp 22:30). BPA [REDACTED] stated the agent requesting guidance via the service radio was BPA [REDACTED]. BPA [REDACTED] added the request for guidance from BPA [REDACTED] came after the HPU arrived at the boat ramp at approximately 1:30 p.m. (Timestamp 23:08). BPA [REDACTED] stated he could not remember how many times BPA [REDACTED] requested guidance via the service radio.

BPA [REDACTED] explained whoever responded via the service radio did not identify themselves but gave the directive to allow the non-citizens into the U.S. BPA [REDACTED] added they were operating their service radios on a [REDACTED] channel which was not recorded.

BPA [REDACTED] was asked if, under normal circumstances, once a non-citizen was in custody, would they be allowed to cross the Rio Grande River by themselves, return to Mexico, and bring back food. BPA [REDACTED] stated under normal circumstances, once a non-citizen was in custody, they should never leave BPA control (Timestamp 24:40). BPA [REDACTED] was then asked if it was a normal situation in which he replied it was not. BPA [REDACTED] was asked again if BPAs normally allow people to freely walk back and forth across the Rio Grande River and BPA [REDACTED] said no .

BPA [REDACTED] stated he received a request for assistance to help clear the boat ramp via his service radio, but the requestor did not identify themselves (Timestamp 25:24).

BPA [REDACTED] added the Texas Department of Public Safety (TXDPS) was also utilizing the same [REDACTED] channel as the Incident Command.

BPA [REDACTED] stated once he arrived at the boat ramp, there was a Del Rio HPU BPA there who told him that TXDPS wanted to clear the boat ramp and needed assistance. BPA [REDACTED] could not recall the BPA's name (Timestamp 26:48).

BPA [REDACTED] stated TXDPS arrived at the boat ramp first, and that he did not see any other agencies present.

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Once at the boat ramp, BPA [REDACTED] stated he did not receive any directive from USBP management to direct the crossing non-citizens towards the Del Rio POE and away from private property (Timestamp 28:00). BPA [REDACTED] stated non-citizens were walking wherever they wanted to.

BPA [REDACTED] stated TXDPS did not give a reason why they wanted the boat ramp cleared, they only asked for assistance to clear it. BPA [REDACTED] stated DPS wanted to clear the boat ramp the way they cleared the Weir dam (Timestamp 29:57). BPA [REDACTED] said it was his perception that TXDPS wanted to post TXDPS officers there once it was cleared to deter non-citizens from crossing there.

BPA [REDACTED] stated when he first arrived at the boat ramp, TXDPS was already there asking people to move off the ramp. BPA [REDACTED] stated he saw hundreds of people in the area. BPA [REDACTED] explained some of the people were bathing, so he went down to try and move people from the ramp. BPA [REDACTED] stated they were attempting to move them towards an open area called a firebreak and towards the Del Rio POE. BPA [REDACTED] stated he was on top of the hill making sure the non-citizens did not come back to the ramp.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] was shown Photo 1, an aerial photo containing a partial image of the Del Rio POE, the boat ramp and part of the Star Ranch. BPA [REDACTED] described where the following were located on the photo: Mexico, the Rio Grande River, the Del Rio POE, and the boat ramp. BPA [REDACTED] was provided a copy of the aerial photo described above, marked these locations, and initialed them.

BPA [REDACTED] stated the geographical boundary between the U.S. and Mexico would be the middle of the river, or the deepest part of the river. BPA [REDACTED] said he did not remember where he learned that information.

BPA [REDACTED] stated he did not hit any non-citizen with reins or a whip (Timestamp 35:25).

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BPA [REDACTED] said he did not see any non-citizen being hit with reins or a whip (Timestamp 35:30).

BPA [REDACTED] said he did not make any unprofessional comments towards any non-citizens, and he did not hear anyone else make unprofessional comments (Timestamp 35:35).

BPA [REDACTED] stated he did not order any of the non-citizens to return to Mexico (Timestamp 35:49).

BPA [REDACTED] stated he heard someone yelling something but couldn't not be sure what was said or who said it.

BPA [REDACTED] stated he did not maneuver his horse in an aggressive manner towards any non-citizens and did not see anyone else maneuver their horse in an aggressive manner either (Timestamp 37:00).

BPA [REDACTED] stated he did not grab any non-citizen by their shirt, and he did not see anyone else grab a non-citizen by the shirt (Timestamp 38:05).

BPA [REDACTED] stated he did not see any other HPU BPAs use their horse in an aggressive manner.

BPA [REDACTED] stated he did not use force against any non-citizen, and he did not see anyone else use force against any non-citizen (Timestamp 38:00).

BPA [REDACTED] stated he did not receive any formal training on how to apprehend someone while on horseback.

BPA [REDACTED] stated he did not almost trample a young child with his horse and did not see anyone else almost trample a young child with their horse (Timestamp 39:20).

BPA [REDACTED] said he did not hit the water with a lariat or reins while near a non-citizen and did not see anyone do so (Timestamp 39:23). BPA [REDACTED] explained a lariat is a form of rope which can be used as a lasso or for tethering.

BPA [REDACTED] stated he did not use his horse to force any non-citizen back into the water. BPA [REDACTED] said he also did not see anyone else use their horse in this manner (Timestamp 39:37).

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BPA [REDACTED] stated he did not intentionally or unintentionally hit anyone with his horse (Timestamp 39:48).

BPA [REDACTED] stated he did not witness any non-citizens come into contact with a horse or getting knocked down into the water (Timestamp 39:37).

When asked if he believed the actions of the HPU on September 19, 2021, was a reasonable amount of force and within policy, BPA [REDACTED] said "yes sir" (Timestamp 40:14).

BPA [REDACTED] stated he perceived the amount of people coming across the river as an imminent threat. BPA [REDACTED] said the sheer amount of people around the BPAs while mounted on their horses could have caused a horse to get spooked. BPA [REDACTED] stated he did not see anyone exhibiting threatening behavior towards the HPU.

BPA [REDACTED] was shown Photo 2 of four Carrizo Springs HPU BPAs, who he identified from left to right as BPA [REDACTED] whose horse was named Danny, BPA [REDACTED] whose horse was named Winchester, BPA [REDACTED], and BPA [REDACTED]. BPA [REDACTED] did not know the names of either BPA [REDACTED] horse, or that of BPA [REDACTED] horse (Timestamp 42:57).

BPA [REDACTED] was shown Video 1 and was asked to identify the first two HPU BPAs first seen in the video. BPA [REDACTED] stated the first HPU was BPA [REDACTED] and that he believed the second HPU BPA in the background was BPA [REDACTED]. BPA [REDACTED] identified BPA [REDACTED] by the horse he was riding. BPA [REDACTED] stated he was not sure which horse was assigned to BPA [REDACTED] because they all rode different horses, but BPA [REDACTED] explained that he recognized the horse BPA [REDACTED] was riding on September 19, 2021.

When BPA [REDACTED] was asked what color horse he was riding on September 19, 2021, BPA [REDACTED] stated he was riding a "paint."

When shown a section of Video 1, where an HPU BPA was allegedly yelling, "This is why your country is shit, because you use your women for this," BPA [REDACTED] identified BPA [REDACTED] horse and recognized BPA [REDACTED] voice (Timestamp 45:00). BPA [REDACTED] stated he did not hear BPA [REDACTED] make this comment on September 19, 2021. BPA [REDACTED] stated he had not heard BPA [REDACTED] make any other comments like this before and had not heard anyone on the HPU make these types of comments (Timestamp 46:30). BPA [REDACTED] was asked if this was common behavior for the HPU agents and he replied by stating it was not.

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BPA [redacted] was asked if the CBP Standards of Conduct addressed professionalism and stated he believed so and had received training on this matter. BPA [redacted] stated that when BPA [redacted] used the word "shit," it became unprofessional. BPA [redacted] stated he would not make those comments. BPA [redacted] said he believed the comment was unprofessional because of the vulgar language (Timestamp 47:13).

BPA [redacted] believed it was unprofessional for BPA [redacted] to make this comment and did not know why he made the comment.

[redacted] stated that CBP provided training to BPAs that prohibited discrimination based on sex, race, and national origin (Timestamp 48:24). BPA [redacted] said he could see how the comments made by BPA [redacted] could be discriminatory but could not explain why he felt the comments were discriminatory.

BPA [redacted] continued to review Video 1, which showed what appeared to be BPA [redacted] singling out a male non-citizen, and BPA [redacted] stated he did not know why BPA [redacted] focused on that male non-citizen and not the women and children.

BPS [redacted] stated he was not aware of any directive from CBP or USBP management that instructed BPAs to focus on allowing the women and children into the U.S. and not the males.

BPA [redacted] was asked if BPAs have the authority to choose who is allowed to enter the U.S. and he said no (Timestamp 52:13).

BPA [redacted] continued viewing Video 1 and identified BPA [redacted] as the HPU BPA swinging his reins. BPA [redacted] advised he worked with BPA [redacted] but was unsure if BPA [redacted] always swung his reins in that manner. BPA [redacted] explained that he and other HPU BPAs swing their reins in this manner, depending on the horse they are riding (Timestamp 53:15).

BPA [redacted] stated the purpose of swinging the reins was to apply pressure to a horse to elicit a reaction from the horse. BPA [redacted] further explained that if you apply leg pressure, or any form of pressure to one side of the horse, it should move away from that pressure. BPA [redacted] explained that if you wanted the horse to move to the left you would twirl the reins on the right side of the horse. BPA [redacted] stated he learned the twirling of the reins technique during his time with the HPU. BPA [redacted] stated they learn different techniques to help control their horse because some horses react differently to certain techniques.

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BPA [REDACTED] stated he was not aware of anything in CBP policy that refers to the use of reins or how to properly use them (Timestamp 57:28). BPA [REDACTED] stated he did not swing his reins in that manner with the horse that he was riding that day.

BPA [REDACTED] explained the difference between the split reins, lariats, and whips. BPA [REDACTED] stated split reins were reins that were not joined together, BPA [REDACTED] stated he was not sure what a lariat was, and that he considered a whip to be a long rope attached to a handle.

BPA [REDACTED] stated the split reins were issued to HPU BPAs by the USBP.

BPA [REDACTED] stated that HPU BPAs were not issued whips, and he did not own a whip, nor was he carrying a whip on September 19, 2021 (Timestamp 1:00:05).

BPA [REDACTED] stated he was familiar with horses and explained reins were used by a rider to maneuver a horse in a particular direction. BPA [REDACTED] stated reins can be used to turn a horse left or right, stop a horse, or make a horse move faster. BPA [REDACTED] stated the reins he saw in the video were split reins. BPA [REDACTED] described the reins as being in two pieces and that they do not make a loop around the horse's neck.

BPA [REDACTED] described a training tool used during round pin training by HPU BPAs and described that tool as a pole with a rope attached to the end of that pole. BPA [REDACTED] stated while training horses in the round pin, that training tool can be used to encourage a horse to move in the correct direction.

BPA [REDACTED] said the training tool he described is referred to as a lunge whip. BPA [REDACTED] said the only time he had seen these lunge whips used was in training the horse, and never in the field. BPA [REDACTED] stated he did not own a whip and was not issued a whip by the USBP (Timestamp 1:02:00).

BPA [REDACTED] continued viewing Video 1 and was asked how BPA [REDACTED] horse responded when BPA [REDACTED] twirled his reins. BPA [REDACTED] stated the horse responded by going the opposite direction. BPA [REDACTED] stated he has never ridden this horse and was unfamiliar with how much pressure this horse may require.

BPA [REDACTED] stated HPU BPAs were trained to use either one hand or two hands while using split reins.

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BPA [REDACTED] stated if he hit someone unintentionally with reins, it would not be a use of force based on his use of force training. BPA [REDACTED] stated he did not see how you could unintentionally hit someone with reins. BPA [REDACTED] stated that if a person was intentionally hit with reins, it would be a use of force incident (Timestamp 1:03:45).

BPA [REDACTED] stated he would not consider it a use of force if he swung his reins at someone and missed. BPA [REDACTED] gave an example that if he displayed his baton but did not have to use it, then no use of force occurred (Timestamp 1:05:25).

BPA [REDACTED] said if he was swinging his reins near someone, the average person would move away to avoid being hit. BPA [REDACTED] stated someone may perceive this as a use of force against them (Timestamp 1:05:42).

BPA [REDACTED] stated based on his training and experience, if he hit a person with his reins, it would be considered an intermediate use of force.

BPA [REDACTED] stated based on his training and experience, it was permissible to use intermediate force on an actively resistant person (Timestamp 1:06:45).

BPA [REDACTED] said he did not observe any non-citizens displaying assaultive resistant behavior (Timestamp 1:07:25).

BPA [REDACTED] stated the non-citizens that were running away from him were exhibiting resistant behavior. BPA [REDACTED] was then asked if he knew the reason for the resistant behavior and BPA [REDACTED] stated he did not know. BPA [REDACTED] stated he spoke both English and Spanish, and he used Spanish with several of the non-citizens. BPA [REDACTED] said some of the non-citizens also spoke English (Timestamp 1:07:34). BPA [REDACTED] said he did not hear any other languages being spoken.

BPA [REDACTED] was shown Video 2 and was asked to identify the HPU BPAs in the video. BPA [REDACTED] identified BPA [REDACTED], BPA [REDACTED], and himself and the horse he was riding, which was a brown and white paint (Timestamp 1:08:39).

BPA [REDACTED] stated he did not use his horse to force anyone back into the river (Timestamp 1:10:32).

When asked if he ever observed BPA [REDACTED] or anyone else in the HPU use their horse to push

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people back into the river prior to this incident on September 19, 2021, BPA [REDACTED] stated he had never witnessed BPA [REDACTED] or anyone on the HPU do so.

BPA [REDACTED] was shown Video 2 and asked to explain BPA [REDACTED] actions at the bottom of the boat ramp. BPA [REDACTED] stated it appeared that BPA [REDACTED] was attempting to deter non-citizens from entering further up the riverbank and into the US. BPA [REDACTED] said it was possible these actions may have been to keep the boat ramp clear, but he was unsure of what BPA [REDACTED] was attempting to accomplish (Timestamp 1:11:33).

BPA [REDACTED] stated he recalled the events that happened on September 19, 2021, but he did not recall seeing the non-citizen fall back into the river (Timestamp 1:12:25).

BPA [REDACTED] viewed Video 2 and agreed the non-citizen in the video who is standing at the water line made entry into the U.S. When asked if BPA [REDACTED] believed the video depicted the horse pushing the non-citizen back into the water, BPA [REDACTED] said he thought it was just the horse reacting to everything going on around him. BPA [REDACTED] said it appeared to him that BPA [REDACTED] was attempting to use his horse to deter the non-citizen from coming up the boat ramp (Timestamp 1:13:01).

When asked if BPAs have the authority to deter people and push them back once they have entered the U.S., BPA [REDACTED] said, "I guess not."

BPA [REDACTED] was asked if there was a safety aspect for people to be sitting in the Rio Grande River and if people have drowned in the past and he stated yes. BPA [REDACTED] was then asked if he thought it was a good idea for BPA [REDACTED] to be doing such an act while on horseback with people standing in the water and BPA [REDACTED] said, "I guess looking back now, no" (Timestamp 1:14:40).

BPA [REDACTED] stated there were no directives given by USBP management on September 19, 2021 (Timestamp 1:15:02).

BPA [REDACTED] was asked if Horse Patrol receives training on crowd control, and he stated there is a training for crowd control, but he had not received the training.

BPA [REDACTED] stated he did not know if BPA [REDACTED] previously identified in (video 2), had attended crowd control training (Timestamp 1:15:30).

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BPA [REDACTED] stated he never received any formal training on how to prevent injuries to other people while on horseback. BPA [REDACTED] explained that the best way to prevent injuries to others was good horsemanship skills and maintaining control of the horse.

BPA [REDACTED] advised he did not receive any additional training related to when children were present.

When asked if he could use his horse to run over a person in a deadly force situation, BPA [REDACTED] said, "No." When BPA [REDACTED] was asked to explain why not, BPA [REDACTED] said that a horse will attempt to avoid running over something in front of it. BPA [REDACTED] was asked if a rider, with the use of spurs or whip, could make the horse push someone, and BPA [REDACTED] said he would find that difficult to do (Timestamp 1:18:56).

BPA [REDACTED] stated he was unsure if it would be considered a use of force if he intentionally or unintentionally hit someone with his horse while they were fleeing. BPA [REDACTED] explained if a horse stepped on someone or was hurt, he would report it to his supervisor.

BPA [REDACTED] stated using a horse to force someone into the water could cause that person to be injured (Timestamp 1:21:45).

BPA [REDACTED] said it would not be a use of force to charge at someone with a horse (Timestamp 1:22:05).

BPA [REDACTED] was asked in what circumstances could a horse be used to force a non-citizen to return to Mexico, to which BPA [REDACTED] replied there were no circumstances (Timestamp 1:22:15).

BPA [REDACTED] viewed part of Video 2 where HPU BPAs appeared to attempt to deter a few non-citizens from heading in the direction of the POE. BPA [REDACTED] stated the Del Rio POE was about half a mile upriver from the boat ramp in the direction the non-citizens were attempting to go but were initially stopped by the HPU BPAs. BPA [REDACTED] stated during that time, he was on top of the hill and could not see the water's edge.

BPA [REDACTED] was asked if he could understand comments being made on the video but stated he could only make out the word "Mexico" (Timestamp 1:26:32).

After BPA [REDACTED] identified BPA [REDACTED] voice in Video 2, BPA [REDACTED] explained that, in the

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video, he heard [REDACTED] say, "Hasta para alla", which BPA [REDACTED] translated to English as, "scoot over there. BPA [REDACTED] said he was not sure if BPA [REDACTED] meant to go back or just scoot back (Timestamp 1:29:45). BPA [REDACTED] said if BPA [REDACTED] was telling them to go back to Mexico, he would have used different words in the Spanish language, such as "vete para alla or vete para Mexico", which BPA [REDACTED] explained translates in English to "go over there or go to Mexico". BPA [REDACTED] agreed there is a safety concern with telling non-citizens to move further back into the water. BPA [REDACTED] said he would not tell non-citizens to move further back into the water.

BPA [REDACTED] never heard BPA [REDACTED] tell anyone to go back to Mexico. BPA [REDACTED] did not hear any other HPU BPAs tell people to return to Mexico (Timestamp 1:30:04).

BPA [REDACTED] was shown Photo 5 and asked to identify the HPU agent in the photo. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA advised BPA [REDACTED] was facing towards the river and pointing towards Mexico (Timestamp 1:30:34).

BPA [REDACTED] stated he did not order anyone to go back to Mexico. BPA [REDACTED] further added that he could not legally tell someone to return to Mexico. BPA [REDACTED] was unsure if there were special rules for treatment in processing of non-citizens (Timestamp 1:31:25). BPA [REDACTED] described credible fear, as someone being afraid of returning to their country and requesting asylum. BPA [REDACTED] described asylum as there being an application process.

BPA [REDACTED] was unaware if the non-citizens present at the boat ramp on September 19, 2021, were claiming credible fear and or requesting asylum (Timestamp 1:32:38)

BPA [REDACTED] was shown Photo 3 and was asked to identify the BPA in the photo. BPA [REDACTED] identified the agent in the photo as BPA [REDACTED]. BPA [REDACTED] was shown Photo 4 and asked to identify the BPA in the photo. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA [REDACTED] stated that prior to this incident, he never saw BPA [REDACTED] grab anyone by their shirt to prevent them from entering the U.S. or effect an arrest. BPA [REDACTED] did not see any other HPU BPA apprehend a person by grabbing their shirt. BPA [REDACTED] said he did not grab anyone as shown in the photo. BPA [REDACTED] stated that the Horse Patrol academy did not train the agents on how to apprehend a subject on horseback.

BPA [REDACTED] did not consider grabbing a subject by the shirt as a use of force. BPA [REDACTED] did not witness BPA [REDACTED] grabbing this non-citizen by the shirt.

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10. NARRATIVE

BPA [redacted] stated there was media presence near the Rio Grande River on September 19, 2021 (Timestamp 1:38:10). BPA [redacted] was not aware if the media spoke to any of the non-citizens. BPA [redacted] was unsure if any of the media crossed into the U.S., in violation of U.S. law. BPA [redacted] said he did not ask or tell the media to return to Mexico or to enter through a designated POE. BPA [redacted] said he did not speak with any members of the media that day.

BPA [redacted] stated that this was the first time he had worked in the Del Rio area. BPA [redacted] said he heard over the service radio that assistance was needed at the boat ramp, so he responded to the area. BPA [redacted] said there were no SBPAs at the boat ramp. BPA [redacted] stated that once he arrived at the boat ramp, he did not receive any further instructions from USBP management.

BPA [redacted] was shown Video 3 and asked to identify the HPU BPAs he recognized. BPA [redacted] identified BPA [redacted], BPA [redacted] and BPA [redacted]. After viewing Video 3, BPA [redacted] said he was unsure why BPA [redacted] stopped chasing the non-citizen.

BPA [redacted] stated the HPU was riding back from a prior incident at the porta pots, when an agent saw a non-citizen cutting cane with a knife. When an HPU BPA told the non-citizen to give him the knife, BPA [redacted] said the non-citizen tossed the knife in the direction of the BPA. BPA [redacted] did not see the knife, but said it was described as a steak knife. BPA [redacted] did not recall this BPA's name and was unsure what the BPA did with the knife. BPA [redacted] stated he was basing his information off what the BPA told him since BPA [redacted] did not see it happen (Timestamp 1:48:00).

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[REDACTED]

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None


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OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 13

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|--|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 018</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp," approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 9, 2021, Special Agent in Charge (ASAC) [REDACTED] and Special Agent (SA) [REDACTED], CBP OPR Del Rio, conducted a compelled witness interview of BPA [REDACTED]</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-DEC-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 09-DEC-2021</p> | <p>15. TELEPHONE NUMBER (830) 774-2013</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

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REPORT OF INVESTIGATION
CONTINUATION**10. NARRATIVE**

On November 9 , 2021, OPR Assistant Special Agent in Charge (ASAC) [REDACTED] and Special Agent (SA) [REDACTED] conducted a compelled witness interview of Border Patrol Agent (BPA) [REDACTED] at the CBP OPR Del Rio Office. The interview was audio and video recorded using StarWitness equipment and uniquely identified using Authentication Code: 01-8sc2m-4unhl-173xi-xzaoe-csgfe.

Prior to the interview, BPA [REDACTED] was provided with his Warning and Assurances to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation. On November 4, 2021, BPA [REDACTED] was provided with and signed the Warning and Assurances to Employee Requested to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation when he was served with the form titled Your Required Appearance and Sworn Testimony. The form titled Your Required Appearance and Sworn Testimony signed by BPA [REDACTED] is attached. At the beginning of the interview, BPA [REDACTED] reviewed copies of the Warnings and Assurance to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation, which he previously signed. After reviewing these forms, BPA [REDACTED] identified his signature on the documents and again signed and dated the forms indicating he understood them. BPA [REDACTED] was placed under oath prior to the interview.

BPA [REDACTED] entered on duty with the USBP on February 19, 2009. He is currently assigned to the Carrizo Springs HPU that is supervised by SBPA [REDACTED] and SBPA [REDACTED]. BPA [REDACTED] began his assignment with the Carrizo Springs HPU in May of 2021, approximately six months ago. BPA [REDACTED] stated being on the HPU did not change his authorities as a BPA (Timestamp 0:12:36). BPA [REDACTED] experience with horses before joining the HPU was limited to riding horses when he was young.

BPA [REDACTED] was asked if he possessed any text messages or emails related to the incident s that occurred on September 19, 2021, and stated he had group chat messages with his HPU co-workers where they communicated back and forth. BPA [REDACTED] explained radio communication was not always possible and some of the communication he had with his co-workers was made via text messages and voice calls (Timestamp 0:16:42). BPA [REDACTED] stated there was a lack of radio communication that day and there were little to no direction from management regarding a clear assignment for the HPU. Most of the information HPU received was secondhand information from their wranglers, BPA [REDACTED] and BPA [REDACTED] (Timestamp 0:17:19). BPA [REDACTED] stated he captured two videos on September 19, 2021, one before and one after the incident. Neither video captured the incident. BPA [REDACTED] agreed to provided CBP OPR Del Rio with all text messages and videos.

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BPA [REDACTED] stated there was an influx of migrants crossing in Del Rio, Texas, and Del Rio Station needed help, so he volunteered to assist. His assignment began on September 18, 2021. BPA [REDACTED] arrived at 1:00 pm on the 18th and did not return to Carrizo Springs until 6:00 pm that same day. BPA [REDACTED] assumed the order to mobilize HPU came from the Chief (Del Rio Sector Chief Patrol Agent) but was unsure. BPA [REDACTED] got the order to travel to Del Rio from his HPU supervisors SBPA [REDACTED] and SBPA [REDACTED]. BPA [REDACTED] stated he returned to Del Rio the following day on the 19th of September.

BPA [REDACTED] was asked what the purpose and role of HPU was in Del Rio and stated he assumed it was crowd control. He further explained they were not given direct guidance on what to do, other than to be seen. They were told not to make any arrests by their supervisors and upper management (Timestamp 0:22:53). BPA [REDACTED] could not provide specific names of the personnel that gave that order. BPA [REDACTED] stated no operational plans were provided to HPU.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] was shown Video 3 and properly identified the United States and Mexican sides of the Rio Grande River, and the boundary or international border, which BPA [REDACTED] later indicated was in the middle of the Rio Grande River. BPA [REDACTED] also identified the Star Ranch, and the direction of the Del Rio POE. Additionally, [REDACTED] identified himself in the video, the location of the boat ramp, and identified two Del Rio HPU agents.

BPA [REDACTED] stated he was aware there were allegations made of unprofessional language and the whipping of migrants.

BPA [REDACTED] stated there was very little guidance from management on what their orders were for September 19, 2021. He only remembered receiving a radio transmission asking HPU to assist Texas Department of Public Safety (TXDPS) with closing the boat ramp (Timestamp 0:34:24). An hour or two before that, BPA [REDACTED] was with his supervisors, SBPA [REDACTED] and SBPA [REDACTED] when they were approached by a BPA that seemed to be in command. BPA [REDACTED] overheard them talk about an upcoming operation to regain control of the boat ramp (Timestamp;

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0:35:24). Clear instructions or operational plans were never provided. BPA [REDACTED] could not recall the name of the person his supervisors were speaking with, but he remembered the BPA was wearing a tactical uniform. BPA [REDACTED] reiterated there was little to no direction. A radio transmission asking HPU to assist TXDPS at the boat ramp was the only direction HPU received. BPA [REDACTED] was unaware who transmitted over the radio or gave the command. The radio transmission was broadcast over tactical channel one or two which he believed was not recorded (Timestamp 0:37:11).

USBP management never gave guidance as to whether or not the migrants under the bridge were in custody (Timestamp 0:37:59). BPA [REDACTED] stated migrants who crossed into the United States illegally are not allowed to cross back into Mexico. BPA [REDACTED] stated HPU received an order over the radio to stop migrants from crossing into the United States (Timestamp 0:38:46). BPA [REDACTED] further explained BPA [REDACTED] asked for guidance over the radio, and he was told to allow approximately thirty migrants that were crossing the river into the United States, but to stop anyone else that attempted to cross (Timestamp 0:39:44). The order came over the radio and BPA [REDACTED] was unsure who gave the order. BPA [REDACTED] assumed it was a USBP manager since BPA [REDACTED] asked for management over the radio. Once HPU allowed the approximately thirty migrants to cross, additional migrants began crossing the river. BPA [REDACTED] asked for guidance two more times, but BPA [REDACTED] and HPU received no response (Timestamp 0:40:30). BPA [REDACTED] stated Carrizo Springs HPU, Del Rio HPU, and TXDPS were the only agencies present at the boat ramp on September 19, 2021. TXDPS and Del Rio HPU were already at the boat ramp when Carrizo Springs HPU arrived.

BPA [REDACTED] stated when they arrived at the boat ramp there were several hundred migrants (Timestamp 0:45:13). BPA [REDACTED] stated he approached the boat ramp, but he felt uncomfortable with the wet concrete, so he decided to stay back. Instead, BPA [REDACTED] directed migrants towards the Del Rio POE.

BPA [REDACTED] was shown Photo 1 and identified the Del Rio POE, Rio Grande River, the boat ramp, and the boundary between the United States and Mexico (Timestamp 0:49:18).

BPA [REDACTED] was shown Video 1 and stated he never witnessed any HPU BPA whip a migrant (Timestamp 0:48:49). BPA [REDACTED] identified BPA [REDACTED] riding the white horse and making derogatory comments (Timestamp 0:54:43). BPA [REDACTED] stated the comments made by BPA [REDACTED] were unprofessional and xenophobic (Timestamp 0:55:14). BPA [REDACTED] was asked if he saw any HPU BPA maneuver their horse in a menacing/threatening way and stated he saw HPU BPAs use their horses to control a crowd that was out of control (Timestamp 0:56:56). The crowd

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was unruly, and a few migrants were not obeying the commands that were being given by HPU.

BPA [REDACTED] stated he never saw any HPU BPA grab a migrant by the shirt, but explained he later saw a video in which a HPU BPA grabs a migrant by the shirt while on horseback. BPA [REDACTED] stated it was common practice to apprehend migrants while on horseback and they receive training on how to properly apprehend migrants in such a manner (Timestamp; 0:59:59). BPA [REDACTED] explained the technique only worked on compliant people.

BPA [REDACTED] stated he did not witness any HPU BPA push a migrant with their horse into the water but saw it in a video (Timestamp 1:03:18). BPA [REDACTED] believed the use of force used by Carrizo Springs HPU on September 19, 2021, was reasonable and within policy (Timestamp 1:03:53). BPA [REDACTED] stated the whole situation was out of control. There were thousands of migrants, and he witnessed some migrants threaten other migrants. BPA [REDACTED] explained in a separate incident he witnessed, there was a female migrant attempting to sell popsicles and she was physically assaulted by male migrants (Timestamp 1:05:35). HPU intervened in the situation (Timestamp 1:05:54). BPA [REDACTED] stated several similar situations occurred during their assignment to Del Rio.

On September 18, 2021, USBP called HPU to assist with a migrant that had been stabbed under the Del Rio POE. BPA [REDACTED] stated they responded and cleared the area. The victim and perpetrator were located. A migrant had used a fork to stab another migrant (Timestamp 1:08:48). BPA [REDACTED] stated BPA [REDACTED] witnessed a migrant cutting cane with a knife. When BPA [REDACTED] asked for the knife, the migrant threw it at him (Timestamp 1:10:19). BPA [REDACTED] did not think the migrant did it intentionally or tried to hurt BPA [REDACTED].

BPA [REDACTED] was shown Photo 2 and identified the HPU BPAs as, BPA [REDACTED], BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED], from left to right (Timestamp 1:12:09).

BPA [REDACTED] stated he witnessed BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED] controlling their horses by spinning their reins (Timestamp 1:13:20). BPA [REDACTED] stated he spun his reins as well to distract and control his horse. BPA [REDACTED] stated it was not a method shown in training, but it was common practice with experienced riders. BPA [REDACTED] stated HPU used split reins (Timestamp 1:16:01), but he was unsure why they used them instead of a closed loop rein. BPA [REDACTED] stated HPU was not issued whips or lariats (Timestamp 1:17:11). Additionally, no one in HPU carried whips or lariats. BPA [REDACTED] agreed that intentionally striking someone with the reins would be considered an intermediate use of force (Timestamp 1:19:02) and while the average person would consider the spinning of the reins a use of force, he did not (Timestamp

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CONTINUATION

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10. NARRATIVE

1:22:22).

BPA [REDACTED] stated he witnessed some migrants that were being resistant and had stances that could be interpreted as assaultive, he witnessed gatherings that looked aggressive, and some individuals that were frustrated due to the lack of water or food (Timestamp 1:26:11). BPA [REDACTED] referred to a picture of BPA [REDACTED] grabbing a migrant by the shirt that he saw on social media and stated the migrant appeared to be attempting to grab the horse's bit. BPA [REDACTED] stated that could be considered deadly force (Timestamp 1:26:46). BPA [REDACTED] stated he was not sure if he still had the picture, but he would look for it and provide it to CBP OPR if he found it.

BPA [REDACTED] was shown Video 2 and was asked if he saw a HPU BPA use his horse to push a migrant back into the water, to which he said "Yes." BPA [REDACTED] stated he witnessed BPA [REDACTED] use his horse to push a migrant back into the water (Timestamp 1:30:45). BPA [REDACTED] stated some HPU BPAs had training with crowd control, but he had not attended that training.

BPA [REDACTED] stated if a horse were to step on an individual it would most likely cause serious injury. BPA [REDACTED] stated he paid close attention when he was around children so to not step on them with the horse. BPA [REDACTED] stated he and several members of the HPU would wave at the children to keep everyone calm because they were outnumbered (Timestamp; 1:33:54).

BPA [REDACTED] stated using a horse to purposely charge someone would be considered intermediate force and could be used against someone who was being assaultive. BPA [REDACTED] was unsure if it was acceptable to use a horse to force a migrant to go back to Mexico (Timestamp 1:37:28). BPA [REDACTED] was under the impression that management wanted HPU to allow migrants to cross the Rio Grande River at their leisure, but then stated, "That is not policy, and that's not what Border Patrol Agents do" (Timestamp 1:37:45). BPA [REDACTED] was asked again if it was permissible to use a horse to send a migrant back to Mexico and stated, "We were giving the direction not to let them enter the United States, so yes".

BPA [REDACTED] was shown Video 2 once again and identified BPA [REDACTED] as the BPA yelling in the video. BPA [REDACTED] stated his knowledge of Spanish was limited, and he was unsure what BPA [REDACTED] was telling the migrants.

BPA [REDACTED] stated he did not know why women and children were being allowed to enter the United States and men were being held back. BPA [REDACTED] further explained that was not the intention, but simply the way it happened (Timestamp 1:43:11). It was hard to control a crowd and HPU focused on the perceived threat. When HPU attempted to control the crowd, the migrants

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went in different directions and HPU felt the males were a bigger threat as opposed to women and children (Timestamp 1:42:25).

BPA [redacted] stated migrants were not being told to return to Mexico (Timestamp 1:44:21). BPA [redacted] stated he did not have the authority to tell someone to go back to Mexico after they have illegally entered the United States. The proper procedure would be to apprehend the migrants and process them for removal. BPA [redacted] stated he was aware the migrants that day were claiming credible fear and seeking asylum (Timestamp 1:47:06). He became aware of this because he spoke with some of the migrants that spoke English.

BPA [redacted] identified BPA [redacted] as the BPA who used derogatory language at the migrants. He clarified he did not witness BPA [redacted] using the derogatory language but saw it on a video (Timestamp 1:49:03). He reaffirmed the language used by BPA [redacted] was unprofessional and discriminatory (Timestamp 1:49:27). BPA [redacted] stated he had never heard BPA [redacted] use discriminatory comments prior to September 19, 2021.

BPA [redacted] shown Photos three and four and identified the BPA in both photos as BPA [redacted]. BPA [redacted] stated BPA [redacted] grabbing of the migrant by the shirt was a use of force, but BPA [redacted] disengaged at a proper time (Timestamp 1:54:59)

BPA [redacted] stated media was present on September 19, 2021, and he was aware they were taking photos and video. BPA [redacted] stated the media crossed the Rio Grande River in violation of United States law (Timestamp 1:56:06).

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**DEPARTMENT OF HOMELAND SECURITY
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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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EXHIBIT - 14

**DEPARTMENT OF HOMELAND SECURITY
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OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|--|---|---|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | 1. CASE NUMBER 202112280 |
| | | PREPARED BY [REDACTED] |
| | | 2. REPORT NUMBER 023 |
| 3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX | | |
| 4. FINAL RESOLUTION | | |
| 5. STATUS Interim Report | 6. TYPE OF REPORT Memo of Interview | 7. RELATED CASES 202112198 |
| 8. TOPIC Interview of BPA [REDACTED] | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Horse Patrol Unit (HPU), Carrizo Springs Texas. The incident occurred at an area known as the "Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE) Del Rio, Texas, which is located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 10, 2021, Special Agent (SA) [REDACTED] and Assistant Special Agent in Charge (ASAC) [REDACTED], CBP OPR Del Rio, conducted a compelled witness interview of BPA [REDACTED]</p> | | |
| 10. CASE OFFICER (Print Name & Title) [REDACTED] CBP OPR Special Agent | 11. COMPLETION DATE 09-DEC-2021 | 14. ORIGIN OFFICE CBP OPR RAC DEL RIO |
| 12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor | 13. APPROVED DATE 09-DEC-2021 | 15. TELEPHONE NUMBER (830) 774-2013 |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

023

10. NARRATIVE

On November 10, 2021, SA [REDACTED] and ASAC [REDACTED] conducted a compelled witness interview of BPA [REDACTED]. The entirety of the interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code: [REDACTED].

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio POE and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] stated he has been on the Carrizo Springs Horse Patrol Unit (HPU) for approximately 2 years and two months. BPA [REDACTED] volunteered for HPU and went through a selection process. After being accepted to the HPU, BPA [REDACTED] attended a 4-week training, including 2 weeks of training in the barn area and 2 weeks of on-the-job training. BPA [REDACTED] stated being on the HPU did not change his responsibilities or authority as a Border Patrol Agent. BPA [REDACTED] stated his prior experience with horses included trail riding in high school.

BPA [REDACTED] was asked to explain the overall situation at the Del Rio POE which led to the assignment of the HPU at the Del Rio POE. BPA [REDACTED] stated there were a lot of people from different countries under the bridge in Del Rio and Del Rio Sector requested HPU to assist. BPA [REDACTED] stated when they arrived, there were approximately 8,000-11,000 people there.

BPA [REDACTED] stated he attended an operational briefing on the morning of September 19, 2021, at the Incident Command Center and could not recall who conducted the briefing. During the briefing, the only instruction provided to HPU was to provide security (Timestamp 16:41). BPA [REDACTED] stated the migrants were not detained so they understood their role as to provide security and keep it safe, referring to the safety of the migrants and agents.

BPA [REDACTED] stated there was no real direction given by USBP management regarding the non-citizens accumulating at the boat ramp. BPA [REDACTED] stated under normal circumstances, migrants would not be allowed to walk back and forth from Mexico. When asked if USBP management asked HPU to stop the flow of migrants from crossing at the boat ramp, BPA [REDACTED] stated someone came over the radio and stated that Texas Department of Public Safety (TXDPS) was requesting assistance to shut down the "Boat Ramp" (Timestamp 20:18). BPA [REDACTED]

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explained that the HPU understood this to mean to not allow any additional crossing at the boat ramp. BPA [REDACTED] stated he believed TXDPS was going to place vehicles across the boat ramp to block access. BPA [REDACTED] stated the radio transmission came over TAC 1 but the person did not use a call sign. BPA [REDACTED] stated he did not know who made this request. BPA [REDACTED] stated when he arrived at the boat ramp, TXDPS and two Del Rio HPU agents were already there. BPA [REDACTED] stated he did not know the names of the TXDPS Troopers or the 2 Del Rio HPU agents. BPA [REDACTED] stated he did not know if TXDPS or USBP management requested the HPU assistance. BPA [REDACTED] stated the Del Rio HPU informed him that TXDPS wanted to shut down the boat ramp and get people back to the POE.

BPA [REDACTED] stated there were a few hundred people at the boat ramp at the time. BPA [REDACTED] stated for approximately 15 minutes, HPU politely requested the migrants exit the water and begin returning to the POE. BPA [REDACTED] stated he followed a large crowd that was moving towards the POE when he heard commotion back at the boat ramp. BPA [REDACTED] stated he was a good distance away when this occurred, but he could see HPU and TXDPS trying to stop people from crossing. BPA [REDACTED] stated he could see people running past the HPU BPAs. BPA [REDACTED] identified BPA [REDACTED], BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED], and unknown TXDPS Troopers as being involved in the incident (Timestamp 31:36). BPA [REDACTED] was shown Photo 1 and asked to identify the U.S., Mexico, the bridge, the boat ramp, firebreak, and the POE. When asked to identify the U.S. and Mexico boundary line, BPA [REDACTED] initially stated in the Rio Grande River or on the U.S. bank. BPA [REDACTED] stated he did not know where the U.S. boundary was.

BPA [REDACTED] was shown Photo 2 and asked to identify the HPU BPAs in the picture. BPA [REDACTED] identified from right to left, BPA [REDACTED], BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED] (Timestamp 36:42).

BPA [REDACTED] stated he did not hit anyone with a whip or see any other BPA do so. BPA [REDACTED] stated he did not make any unprofessional comments and did not hear any BPA do so. BPA [REDACTED] stated he did not order anyone to return to Mexico and did not hear any BPA do so. BPA [REDACTED] stated he did not maneuver his horse in an aggressive way towards any migrants and did not see any BPA do so. BPA [REDACTED] stated he did not use force against any migrants and did not see any BPA do so. BPA [REDACTED] stated he did not grab any migrants by their shirt while on horseback and did not see any BPA do so.

When asked if a HPU BPA was allowed and trained to apprehend while on horseback, BPA [REDACTED] stated yes. BPA [REDACTED] described a horseback apprehension as using the horse to cut off

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the person and then dismounting the horse. BPA [REDACTED] stated they would not normally grab someone while on horseback. BPA [REDACTED] stated this was how they were taught in training and what occurred during their normal duties. BPA [REDACTED] stated he was trained by BPA [REDACTED] and BPA [REDACTED]. BPA [REDACTED] stated he attended one or two quarterly trainings, but the trainings had been stopped due to COVID. BPA [REDACTED] stated the last training he attended was in January 2020. BPA [REDACTED] described the training as desensitizing, where they exposed the horses to noises and objects they might encounter during normal duties (Timestamp 43:19).

BPA [REDACTED] stated he did not come close to trampling a child and did not see any BPA do so. BPA [REDACTED] stated he did not hit his reins on the water and did not see any BPA do so. BPA [REDACTED] stated he did not use his horse to push any migrants into the water and did not see any other BPA do so. BPA [REDACTED] stated he did not hit anyone with his horse and did not see any other BPA do so.

BPA [REDACTED] stated from what he saw and heard, the actions of the HPU on September 19, 2021, were reasonable. BPA [REDACTED] stated after seeing a video in the media, he did not believe the unprofessional comments were reasonable. BPA [REDACTED] stated to his knowledge, there was no imminent threat posed by the migrants at the boat ramp on September 19, 2021. BPA [REDACTED] stated he and other HPU BPAs were concerned that the HPU horses would spook due the items being carried by the migrants (Timestamp 48:10).

BPA [REDACTED] was shown Video 1 and asked to identify the HPU BPA making comments to a migrant. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA [REDACTED] stated he did not hear the comments on the date of the incident. BPA [REDACTED] described the comments as unprofessional. BPA [REDACTED] stated he has never heard BPA [REDACTED] makes comments like that before and says the comments were not common in the HPU. BPA [REDACTED] stated he received training on PALMS for discrimination but did not believe the comments were discriminatory (Timestamp 53:09).

BPA [REDACTED] was shown Video 2 and asked to identify the HPU BPA allowing women and children to pass while stopping men. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA [REDACTED] stated he did not know why BPA [REDACTED] was trying to stop the male subject. BPA [REDACTED] stated they had not received any direction from management to stop men only. BPA [REDACTED] stated prior to watching the video, he had never seen BPA [REDACTED] stop some people while allowing others to make entry. BPA [REDACTED] stated that a BPA did not have the authority to decide who could make entry into the U.S. (Timestamp 1:00:30).

BPA [REDACTED] was shown Video 1 and asked to identify the HPU BPA swinging the reins. BPA [REDACTED]

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██████████ identified the agent as BPA ██████████. BPA ██████████ described swinging of the reins as a maneuver to pressure the horse into turning away. BPA ██████████ stated swinging of the reins was taught in his training class and other HPU agents used this maneuver. BPA ██████████ stated he did not recall if he swung his reins on that date. BPA ██████████ identified the reins as split reins which are used to control the horse. BPA ██████████ stated split reins were utilized to prevent the reins from getting caught while walking through brush. BPA ██████████ stated HPU did not carry or use whips and lariats. BPA ██████████ stated he did not remember ever seeing any HPU with whips or lariats. BPA ██████████ stated if he intentionally or unintentionally hit someone with the reins, he would report it to his supervisor. BPA ██████████ stated the average person would move if reins were being swung near them, to prevent them from being hit. When asked when he could hit someone with the reins, BPA ██████████ stated if someone was trying to grab the reins and get control of his horse. BPA ██████████ stated that swinging the reins could be used to deter people from getting close to the horse (Timestamp 1:03:44).

When asked to describe what level of force it would be to intentionally hit someone with the reins, BPA ██████████ stated it would be considered intermediate force. BPA ██████████ stated that intermediate force was only permissible against an assaultive resistant offender. When asked if he observed any assaultive resistant behavior at the boat ramp on September 19, 2021, BPA ██████████ stated no. BPA ██████████ earlier in the day, there was a report of a female in the crowd with a knife and BORTAC had responded and seized it. BPA ██████████ stated shortly after, he observed a male subject cutting cane with a steak knife and he (BPA ██████████) told the subject that he couldn't have the knife and asked the subject to bring it to him. BPA ██████████ stated the subject tossed the knife towards him and BPA ██████████ got off the horse and retrieved it. BPA ██████████ stated the subject was approximately 25 to 30 yards away and was not aggressive. BPA ██████████ stated he did not report the seizure. BPA ██████████ stated BPA ██████████ and BPA ██████████ were present when this happened. BPA ██████████ stated there were also males in the river who were surrounding women, stealing food, and having verbal arguments. BPA ██████████ stated when this occurred, HPU would ride over and break it up. BPA ██████████ stated he did not recall any agitators at the boat ramp. BPA ██████████ stated some people were upset and tried to get others more upset but could not recall any specific examples. BPA ██████████ believed these people were upset because of the lack of food and due to them being told they weren't going to be allowed to cross back to Mexico. BPA ██████████ stated he did not see any aggressive behavior at the boat ramp, but later stated he did see some pushing amongst the migrants (Timestamp 1:15:29).

BPA ██████████ was shown Video 2 and asked to identify the agents using his horse to force a subject back into the river. BPA ██████████ identified the agent as ██████████. BPA ██████████ stated he (BPA ██████████) never forced anyone into the river. BPA ██████████ stated he had never seen BPA ██████████ or

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any other BPA force anyone into the river (Timestamp 1:30:05).

BPA [REDACTED] stated he never received crowd control training, but he believed some Carrizo Springs HPU agents received it. BPA [REDACTED] stated crowd control is not covered during the basic HPU training. BPA [REDACTED] stated, during his training, they did practice positioning the horses to make a wall, that could be used to push a crowd back.

BPA [REDACTED] stated HPU BPAs should be concerned about the possibility of the horse running over someone. BPA [REDACTED] stated if a horse did run over someone it could cause serious injuries. BPA [REDACTED] stated HPU BPAs were trained to maneuver their horses away from people to prevent injuries. BPA [REDACTED] stated if children were present, senses were heightened, but HPU BPAs were not trained to do anything different. When asked when a HPU BPA would be allowed to hit someone with their horse, BPA [REDACTED] stated they were not allowed to do that. BPA [REDACTED] stated if he intentionally or unintentionally hit someone with his horse, he would report it to his supervisor because it could cause injuries.

When asked if HPU agents were allowed to charge at someone with their horse, BPA [REDACTED] stated no. BPA [REDACTED] stated that charging at someone and forcing them into a body of water could cause injuries. BPA [REDACTED] stated he did not charge at anyone on September 19, 2021 and did not see any other BPA do so. When asked if charging at someone with a horse was a use of force, BPA [REDACTED] stated if he charged at someone with his horse, he would report it to his supervisor. BPA [REDACTED] stated he could not think of a circumstance where a horse could be used to force someone back to Mexico (Timestamp 1:36:33).

BPA [REDACTED] was shown Video 2 and asked to identify the HPU agent using the horse to force a subject back into the river. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA [REDACTED] stated he did not believe BPA [REDACTED] charged towards the subject. BPA [REDACTED] stated he did not witness anyone charging towards subjects. BPA [REDACTED] stated he could not understand what BPA [REDACTED] was saying to the subject. BPA [REDACTED] stated he never heard BPA [REDACTED] or any other BPA tell someone to go back to Mexico. BPA [REDACTED] stated it would not be legal to tell someone to go back to Mexico. When asked if migrants from countries other than Mexico were processed the same, BPA [REDACTED] stated yes. BPA [REDACTED] stated there may be some differences because some migrants receive an expedited removal under Title 42. BPA [REDACTED] described credible fear as a person fearing to return to his or her country due to persecution or harassment. BPA [REDACTED] stated if a credible fear was determined, the migrants would be provided documentation to remain in the U.S. When asked if he was aware that the migrants were claiming credible fear and applying for asylum, BPA [REDACTED] stated he wasn't specifically told that, but he was aware that

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CONTINUATION**10. NARRATIVE**

previous crossers in Del Rio were claiming credible fear (Timestamp 1:53:07).

BPA [REDACTED] was shown Photo 4 and asked to identify the HPU BPA on the horse. BPA [REDACTED] identified the agent as BPA [REDACTED] (Timestamp 2:00:21).

BPA [REDACTED] was shown Photo 3 and asked to identify the HPU BPA grabbing a migrant by the shirt. BPA [REDACTED] identified the agent as BPA [REDACTED]. BPA [REDACTED] stated he has never seen BPA [REDACTED] or any other HPU BPA grab someone by the shirt to prevent them from making entry into the U.S. BPA [REDACTED] stated he did not grab anyone by the shirt. BPA [REDACTED] stated HPU training taught to hold the person until someone dismounted and took them into custody. BPA [REDACTED] did not believe grabbing someone by the shirt constitutes a use of force (Timestamp 2:00:32).

BPA [REDACTED] stated he did observe media at the boat ramp on September 19, 2021. BPA [REDACTED] stated he did not hear what the media was telling the migrants. BPA [REDACTED] stated the media crossed from Mexico, but he didn't see them cross. BPA [REDACTED] stated he did not hear anyone tell the media to return to Mexico. BPA [REDACTED] stated he did not see anyone return to Mexico due to the actions of the HPU or any other BPA.

BPA [REDACTED] stated he was not aware of anyone recording at the boat ramp other than the media.

BPA [REDACTED] stated before and during the incident, BPA [REDACTED] made multiple requests over the radio for a decision if they were shutting down the boat ramp. BPA [REDACTED] stated BPA [REDACTED] did not receive a response.

BPA [REDACTED] stated after the incident occurred, Carrizo Springs HPU decided to move away from the boat ramp. BPA [REDACTED] stated the decision was not made by anyone. BPA [REDACTED] stated someone called SBPA [REDACTED] after the incident, but he did not know who it was. BPA [REDACTED] stated the Carrizo Springs HPU debriefed under the bridge with SBPA [REDACTED] and expressed their concerns about not having backup or supervision (Timestamp 2:19:25).

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**REPORT OF INVESTIGATION
Exhibit List**

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PREPARED BY

[REDACTED]

2. REPORT NUMBER

023

None


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 15

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|---|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 038</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED] - [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Station Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp," approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On February 9, 2022, Special Agent (SA) [REDACTED] and SA [REDACTED] conducted a compelled interview with Border Patrol Agent (BPA) [REDACTED]. The interview was video and audio recorded with StarWitness equipment and uniquely identified by Authentication Code [REDACTED].</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-APR-2022</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>13. APPROVED DATE 09-APR-2022</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

[REDACTED]

2. REPORT NUMBER

038

10. NARRATIVE

On February 9, 2022, SA [REDACTED] and SA [REDACTED] conducted a compelled interview with BPA [REDACTED]. The interview was video and audio recorded with StarWitness equipment and uniquely identified by Authentication Code [REDACTED] (Attachment 1).

BPA [REDACTED] was advised to only answer the questions in the interview based on his personal knowledge, not what he may have seen on television or social media, unless he was specifically asked what he had seen on television or social media.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview (Attachment 2). The PowerPoint contains videos and photographs of the area near the Del Rio POE and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2 and Video 3. The photographs are labeled Photo 1, Photo 2, Photo 3, Photo 4 and Photo 5.

BPA [REDACTED] stated to prepare for this interview he had spoken to his union representative attorney, [REDACTED]. BPA [REDACTED] stated he has not spoken with any other CBP employees regarding this incident.

BPA [REDACTED] stated there is a HPU text message group but does not remember if there are any text messages related to this incident. BPA [REDACTED] stated the text messages he has with the HPU group is on his personal phone, but he would not be willing to look through those messages to see if there are any text related to this incident. SA [REDACTED] advised BPA [REDACTED] to preserve any of the text messages he may find on his phone (Timestamp 4:44).

BPA [REDACTED] stated he was not asked to prepare a memorandum related to the HPU activities at the Del Rio POE on September 19, 2021.

BPA [REDACTED] stated he did not record anything on his cellular phone on the day of the incident.

BPA [REDACTED] stated he has been employed with the USBP since 2007 and is currently a BPA assigned to the HPU. BPA [REDACTED] stated his first rotation with the HPU started in 2016 or 2017 and lasted three years. BPA [REDACTED] stated after six months he started his second rotation on the HPU. BPA [REDACTED] stated he volunteered for the HPU.

BPA [REDACTED] advised for his first rotation on the HPU, the selection process included riding a horse

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION CONTINUATION

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PREPARED BY

[Redacted]

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under the instruction of a wrangler who assessed the BPA on his riding skills. BPA [Redacted] stated the selection process also included an interview and memorandum requesting to join the HPU. BPA [Redacted] advised on his second rotation he was already nationally certified for the HPU, therefore he only had to write a memorandum requesting selection to the HPU and conduct another riding assessment under the instruction of a wrangler.

BPA [Redacted] stated being assigned to the HPU adds responsibilities to a BPA but does not change a BPAs authority.

BPA [Redacted] stated when he was initially selected to the HPU he attended a two-week training where he learned about horses, the equipment and how to guide a horse by using reins. BPA [Redacted] stated there is also quarterly training that is supposed to be conducted. BPA [Redacted] stated the quarterly training covers desensitizing a horse. BPA [Redacted] advised the quarterly training is an eight-hour block of training. BPA [Redacted] stated he could not recall the last time he attended quarterly training. BPA [Redacted] stated the training has not taken place because the Carrizo Springs Station is short staffed and HPU BPAs are assigned other responsibilities such as processing migrants. BPA [Redacted] stated he attended quarterly training last year, but not all of them. BPA [Redacted] stated the quarterly training is mandated by policy (Timestamp 9:30).

BPA [Redacted] stated in 2017 or 2018, he attended a one-day crowd control training at the Carrizo Springs Station, given by Supervisory BPA (SBPA) [Redacted] BPA [Redacted] stated the training included learning formations and how to engage crowds. BPA [Redacted] stated he did not remember getting a certificate indicating he was certified in crowd control on horseback (Timestamp 12:35).

BPA [Redacted] stated prior to September 19, 2021, the HPU was not active in the field because the HPU had been tasked with processing migrants. BPA [Redacted] stated HPU BPAs were assigned to processing in early June of 2021. (Timestamp 15:30)

BPA [Redacted] stated he believed when a horse was not ridden for a couple of months their attitude and personality can change. BPA [Redacted] stated he felt like a horse became stressed more easily and spooked easier after not being ridden. BPA [Redacted] stated when he started riding his HPU horse, he noticed the horse was more "skittish" (Timestamp 18:33).

BPA [Redacted] stated during the time HPU BPAs were assigned to processing migrants he had contact with his horse mainly when feeding it.

BPA [Redacted] stated the HPU was a force multiplier by assisting BPAs with tracking migrants. BPA

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REPORT OF INVESTIGATION
CONTINUATION

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PREPARED BY

GUTIERREZ, ERVEY

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10. NARRATIVE

█████ stated the HPU worked as a unit when tracking versus one or two BPAs tracking. BPA █████ stated horses can track longer distances and work harder and longer in adverse conditions (Timestamp 21:15).

BPA █████ stated he knew there was an influx of migrants and thousands of migrants at the Del Rio POE, but because he was from a different station, he did not know much about what was transpiring at the Del Rio POE. BPA █████ stated social media was showing and stating it was "out of control" at the Del Rio POE. BPA █████ stated he was unaware of what USBP was doing operationally at the Del Rio POE during this migrant influx (Timestamp 24:24).

BPA █████ stated he was assigned to the Del Rio POE starting, September 19, 2021. BPA █████ stated he did not know how long the HPU was going to be assigned to the Del Rio POE. Additionally, the HPU BPAs was not given any details about going to the Del Rio POE. BPA █████ believed he arrived at the Del Rio POE between 9:30 am and 10:00 am on September 19, 2021 (Timestamp 25:45).

BPA █████ advised SBPA █████ █████ and SBPA █████ █████ ordered the HPU to the Del Rio POE. BPA █████ stated SBPA █████ advised him the HPU's purpose at the Del Rio POE was to create a presence and assist if the HPU was called upon. BPA █████ stated there was nothing specific the HPU was tasked to do. BPA █████ stated he was not provided with an operations plan related to the HPU at the Del Rio POE. BPA █████ stated these were the only directives given to the HPU (Timestamp 27:58)

BPA █████ stated he knew there were allegations made about BPAs whipping migrants with a whip.

BPA █████ stated on September 19, 2021, SBPA █████ was his supervisor and SBPA █████ was at the Del Rio POE (Timestamp 30:58).

BPA █████ stated he was not provided any instructions by USBP management regarding the migrants who were crossing and accumulating at the boat ramp. BPA █████ stated USBP management did not speak about the boat ramp (Timestamp 31:08).

BPA █████ stated he went to the boat ramp but did not make it to the water's edge. BPA █████ stated when he tried to go down the boat ramp, his horse was not comfortable stepping on the boat ramp surface and backed up quickly. BPA █████ stated as a safety precaution and since he had not ridden the horse in weeks, he did not try to force his horse down the boat ramp. BPA

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PREPARED BY

[REDACTED]

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10. NARRATIVE

[REDACTED] stated prior to September 19, 2021, he did not believe he had ridden his horse since June of 2021. BPA [REDACTED] described the boat ramp surface as uneven tiles or pavers made of concrete (Timestamp 32:22).

BPA [REDACTED] stated he did not remember any conversation with USBP management regarding whether the migrants under the Del Rio POE were in custody. BPA [REDACTED] stated he assumed they were in custody because the migrants were not free to continue toward Del Rio. BPA [REDACTED] described the area under the Del Rio POE was the size of a football field and a half, with concrete barriers and some fencing. BPA [REDACTED] stated migrants were located between these barriers but were free to move around inside of the barriers. BPA [REDACTED] stated there were BPAs all around this area and that was why the migrants were not free to leave (Timestamp 34:37).

BPA [REDACTED] stated between the Del Rio POE and the Rio Grande River there were migrants walking everywhere. BPA [REDACTED] stated migrants were walking back and forth between the U.S. and Mexico. BPA [REDACTED] stated the migrants at the boat ramp were walking and moving freely. BPA [REDACTED] stated he had never seen migrants, who were in custody, travel back and forth between the U.S. and Mexico (Timestamp 36:56).

BPA [REDACTED] stated he did not recall USBP management asking the HPU to stop the migrants from entering the U.S. at the boat ramp (Timestamp 41:35).

BPA [REDACTED] stated he did not recall USBP management asking the HPU to make sure the migrants crossing at the boat ramp continued walking toward the Del Rio POE and in other directions (Timestamp 42:00).

BPA [REDACTED] recalled seeing Texas Department of Public Safety (TXDPS) troopers and sheriff deputies at the boat ramp but did not know what agency arrived first.

BPA [REDACTED] stated he did not remember TXDPS troopers asking for assistance at the boat ramp (Timestamp 43:08).

BPA [REDACTED] recalled there was going to be an operation with USBP and TXDPS at the boat ramp at 2:00 pm on September 19, 2021. BPA [REDACTED] recalled there was a weir dam upriver from the boat ramp that had been a major migrant crossing point, but it had been "shut down". BPA [REDACTED] stated what was circulating amongst the BPAs was they (TXDPS) wanted to shut down the boat ramp. BPA [REDACTED] continued, saying he believed it was a directive given by SBPA [REDACTED] to "be on standby at 2:00". BPA [REDACTED] stated there was not a muster or operations plan related to the

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operation at the boat ramp (Timestamp 43:25).

BPA [REDACTED] stated he was eating lunch, prior to 2:00 pm, when there was a request for the HPU to respond to the boat ramp. BPA [REDACTED] stated he believed the operation was commencing so he mounted his horse and headed to the boat ramp area. BPA [REDACTED] stated he was unaware who requested the HPU to respond to the boat ramp. BPA [REDACTED] stated he did not recognize the voice and the person did not use a call sign to identify themselves. BPA [REDACTED] advised the call was on a " [REDACTED] channel, and therefore the call did not go through a repeater and was not recorded. BPA [REDACTED] stated he was unaware if TXDPS was able to communicate on USBP radio channels. BPA [REDACTED] stated BPAs use a call sign when transmitting on a radio and it would be abnormal for a BPA not to use one (Timestamp 45:10).

BPA [REDACTED] stated he did not have direct communication with SBPA [REDACTED] but other BPAs did and in passing the other BPAs would mention an operation at 2:00 pm. BPA [REDACTED] stated this was not how operations were generally organized but assumed before the operation there would have been a muster. BPA [REDACTED] stated he did not recall any discussion amongst HPU BPAs about the operation (Timestamp 48:39).

BPA [REDACTED] recalled that when he responded to the call for assistance, migrants were walking away from the boat ramp and HPU BPAs were directing migrants toward the Del Rio POE. BPA [REDACTED] stated he did not go to the boat ramp but stopped and assisted in directing migrants toward the Del Rio POE. BPA [REDACTED] stated he assumed there was not an emergency when the call came out. (Timestamp 50:25)

BPA [REDACTED] was shown Photo 1 from the PowerPoint and provided a copy of Photo 1, an aerial photograph of the Del Rio POE area. BPA [REDACTED] identified the Del Rio POE, the Rio Grande River, and the boat ramp.

BPA [REDACTED] stated he understood the international boundary between the U.S. and Mexico to be the middle of the Rio Grande River. BPA [REDACTED] stated he had never had any training related to where the international boundary was located. BPA [REDACTED] agreed a migrant had made entry into the U.S. once they had crossed the international boundary, even if standing in the Rio Grande River (Timestamp 56:04).

BPA [REDACTED] stated he did not hit any migrants with reins or a whip, nor did he witness any HPU BPA do so. (Timestamp 59:07)

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PREPARED BY

[REDACTED]

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10. NARRATIVE

BPA [REDACTED] stated he did not make any unprofessional comments toward migrants, nor did he hear any HPU BPA do so. (Timestamp 59:17)

BPA [REDACTED] stated he did not order any migrants to return to Mexico, nor did he witness any HPU BPA doing so. (Timestamp 59:27)

BPA [REDACTED] stated he did not maneuver his horse in an aggressive manner toward any migrants, nor did he witness any HPU BPA do so. (Timestamp 59:36)

BPA [REDACTED] stated he did not use force against any migrants, nor did he witness any HPU BPA do so. (Timestamp 59:46)

BPA [REDACTED] stated he did not grab any migrants by the shirt, nor did he witness any HPU BPA do so. BPA [REDACTED] stated he did not recall if there was a policy regarding HPU BPAs making arrest while on horseback. BPA [REDACTED] stated it was common for HPU BPAs to give verbal commands to migrants then dismount from their horse before making an arrest. (Timestamp 59:54)

BPA [REDACTED] stated he did not come close to trampling a child with his horse, nor did he witness any HPU BPA do so. (Timestamp 1:01:03)

BPA [REDACTED] stated he did not hit the water with his reins or a lariat, nor did he witness any HPU BPA do so. (Timestamp 1:01:20)

BPA [REDACTED] stated he did not use his horse to push any migrants back into the water, nor did he witness any HPU BPA do so. (Timestamp 1:01:31)

BPA [REDACTED] stated he did not hit any migrants, intentionally or unintentionally, with his horse. BPA [REDACTED] stated he did not witness any horse contact any migrants. (Timestamp 1:01:38)

BPA [REDACTED] stated what he witnessed on September 19, 2021, the HPU BPAs used a reasonable amount of force. (Timestamp 1:01:51)

BPA [REDACTED] stated the migrants were not an imminent threat. (Timestamp 1:02:24)

BPA [REDACTED] advised he did not witness the incident that took place at the boat ramp but had seen videos and images in the media. BPA [REDACTED] stated he was directing migrants in the firebreak area above the boat ramp and could not see the bottom of the boat ramp area (Timestamp 1:02:50).

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10. NARRATIVE

BPA [REDACTED] was shown Photo 2 on the PowerPoint which contained four HPU BPAs on horseback at the boat ramp on September 19, 2021. BPA [REDACTED] identified the HPU BPAs from left to right as; BPA [REDACTED] riding Danny (far left), BPA [REDACTED] riding Winchester (second from left), BPA [REDACTED] (third from left) unknown horse, and BPA [REDACTED] [REDACTED] unknown horse (far right) (Timestamp 1:03:56).

BPA [REDACTED] was shown Video 1 from the PowerPoint. BPA [REDACTED] stated he had not seen this video prior to the interview. BPA [REDACTED] identified BPA [REDACTED] on the video, riding a white horse and yelling at migrants. BPA [REDACTED] stated he did not hear BPA [REDACTED] yelling at migrants on September 19, 2021. BPA [REDACTED] stated on Video 1, he could hear BPA [REDACTED] say, "this is why your country is shit because you use your women". BPA [REDACTED] advised he recognized BPA [REDACTED] voice on Video 1 (Timestamp 1:11:00).

BPA [REDACTED] stated prior to this incident he had not heard BPA [REDACTED] make any derogatory comments, nor any HPU BPAs make derogatory comments. BPA [REDACTED] stated this behavior was not common for HPU BPAs and should not be common for any BPA. BPA [REDACTED] stated CBP had a standard of conduct that addressed professionalism and did not believe the comments made by BPA [REDACTED] were professional. BPA [REDACTED] stated BPAs were held at a higher standard and believed the comments were unprofessional because of cursing and referring to the migrant's country as a "shithole" (Timestamp 1:12:39).

BPA [REDACTED] stated CBP provided training related to prohibiting discrimination against people based on sex, race and national origin. BPA [REDACTED] stated the comment made by BPA [REDACTED] could be seen as discriminatory, noting BPA [REDACTED] did not say anything about race but spoke his "opinion" about a country. BPA [REDACTED] agreed he can see how the comment could be viewed as discriminatory (Timestamp 1:13:35).

BPA [REDACTED] was shown Video 1 from the PowerPoint. BPA [REDACTED] agreed the video showed a group of migrants consisting of women, children and one male on the boat ramp. BPA [REDACTED] agreed the video showed that the women and children were allowed to walk up the boat ramp while HPU BPAs concentrated on the male migrant to divert him back to the water. BPA [REDACTED] stated he did not know why BPAs would try to stop a male migrant while letting women and child migrants pass by (Timestamp 1:16:55).

BPA [REDACTED] stated there was no directive from Department of Homeland Security (DHS) or USBP management regarding allowing some migrants to enter the U.S. versus others (Timestamp 1:19:03).

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10. NARRATIVE

BPA [REDACTED] stated as a BPA, he did not have the authority to decide who could come into the U.S. (Timestamp 1:19:30).

BPA [REDACTED] was shown Video 1 from the PowerPoint. BPA [REDACTED] identified BPA [REDACTED] in the video as the BPA riding a brown horse and twirling his reins. BPA [REDACTED] stated the HPU only used split reins. BPA [REDACTED] stated he was unaware if BPA [REDACTED] twirled his reins in this manner normally. BPA [REDACTED] stated he had seen other HPU BPAs twirl their reins to deter their horse from eating. BPA [REDACTED] stated these BPAs advised him twirling the reins was a type of pressure. BPA [REDACTED] stated horses work off pressure, therefore if you wanted a horse to do something you had to apply a type of pressure. BPA [REDACTED] advised he personally used his reins or legs as pressure. BPA [REDACTED] stated to turn a horse left, you would pull the reins to the left and apply leg pressure on the horse's left side (Timestamp 1:20:10).

BPA [REDACTED] stated in Video 1 when BPA [REDACTED] twirled his reins on the right side of the horse's head, the horse moved to the left. BPA [REDACTED] stated he did not know if BPA [REDACTED] was using the reins as a type of pressure (Timestamp 1:23:05).

BPA [REDACTED] believed split reins were used for safety because split reins were made of two leather straps that were not connected; therefore, a horse will not get the reins hung on obstacles. BPA [REDACTED] could not recall if there was a policy that only split reins would be utilized by the HPU but stated only split reins were issued to HPU BPAs. BPA [REDACTED] stated all reins lengths were different and believed there was approximately three to four feet of extra leather on his split reins. BPA [REDACTED] stated all the HPU horse tac was issued to the BPA, and HPU BPAs were not allowed to use any other horse tac (Timestamp 1:24:17).

BPA [REDACTED] stated he did not twirl his reins in the same manner as BPA [REDACTED] on September 19, 2021 (Timestamp 1:26:21).

BPA [REDACTED] advised reins were used to control a horse. BPA [REDACTED] stated he did not know what a lariat was. BPA [REDACTED] stated the HPU BPAs did not have whips nor were the BPAs issued whips. BPA [REDACTED] stated there was a whip that was used during training. BPA [REDACTED] described this whip as being as long as a broom, made of braided nylon with a loose leather end that is about a foot long. BPA [REDACTED] stated this whip was stiff but bendable. BPA [REDACTED] stated this whip was not carried by HPU BPAs in the field. BPA [REDACTED] stated he had never seen a HPU BPA carry a whip in the field, nor had he seen an HPU BPA carry a whip on September 19, 2021 (Timestamp 1:26:28).

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SA [REDACTED] advised BPA [REDACTED] that a lariat was the same as a roping rope. BPA [REDACTED] stated HPU BPAs did not carry nor were they issued lariats. BPA [REDACTED] stated he had never seen a HPU BPA carry a lariat in the field, nor had he seen any HPU BPA carrying a lariat on September 19, 2021 (Timestamp 1:29:02).

BPA [REDACTED] stated BPA [REDACTED] was not the HPU BPA he recalled using split reins to deter his horse from eating. BPA [REDACTED] stated he did not recall ever seeing BPA [REDACTED] twirl his reins like in Video 1 (Timestamp 1:29:40).

BPA [REDACTED] could not recall any HPU training that covers twirling split reins. BPA [REDACTED] stated HPU BPAs were trained to use the split reins a certain way. BPA [REDACTED] described using the reins to give the horse enough slack so it can move its head, holding the reins low, and how to pull back on the split reins to stop a horse. BPA [REDACTED] agreed the training gave a general overview of how to hold the split reins, how much tension to apply, and how much slack to have on the split reins to the bit (in the horse's mouth) (Timestamp 1:31:15).

BPA [REDACTED] stated he was unsure if hitting someone intentionally or unintentionally with reins would be considered a use of force but advised it would be reportable. BPA [REDACTED] stated if deadly force was used with the reins, it would be considered a use of force and reportable (Timestamp 1:33:52).

When SA [REDACTED] asked, "if you swing the reins at someone and miss, would it be a use of force?", BPA [REDACTED] replied, "again we are not supposed to do that with the reins". BPA [REDACTED] agreed if a HPU BPA intended to use reins to hit someone it would be a use of force (Timestamp 1:36:21).

BPA [REDACTED] believed if reins were being swung at someone their reaction would be to move back. BPA [REDACTED] stated if reins were used to hit someone it would be an intermediate use of force. BPA [REDACTED] stated to distinguish between what level of force using reins to hit someone was hard because it was not something they would do. BPA [REDACTED] stated the use of intermediate force is permissible if a migrant is being assaultive toward someone. BPA [REDACTED] stated he did not witness any migrants displaying assaultive resistant behavior on September 19, 2021. BPA [REDACTED] stated he did not see any migrants being resistant toward BPAs on September 1, 2021 (Timestamp 1:36:53).

In Video 1, BPA [REDACTED] stated he believed BPA [REDACTED] was using his horse to deter migrants from making landfall. BPA [REDACTED] stated he did not use his horse to force any migrants into the river.

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PREPARED BY

[REDACTED]

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BPA [REDACTED] stated prior to this incident he had never seen BPA [REDACTED] use his horse to force a migrant back to the river. BPA [REDACTED] stated being assigned to the Carrizo Springs Station they do not work any part of the Rio Grande River. BPA [REDACTED] stated he has never seen a HPU BPA use their horse to force a migrant into the river (Timestamp 1:41:16).

BPA [REDACTED] stated he has only attended one crowd control training while assigned to the HPU. BPA [REDACTED] advised there is not a standard for HPU BPAs to attend crowd control training and does not recall if any of the other HPU BPAs have attended crowd control training (Timestamp 1:45:24).

BPA [REDACTED] stated a HPU BPA needs to be cognizant not to run over people with their horse. BPA [REDACTED] agreed that due to the pavers on the boat ramp, the area being wet, and the horses having metal shoes, the boat ramp could be slippery for a horse. BPA [REDACTED] stated personally he would not be comfortable getting too close to the water or maneuvering his horse like BPA [REDACTED] did on the boat ramp. BPA [REDACTED] further explained each HPU BPA had a different level of experience and comfort with his horse. BPA [REDACTED] was unaware what horse BPA [REDACTED] was riding in Video 1 and unaware if BPA [REDACTED] had been riding the horse prior to September 19, 2021 (Timestamp 1:45:58).

BPA [REDACTED] stated if someone was trampled or run over by a horse it could result in serious bodily injury. BPA [REDACTED] could not recall if he has received any training to prevent injuries to people while on horseback. BPA [REDACTED] stated he is very safe when he is riding and therefore, he would not ride any different if there were children present. BPA [REDACTED] stated he does not know if he would be using his horse as BPA [REDACTED] did because he does not know how "they even got into that situation". BPA [REDACTED] stated regardless of being around men, women or children he tries to be as safe as possible (Timestamp 1:48:00).

BPA [REDACTED] stated when riding horses all factors need to be considered, including environmental factors, such as in this case, the wet slippery surface of the boat ramp. BPA [REDACTED] stated taking the boat ramp situation, he would not be comfortable maneuvering his horse the way BPA [REDACTED] did, but he cannot say how comfortable BPA [REDACTED] was (Timestamp 1:52:00).

BPA [REDACTED] stated in a deadly force situation a horse could be used to run over someone. BPA [REDACTED] stated there was no specific training or policy related to using a horse in deadly for situation, but in a deadly force situation a BPA could use whatever means, including a horse. BPA [REDACTED] stated if a BPA intentionally used a horse to hit someone it would be a use of force and reportable. BPA [REDACTED] stated HPU BPAs could not use their horses to charge at someone and there is no training related to charging someone. BPA [REDACTED] stated charging someone and forcing them into a

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body of water could cause injury. BPA [REDACTED] stated charging someone on a horse would be considered a use of force. BPA [REDACTED] stated "chasing" or "cutting" might be perceived as charging but was not the same (Timestamp 1:53:14).

BPA [REDACTED] stated, as viewed in Video 1, the maneuvers looked like the HPU BPAs were cutting but not charging. BPA [REDACTED] stated it looked like BPA [REDACTED] was using "cutting tactics," to deter migrants at the boat ramp. BPA [REDACTED] stated the HPU BPAs were trained to cut off, or get ahead of, someone who absconded from them in the field, but he did not recall training using cutting movements (Timestamp 2:00:51).

When asked under what circumstances a horse could be used to force a migrant to return to Mexico, BPA [REDACTED] replied he has never covered anything "of that sort" (Timestamp 2:03:50).

BPA [REDACTED] was then asked, as a BPA and with his knowledge of immigration law, under what circumstances can anything be used to return a migrant to Mexico. BPA [REDACTED] stated when he worked at a river station, USBP management advised that deterring was part of the USBP mission. BPA [REDACTED] further advised, when he was stationed in Eagle Pass, TX, USBP management would say "a turn back is as good as an ap (apprehension)". BPA [REDACTED] advised deterrence was encouraged. BPA [REDACTED] stated deterrence included sitting at the river with lights and sirens running so migrants would go back and not make entry (Timestamp 2:04:05).

BPA [REDACTED] stated a horse could be used to show presence to encourage migrants to return to Mexico. BPA [REDACTED] was asked about the migrant in Video 1 who was in the U.S. and was walking up the boat ramp. BPA [REDACTED] stated he would have dismounted his horse and arrested the migrant. BPA [REDACTED] stated he was unaware of any policy addressing the use of a horse to return migrants to Mexico (Timestamp 2:05:23).

BPA [REDACTED] was shown Video 2 from the PowerPoint.

BPA [REDACTED] stated at the end of the video BPA [REDACTED] says "Mexico". BPA [REDACTED] stated BPA [REDACTED] points to Mexico. BPA [REDACTED] stated he has never heard BPA [REDACTED] tell a migrant to return to Mexico. BPA [REDACTED] stated he had never told a migrant to return to Mexico nor had he heard a HPU BPA tell a migrant to return to Mexico (Timestamp 2:07:50).

BPA [REDACTED] stated he did not know if it was legal for a BPA to return a migrant to Mexico immediately after entering the U.S. at the Rio Grande River. BPA [REDACTED] stated in this situation he would arrest a migrant and the migrant would be processed. BPA [REDACTED] stated he had never been

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10. NARRATIVE

directed to return migrants to Mexico once they have entered the U.S. (Timestamp 2:10:39).

BPA [REDACTED] stated migrants from countries other than Mexico cannot be returned to Mexico, but the prior administration (Presidential) did return migrants to Mexico, who were not citizens of Mexico (Timestamp 2:13:08).

BPA [REDACTED] stated credible fear was when a migrant fear returning to their country due to fearing for their life, political issues in their country, lack of employment and gangs. BPA [REDACTED] stated "asylum" was political asylum, meaning the migrant feared returning to their country due to reprisal from their government. BPA [REDACTED] stated to his knowledge migrants at the Del Rio POE on September 19, 2021, were not claiming to have a credible fear or seeking asylum (Timestamp 2:13:56).

BPA [REDACTED] was shown Photo 5 from the PowerPoint.

BPA [REDACTED] identified the HPU BPA in the photo as BPA [REDACTED] BPA [REDACTED] stated it appeared BPA [REDACTED] was pointing toward Mexico. BPA [REDACTED] assumed BPA [REDACTED] could only be pointing to tell the migrants to go back to Mexico like BPA [REDACTED] (Timestamp 2:15:45).

BPA [REDACTED] advised he remembered two TXDPS troopers being present at the boat ramp on September 19, 2021 (Timestamp 2:16:31).

BPA [REDACTED] was shown Photo 3 and Photo 4 from the PowerPoint.

BPA [REDACTED] identified the HPU BPA in the photos as BPA [REDACTED] BPA [REDACTED] stated prior to this photo he had never seen BPA [REDACTED] grab a migrant by the shirt while on horseback. BPA [REDACTED] stated he had never seen a HPU BPA grab a migrant by the shirt. BPA [REDACTED] stated he did not grab anyone by the shirt while on horseback (Timestamp 2:16:59).

BPA [REDACTED] stated the HPU BPAs were trained to apprehend while on horseback, stating the training advised to refer to the use of force procedures. BPA [REDACTED] stated HPU BPAs did not practice apprehending from horseback. BPA [REDACTED] stated he was unaware if there was a policy regarding dismounting a horse prior to making an arrest (Timestamp 2:18:41).

BPA [REDACTED] stated he would not consider grabbing someone by the shirt as a use of force (Timestamp 2:20:49).

BPA [REDACTED] was shown Video 3 from the PowerPoint.

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PREPARED BY

[REDACTED]

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10. NARRATIVE

BPA [REDACTED] recalled there were more migrants on the road that lead from the Del Rio POE to the boat ramp than what can be seen in Video 3. BPA [REDACTED] stated there were more migrants walking in the firebreak area and between the road and firebreak. BPA [REDACTED] stated the migrants in Video 3 were walking toward the Del Rio POE (Timestamp 2:21:46).

BPA [REDACTED] stated there were migrants "camping" down river of the boat ramp in the opposite direction of the Del Rio POE. BPA [REDACTED] stated on September 19, 2021, or September 20, 2021, SBPAs [REDACTED] and [REDACTED] advised the HPU BPAs to move those migrants closer to the Del Rio POE. BPA [REDACTED] stated BPAs asked those migrants to move closer to the Del Rio POE, and they complied. BPA [REDACTED] stated he was unaware if the movement of these migrants was part of the operation that was supposed to take place on September 19, 2021 (Timestamp 2:23:11).

BPA [REDACTED] stated when he arrived at the boat ramp area, BPA [REDACTED] was requesting, via radio, whether to let the migrants make entry or to stop them at the boat ramp. BPA [REDACTED] stated there was a long pause on the radio until someone responded to let the migrants enter. BPA [REDACTED] stated he did not recognize the voice of the person who responded to let the migrants in nor was there a call sign give on the radio. BPA [REDACTED] assumed the response to let the migrants make entry ended the incident at the boat ramp (Timestamp 2:26:41).

BPA [REDACTED] stated he was unaware why this incident began or why the HPU BPAs were at the bottom of the boat ramp. BPA [REDACTED] assumed this incident started when he was eating lunch on the opposite side of the Del Rio POE from the boat ramp (Timestamp 2:30:05).

BPA [REDACTED] did not know how BPA [REDACTED] carried his hand-held radio (Timestamp 2:33:23).

BPA [REDACTED] stated he was unaware why HPU BPAs started to clear the boat ramp. BPA [REDACTED] stated he was unaware how long the incident lasted (Timestamp 2:35:28).

BPA [REDACTED] stated he saw media standing in the Rio Grande River when he was heading toward the boat ramp area after the call for assistance was made. BPA [REDACTED] assumed the media was taking video and photos. BPA [REDACTED] did not see the media speaking to the migrants (Timestamp 2:37:13).

BPA [REDACTED] stated if the international boundary between the U.S. and Mexico was the middle of the Rio Grande River then the media made an illegal entry into the U.S. BPA [REDACTED] stated he did not speak to the media, nor did he advise them to return to Mexico and make entry at a designated port of entry (Timestamp 2:38:08).

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**REPORT OF INVESTIGATION
Exhibit List**

1. CASE NUMBER

202112280

PREPARED BY

[REDACTED]

2. REPORT NUMBER

038

None


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 16

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|---|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 019</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of Horse Patrol Unit Border Patrol Agent [REDACTED], Carrizo Springs, Texas</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Station, Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas, which is located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 9, 2021, ASAC [REDACTED], CBP OPR Houston, and SA [REDACTED] CBP OPR Del Rio, conducted a compelled interview of Carrizo Spring HPU BPA [REDACTED]. Union Representative [REDACTED], San Diego, California, was present during the interview.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-DEC-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 09-DEC-2021</p> | <p>15. TELEPHONE NUMBER [REDACTED]</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

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On November 9, 2021, ASAC [REDACTED], CBP OPR Houston, and SA [REDACTED], CBP OPR Del Rio, conducted a compelled interview of Carrizo Spring HPU BPA [REDACTED]. The interview was audio and video recorded using the StarWitness and uniquely identified by Authentication Code: [REDACTED]. At the request of BPA [REDACTED], Union Representative [REDACTED], San Diego, California, was present during the interview.

Prior to the interview, BPA [REDACTED] was provided with his Warning and Assurances to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation. On November 4, 2021, BPA [REDACTED] was provided with and signed the Warning and Assurances to Employee Requested to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation when he was served with the form titled Your Required Appearance and Sworn Testimony. The form titled Your Required Appearance and Sworn Testimony signed by BPA [REDACTED] is attached. At the beginning of the interview, BPA [REDACTED] reviewed copies of the Warnings and Assurance to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation, which he previously signed. After reviewing these forms, BPA [REDACTED] identified his signature on the documents and again signed and dated the forms indicating he understood them. BPA [REDACTED] was placed under oath prior to the interview.

On March 30, 2009, BPA [REDACTED] entered on duty with the USBP and is currently assigned to the Southern Corridor HPU in Carrizo Springs based out of the Carrizo Springs Border Patrol Station. BPA [REDACTED] clarified that the HPU in Carrizo Springs used to be a specialized unit run by Station management. However, Del Rio Sector absorbed all HPUs within the Sector, making them Sector Units split into two corridors, the Northern and the Southern. This did not change the makeup or function of the HPU, it simply added a layer of Sector level management. The HPU in Carrizo Springs is still generally referred to as the Carrizo Springs HPU as they are the only station that contributes to staffing of the Southern Corridor HPU. BPA [REDACTED] most recent assignment to the Carrizo Springs HPU began in approximately March 2020. BPA [REDACTED] was previously assigned to the Carrizo Springs HPU between approximately 2013 and 2015 and again between approximately 2015 and 2018. BPA [REDACTED] current supervisors are Carrizo Springs HPU Supervisory Border Patrol Agents (SBPAs) [REDACTED] and [REDACTED] (timestamp 00:12:00).

The Carrizo Springs HPU is a voluntary position and during his most recent selection for the HPU, BPA [REDACTED] submitted a memorandum expressing interest in an HPU position, completed a questionnaire related to requirements of the HPU position and completed a panel interview.

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During his details to the Carrizo Springs HPU, BPA [REDACTED] received both classroom and practical instruction. However, during the most recent HPU training, BPA [REDACTED] was only required to complete practical exercises since he was previously a HPU BPA and had completed four weeks of training including a two-week period of on-the-job training.

BPA [REDACTED] explained that HPU BPAs have many of the same duties as other BPAs, but additionally are required to care for horses and maintain equipment and vehicles used by the HPU. HPU agents are responsible for patrolling, processing, and transporting detained migrants; however, unlike other BPAs, HPU BPAs do not do rotational assignments at USBP Checkpoints. BPA [REDACTED] stated being a member of the HPU does not change his responsibility or authority as a BPA (Timestamp 00:21:00).

HPU BPAs receive both initial and periodic training and are required to receive quarterly training. The quarterly training is instruction in advanced techniques such as riding in formation or desensitization training for the horse. Desensitization training for horses involves exposing the horses to stimuli such as tarps, balls or flags that could cause a horse to "spook" and the horses are trained not to respond to the stimuli.

BPA [REDACTED] last received quarterly training in October 2021, however he stated this was the only instance in 2021 that he received quarterly training (Timestamp 00:23:41). BPA [REDACTED] stated the HPU supervisors have asked for the required time to conduct the quarterly trainings but have been denied. BPA [REDACTED] could not provide information on who was responsible for denying the requests to conduct quarterly training. BPA [REDACTED] explained that in 2021, HPU BPAs were reassigned to transporting and processing duties. BPA [REDACTED] also said he could not recall participating in any quarterly trainings in 2020.

BPA [REDACTED] had extensive experience with horses prior to his assignment with HPU and began working with horses at approximately eight years old.

BPA [REDACTED] did not speak with any CBP employee concerning his interview but did speak with Union Representative [REDACTED]. Following the September 19, 2021, incidents, BPA [REDACTED] spoke with other Carrizo Springs HPU BPAs about the incident at the boat ramp. Additionally, BPA [REDACTED] stated he has had general conversations with family and others about the media coverage of the September 19, 2021, incidents.

BPA [REDACTED] did not send or receive any emails via government email regarding the September 19, 2021, incidents involving the Carrizo Springs HPU. BPA [REDACTED] did not prepare a memorandum

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concerning the September 19, 2021, incidents involving the Carrizo Springs HPU.

BPA [REDACTED] did not believe he sent or received any text messages concerning the September 19, 2021, incidents at the boat ramp, but agreed to review his text messages and provide any he located concerning the September 19, 2021 incidents involving the Carrizo Springs HPU.

BPA [REDACTED] said that he had a GoPro camera while in Del Rio and used it to capture video of Carrizo Springs HPU BPAs activities on September 19, 2021, but he did not capture video of the incidents involving Carrizo Spring HPU BPAs, which occurred at the boat ramp. BPA [REDACTED] estimated he had two or three videos, which he made on September 19, 2021, and one or two videos, which he made on September 20, 2021 (timestamp 00:32:20).

BPA [REDACTED] and Union Representative [REDACTED] agreed to provide OPR with copies of the videos made by BPA [REDACTED] depicting HPU Carrizo Springs BPAs. On November 10, 2021, Union Representative [REDACTED], Del Rio Sector, provided SA [REDACTED], CBP OPR Del Rio, a disk containing four recordings made by BPA [REDACTED] (Exhibit 5). The disk received from Union Representative Anfinson contains four video files, a document listing the file directory of the GoPro, as well as a text document stating, "For the files in this folder, the date modified and date created might show today, 11/9/2021, because that is when the videos were copied from the GoPro to a PC. The metadata within the files, however, shows the creation date as recorded by the GoPro. In the screenshot in this folder, the date created is as it appears in the directory listing on the GoPro itself. Although GH010047.mp4 shows a creation date of 1/1/2016, it was indeed recorded on 9/19/2021 just before the video footage in GH010048.mp4 -- the camera settings were somehow reset."

BPA [REDACTED] was asked to describe the overall situation in Del Rio, Texas leading up to and including the incident on September 19, 2021 (Timestamp 00:39:01). On September 18, 2021, BPA [REDACTED] was off duty but learned that Carrizo Springs HPU BPAs were being sent to Del Rio. On September 19, 2021, BPA [REDACTED] was sent to Del Rio. BPA [REDACTED] was uncertain what the HPU's responsibilities in Del Rio would be when he departed Carrizo Springs but understood he would receive instruction when he arrived in Del Rio (timestamp 00:40:35). Carrizo Springs HPU BPAs, who were sent to Del Rio, returned to Carrizo Springs at the end of their shift each day and, if needed, returned to Del Rio the following day (timestamp 01:53:55). BPA [REDACTED] believed the Carrizo Springs HPU BPAs did not return to Del Rio after September 20, 2021 (timestamp 01:55:42). BPA [REDACTED] believed the Del Rio Sector Chief Patrol Agent ordered the Carrizo Springs HPU to Del Rio. BPA [REDACTED] immediate supervisors, SBPA [REDACTED] and [REDACTED], directed him to report to Del Rio (timestamp 00:40:46).

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Prior to departing Carrizo Springs, BPA [REDACTED] was not provided any instruction or direction concerning the HPU's responsibilities or mission in Del Rio. While traveling to Del Rio, the Carrizo Springs HPU was directed to report to the Del Rio Incident Commander to receive direction concerning their responsibilities. BPA [REDACTED] did not know the name of the Del Rio Incident Commander (timestamp 00:41:30).

During their meeting with the Incident Commander, the Carrizo Springs HPU BPAs were instructed to patrol the area near the Del Rio POE bridge to provide a presence ensuring everything stayed calm and "make sure nobody was doing things they should not have been doing". BPA [REDACTED] stated the Carrizo Springs HPU was responsible for providing security and responding to emergencies (timestamp 00:43:19)

BPA [REDACTED] said that the only operation he recalled on September 19, 2021, involved stopping migrants from entering the United States at the boat ramp. BPA [REDACTED] explained that during the afternoon of September 19, 2021, but prior to the incident at the boat ramp, he was under the bridge and a fellow Carrizo Springs HPU BPA told him that there was an operation planned in the coming hours to "shut down" the boat ramp, meaning they were to clear people off the boat ramp and stop migrants from entering the United States at the boat ramp (timestamp 00:44:20). BPA [REDACTED] did not remember which BPA told him about the operation to stop migrants from crossing at the boat ramp but believed it could have been HPU BPA [REDACTED]. BPA [REDACTED] did not know if any HPU BPA or HPU SBPA attended a meeting concerning the operation to stop migrants crossing at the boat ramp (timestamp 01:09:18).

BPA [REDACTED] recalled that someone on the radio stated that Texas Department of Public Safety (TXDPS) requested assistance at the boat ramp (timestamp 00:47:00). When TXDPS requested assistance at the boat ramp, BPA [REDACTED] and approximately six or seven other Carrizo Spring HPU BPAs responded to the boat ramp. When BPA [REDACTED] arrived at the boat ramp, he saw a couple of TXDPS Troopers and two Del Rio HPU BPAs at the boat ramp, but BPA [REDACTED] could not recall the names of the Del Rio HPU BPAs (timestamp 00:52:00). BPA [REDACTED] believed there was to be an operation stopping migrants from entering the United States at the boat ramp, but he noticed there was not a lot of law enforcement personnel at the boat ramp for the operation (Timestamp 00:48:30).

BPA [REDACTED] was not provided any directives or strategy concerning activity at the boat ramp. BPA [REDACTED] explained that the plan was to relocate the large group of migrants congregated at the boat ramp and area around the boat ramp back to the Del Rio POE bridge. BPA [REDACTED] said the HPU was able to accomplish this first task (Timestamp 00:52:45). BPA [REDACTED] stated the problem with

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this situation was the migrants at the boat ramp had family members that had crossed the Rio Grande River into Mexico to obtain food, since there was not enough food at the area under the POE bridge. BPA [REDACTED] did not know who decided to allow migrants to travel into Mexico to retrieve food and return to the United States.

While the Carrizo Springs HPU BPAs were at the boat ramp, BPA [REDACTED] radioed the Incident Command Center requesting instruction stating that approximately 30 migrants were in the river moving towards the United States BPA [REDACTED] asked if the migrants should be allowed to continue, stopped, or returned to Mexico. BPA [REDACTED] said there was a delay or "a minute or two" and then the response he heard over the radio to BPA [REDACTED] request was to allow migrants in the river to continue and then not to allow any additional migrants to enter the United States (timestamp 00:54:39). BPA [REDACTED] did not know who provided this instruction, but he believed it was from the Incident Command Center (timestamp 00:56:30).

BPA [REDACTED] said the approximately 30 migrants in the river were allowed to continue and then for a period migrants stopped entering the river. Once the migrants in the river were allowed to continue towards the POE, additional migrants entered the water from Mexico and moved towards the United States (timestamp 00:55:40). BPA [REDACTED] radioed for guidance two additional times but did not receive a response (timestamp 00:56:05). BPA [REDACTED] explained that migrants attempted to maneuver around HPU BPAs and "that is when the chaos started" (timestamp 00:56:55). BPA [REDACTED] explained that migrants began to run around and between HPU BPAs and their horses.

HPU BPAs maneuvered their horses attempting to keep migrants in the river and cause them to return to Mexico. When the migrants would not return to Mexico, BPA [REDACTED] became concerned that a HPU BPA or migrant would be injured (timestamp 00:58:28). At this point, migrants began moving back towards the boat ramp from the direction of the Del Rio POE. BPA [REDACTED] explained those returning from the POE were coming back to the boat ramp because migrants continuing to cross the river were their family members bringing food from Mexico (Timestamp 00:59:10).

BPA [REDACTED] said TXDPS moved out of the area at this point, even though he understood this operation to be a TXDPS initiative.

BPA [REDACTED] was asked if he understood the instruction to close the boat ramp to mean the HPU BPAs should attempt to get migrants in the river to return to Mexico (timestamp 01:00:20). BPA [REDACTED] understood the radio communication in response to BPA [REDACTED] request to mean HPU BPAs were to attempt to have migrants in the river to return to Mexico. BPA [REDACTED] explained the

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HPU BPAs were there as a deterrent to migrants crossing into the United States at the boat ramp, but it did not work. BPA [REDACTED] said migrants continued to cross into the United States at the boat ramp. HPU BPA [REDACTED] then got on the radio and told BPA [REDACTED] to leave the area near the boat ramp and BPA [REDACTED] told HPU BPAs [REDACTED] and [REDACTED] to leave the area immediately near the boat ramp (Timestamp 01:05:30) HPU BPAs, including BPA [REDACTED], then left the area immediately near the boat ramp and positioned themselves a distance from the boat ramp.

At the time, BPA [REDACTED] believed BPA [REDACTED] had received instruction from management, but later learned that BPA [REDACTED] independently decided the HPU needed to leave. BPA [REDACTED] stated that BPA [REDACTED] made a good decision to leave the boat ramp because BPA [REDACTED] believed someone could have been injured (timestamp 01:06:00).

During follow up questioning (timestamp 01:25:09), BPA [REDACTED] stated after HPU had pulled back from the boat ramp, TXDPS moved several of their vehicles onto the end of the boat ramp at the river's edge and cordoned off the area with caution tape. BPA [REDACTED] said TXDPS had the flow of migrants stopped for a time, but they ultimately abandoned this posture and pulled out of the boat ramp.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] was shown the video labeled as Video 1. BPA [REDACTED] said that he has spun his reins to direct his horse, and it was a common practice among HPU BPAs to spin the reins to direct the horse. BPA [REDACTED] explained that a lariat was used in roping cattle and whips come in various lengths. BPA [REDACTED] said he was not issued a lariat or whip (timestamp 02:35:57).

BPA [REDACTED] was shown the photo labeled as Photo 2 and asked to identify those in the photo. BPA [REDACTED] identified himself, BPA [REDACTED], BPA [REDACTED] and BPA [REDACTED] (timestamp 02:29:45).

BPA [REDACTED] was shown the video labeled Video 3, and he identified both the United States and

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Mexico sides of the Rio Grande River, as well as the direction to the Del Rio POE and the boat ramp (timestamp 01:09:25). BPA [REDACTED] identified himself, as well as BPA [REDACTED], BPA [REDACTED], and BPA [REDACTED]. BPA [REDACTED] explained that he was unable to recognize the BPAs from this video but recalled their locations and recognized their horses. BPA [REDACTED] recognized BPA [REDACTED] in the video because BPA [REDACTED] horse was standing in the river.

BPA [REDACTED] said that on September 19, 2021, a little before 2:00 PM, a TXDPS Trooper approached the river and instructed migrants to return to the bridge near the Del Rio POE, but BPA [REDACTED] did not know the name of the Trooper (timestamp 01:18:15). After the Trooper began telling migrants to move to the bridge, BPA [REDACTED] and a Del Rio HPU BPA along with Carrizo Springs HPU BPA [REDACTED] approached the river. BPA [REDACTED] explained that at one point there were four HPU BPAs positioned near the riverbank to deter migrants from attempting to enter the United States at the boat ramp.

BPA [REDACTED] said he heard allegations were made that HPU BPAs whipped migrants and used unprofessional language, and someone alleged HPU BPAs were weaponizing horses (timestamp 01:26:50). BPA [REDACTED] explained that the HPU BPAs were attempting crowd control like what was done by police departments (timestamp 01:28:50).

BPA [REDACTED] did not receive any direction from USBP management concerning the migrants entering the United States at the boat ramp on September 19, 2021, with the exception of the radio communication instructing HPU BPAs to allow the group of approximately 30 migrants in the river to continue and then not to allow other migrants to cross into the United States (timestamp 01:31:40).

BPA [REDACTED] was not advised by USBP management that the migrants near the Del Rio POE bridge were in custody (timestamp 01:32:38). BPA [REDACTED] explained that the migrants were not in custody and were waiting to be transported for processing. BPA [REDACTED] said the migrants were being allowed to travel back and forth between the United States and Mexico, since there was not enough food under the POE bridge to feed the group that had gathered. BPA [REDACTED] did not know who made the decision to allow migrants to travel into Mexico and return to the United States.

When asked if, under normal circumstances, migrants who were in custody were allowed to travel into Mexico to retrieve food or other items and return to the United States by crossing the Rio Grande River, BPA [REDACTED] replied he had never heard of it before it occurred in Del Rio (timestamp 01:34:07).

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When asked about USBP management instructing HPU BPAs to stop migrants from entering the United States at the boat ramp, BPA [REDACTED] responded that he did not know if USBP management requested HPU management stop migrants from entering the United States at the boat ramp. BPA [REDACTED] continued explaining that he received "secondhand" instruction and not any from HPU management. BPA [REDACTED] believed he received direction from BPA [REDACTED], but he was uncertain.

BPA [REDACTED] recalled that while "...down there", meaning at the boat ramp, he heard radio traffic from an individual he believed to be from the Incident Command Center instructing that the approximately 30 migrants in the river be allowed to enter the United States and then not to allow additional migrants to enter the United States.

BPA [REDACTED] said that BPA [REDACTED] radioed requesting guidance concerning the approximately 30 migrants in the river. When asked if BPA [REDACTED] requested guidance from the Incident Command Center, BPA [REDACTED] could not recall specifically. However, BPA [REDACTED] was certain that BPA [REDACTED] requested guidance from management (timestamp 01:34:28)

BPA [REDACTED] explained that radio communications were on a [REDACTED] channel, so the radio transmissions were directly from radio to radio rather than being relayed from a primary radio tower transmitter. As a result, radio communications were not recorded as they would have been if a repeater or tower channel was used (timestamp 01:35:52).

On September 19, 2021, the Carrizo Springs HPU BPAs attempted to stop migrants from crossing at the boat ramp but were unsuccessful (timestamp 01:48:13). When the HPU first arrived, there were more than 100 migrants near the boat ramp on the United States side of the Rio Grande River. BPA [REDACTED] explained that after the group of approximately 30 migrants crossed into the United States at the boat ramp on the Rio Grande River, the HPU attempted to stop a group of approximately 20 migrants from entering the United States, but they were unsuccessful, and this group of migrants entered the United States (timestamp 01:49:20).

On September 19, 2021, after TXDPS Troopers left the boat ramp, migrants continued to enter the United States at the boat ramp. Additionally, when BPA [REDACTED] returned to the boat ramp on September 20, 2021, he saw migrants crossing the Rio Grande River and entering the United States (timestamp 01:50:02). On September 19, 2021, the Carrizo Springs HPU departed Del Rio at approximately 3:00 PM or 3:30 PM.

BPA [REDACTED] was shown an aerial map of the Del Rio POE and surrounding area and asked to identify the POE, Rio Grande River, boat ramp, and international boundary. BPA [REDACTED] identified,

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labeled, and initialed each of these on the map. BPA [REDACTED] identified the international boundary between the United States and Mexico as the Rio Grande River. BPA [REDACTED] was uncertain if there was a particular point in the Rio Grande River that is the international boundary but believed the center of the Rio Grande River is the international boundary (timestamp 01:56:10). The map, reviewed, labeled, and initialed by BPA [REDACTED], is attached to this Report of Investigation.

BPA [REDACTED] did not see any BPA strike a migrant with reins or a whip (timestamp 01:58:38). Additionally, BPA [REDACTED] denied striking anyone with reins or a whip on September 19, 2021 (timestamp 01:58:40). BPA [REDACTED] said that directing profane language at a migrant or making derogatory comments about a migrant's home county was unprofessional (Timestamp 02:00:55). BPA [REDACTED] denied making any unprofessional comments on September 19, 2021, and denied that he was aware of any other unprofessional comments beside the ones made by HPU BPA [REDACTED].

When asked if he considered the statements made by BPA [REDACTED] to be xenophobic, BPA [REDACTED] responded that in this situation he did not because BPA [REDACTED] knew the context of the statements. BPA [REDACTED] explained that things were heated and what one of the migrant's did caused BPA [REDACTED] to make the statements (timestamp 02:02:40).

BPA [REDACTED] does not believe BPA [REDACTED] intended his statements to be xenophobic. BPA [REDACTED] did not personally witness the incident involving BPA [REDACTED] but viewed video of the incident. BPA [REDACTED] believed that the male migrant was trying to use a female and child as a barrier between him and BPA [REDACTED]. BPA [REDACTED] said that he does not believe BPA [REDACTED] was prejudiced against Haiti or Haitians and had not heard BPA [REDACTED] make prejudged or racial comments (timestamp 02:05:26).

When asked if, on September 19, 2021, he directed migrants to return to Mexico, BPA [REDACTED] responded that he tried (timestamp 02:06:14). BPA [REDACTED] explained that he told migrants to turn round and go back to Mexico, but they did not stop and continued in the river towards the United States and approached HPU BPAs on the riverbank. When asked BPA [REDACTED] clarified that he was telling migrants in the Rio Grande River to return to Mexico.

BPA [REDACTED] explained that to him maneuvering a horse in a menacing way meant to maneuver the horse without regard to an individual's safety (timestamp 02:07:56). When asked if he witnessed any HPU BPA maneuver a horse in a menacing way on September 19, 2021, BPA [REDACTED] replied that he did not see it happen but did view the video a young child who was near a HPU horse as it was being maneuvered.

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BPA [REDACTED] denied using force against any migrant on September 19, 2021, and denied witnessing any HPU BPA use force on September 19, 2021. However, BPA [REDACTED] said he had viewed the video of BPA [REDACTED] grabbing a migrant by his shirt while on horseback (timestamp 02:09:10).

BPA [REDACTED] explained that during HPU training BPAs receive training on making apprehensions from horseback. During the training, instructors flee from HPU BPAs who apprehend the instructor by grabbing him or her. BPA [REDACTED] clarified that in the training once the instructor was grabbed by the HPU BPA he or she stopped fleeing and the training scenario ended (timestamp 02:10:35).

BPA [REDACTED] explained that grabbing someone from horseback to make an apprehension posed a risk of injury to both the rider and person being apprehended. The person being apprehended could be stepped on by the horse or the person being apprehended could take control of the horse by grabbing the reins or bridle (timestamp 02:13:10).

BPA [REDACTED] denied grabbing any migrant by clothing or attempting to apprehend any migrant while on horseback on September 19, 2021 (timestamp 02:15:30). BPA [REDACTED] said that HPU BPAs are permitted by policy to apprehend migrants while on horseback (timestamp 12:15:40).

BPA [REDACTED] denied seeing any HPU BPA using reins or a lariat to strike the water on September 19, 2021. BPA [REDACTED] said HPU members are not issued lariats, nor do they use them during the course of their duties. BPA [REDACTED] said the HPU uses split reins as directed by national policy, which enable the rider to get the horse's attention, by spinning or flipping the reins. BPA [REDACTED] further explained that spinning the reins can be used to steer the horse. Spinning the reins on one side of the horse applies "pressure", to which the horse responds by moving to the side opposite of where the reins are being spun (Timestamp 02:19:40)

BPA [REDACTED] said there is no specific training provided from USBP to teach this technique, however he said it is a fairly common practice amongst members of the HPU.

On September 19, 2021, BPA [REDACTED] witnessed HPU BPAs using their horses in a manner to cause migrants to retreat into the water. BPA [REDACTED] explained that this occurred because of the radio communication instructing HPU BPAs to stop migrants from crossing at the boat ramp (timestamp 02:21:30).

BPA [REDACTED] denied seeing any HPU BPA hit a migrant with a horse and denied that he hit a migrant with his horse (timestamp 02:24:00). BPA [REDACTED] denied seeing any migrant make contact with an

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HPU horse and being knocked into the water. BPA [REDACTED] believed the actions by HPU BPA on September 19, 2021, amounted to reasonable force and were within policy (timestamp 02:26:30).

BPA [REDACTED] was asked if he perceived any actions by the migrants at the boat ramp that could be classified as an imminent threat (Timestamp 02:24:40). BPA [REDACTED] said the general uncertainty about what the migrants were bringing back from Mexico was a cause for concern, however he said he never perceived any direct threat. HPU BPA [REDACTED] told BPA [REDACTED] that on September 19, 2021, or September 20, 2021, he took a steak knife from a migrant, who was using the knife to cut cane. BPA [REDACTED] said that after BPA [REDACTED] asked the migrant for the knife, the migrant threw the knife toward BPA [REDACTED]. BPA [REDACTED] retrieved the knife and left the area (timestamp 02:25:40).

BPA [REDACTED] believed either intentionally or unintentionally striking someone with the reins would be a use of force, but he was uncertain if it would be a reportable use of force (timestamp 02:37:27). BPA [REDACTED] did not believe that if he swung his horse reins at someone and missed that it would be a use of force or reportable.

BPA [REDACTED] believed that if an HPU BPA was swinging his horse reins an average person would move away so as not to be struck with the reins. BPA [REDACTED] said that deliberately striking someone with the horse reins would be an intermediate use of force (timestamp 02:39:30). BPA [REDACTED] was asked if unintentionally striking someone with the reins would be deadly or intermediate force and BPA [REDACTED] responded that it would have to be intermediate force (timestamp 02:39:40). BPA [REDACTED] said that it is permissible to use intermediate force when someone is being actively resistant or assaultive (timestamp 02:39:50). BPA [REDACTED] did not see any migrants displaying assaultive resistance on September 19, 2021.

BPA [REDACTED] was again shown the video labeled at Video 1. BPA [REDACTED] identified BPA [REDACTED] in the video as the HPU BPA who was swinging his reins (timestamp 02:44:11).

BPA [REDACTED] was shown the video, which was labeled at Video 2. BPA [REDACTED] identified BPA [REDACTED] as the HPU BPA in the video using his horse to cause a migrant to retreat into the river (timestamp 02:51:00). BPA [REDACTED] stated he used his horse as deterrent on September 19, 2021, to prevent migrants from "making landfall" (timestamp 02:51:30).

BPA [REDACTED] stated he had not received training on using his horse for crowd control but believed some Carrizo Springs HPU BPAs received some crowd control training in preparation for a

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2. REPORT NUMBER

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deployment to an area where a large influx of migrants was anticipated (timestamp 02:54:40).

BPA [REDACTED] said that while working on horseback he was concerned about his horse causing injuries to others and that HPU BPAs received training to prevent injuries (timestamp 02:56:00). BPA [REDACTED] explained that it was his responsibility to maintain control of the horse and that if needed a rider could pull the rein on one side and cause the horse to turn in a circle. BPA [REDACTED] said that if he were chasing someone who fell he could pull the rein on one side causing the horse to turn in a circle to prevent the individual who fell from being injured by the horse (timestamp 02:56:31).

When children are near his horse, BPA [REDACTED] is aware of where the children are located and is more alert. BPA [REDACTED] said that if a child were to walk behind and startle the horse the child could be kicked and injured (timestamp 02:58:30).

BPA [REDACTED] did not know if HPU BPAs were permitted use a horse to run into someone. However, BPA [REDACTED] opined that if there were a threat of serious injury or death it would be permissible to use the horse to charge and strike the individual posing the threat. BPA [REDACTED] opined that using the horse to run into someone would be a significant use of force and be considered deadly force (timestamp 02:59:20). BPA [REDACTED] said that HPU policy did not address using the horse to charge at someone and he had not received any training in using a horse to charge at someone (timestamp 03:00:30).

BPA [REDACTED] agreed that using a horse to strike someone would be a reportable use of force (timestamp 03:00:35). BPA [REDACTED] was asked if he maneuvered his horse toward someone without intending to cause the horse to strike the individual, but the horse did strike the individual would it be a use of force. BPA [REDACTED] replied that he did not know if the circumstances would be a use of force, but he would report the incident to an SBPA (timestamp 03:01:30).

BPA [REDACTED] opined that charging a horse at someone and causing the individual to retreat into water could cause injuries such as an ankle sprain because it was not known what was under the surface of the water (timestamp 03:02:02). When asked if there was a circumstance when using a horse to cause someone to retreat into the water could cause serious injury, BPA [REDACTED] said that if the individual could not swim and retreated into deep water, serious injury could result.

BPA [REDACTED] was asked under what circumstances a horse could be used to cause a migrant to return to Mexico, and BPA [REDACTED] responded that he never used a horse in that manner until his temporary assignment to Del Rio at the boat ramp on September 19, 2021. BPA [REDACTED] said that

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the role of HPU horses is not to cause migrants to return to Mexico, but to apprehend migrants who have illegally entered the United States BPA [REDACTED] elaborated that on September 19, 2021, the migrants had illegally entered the United States but were not being arrested (timestamp 03:02:45). BPA [REDACTED] was not concerned about the effort or direction to return migrants to Mexico, because the migrants on United States soil were allowed to remain and the HPU BPAs were trying to get migrants in the Rio Grande River to return to Mexico (timestamp 03:03:40).

BPA [REDACTED] was shown portions of the video labeled as Video 2 and identified the HPU BPA on the white horse as BPA [REDACTED] (timestamp 03:05:10). Additionally, BPA [REDACTED] identified BPA [REDACTED] in the video and said that while watching the video he heard BPA [REDACTED] telling migrants to return to Mexico (timestamp 03:07:10). BPA [REDACTED] was shown the photograph labeled Photo 5 and identified BPA [REDACTED] in the photo.

BPA [REDACTED] said that this was the first time he had been instructed to "shut down a landing and send them back" (timestamp 03:09:30.) BPA [REDACTED] was uncertain if it was lawful to immediately return a migrant to Mexico after entry was made to the United States by having the migrant cross the Rio Grande River back into Mexico (timestamp 03:08:04).

BPA [REDACTED] was asked to explain credible fear and said that credible fear was when a migrant had a fear that their government would torture or persecute him or her (timestamp 03:12:09). When asked to explain asylum, BPA [REDACTED] explained that asylum was when a migrant left their home country because of fear. However, BPA [REDACTED] explained that he did not know the official meaning of asylum. BPA [REDACTED] knew the migrants present on September 19, 2021, were making claims of credible fear and requesting asylum because Carrizo Springs BPA were previously involved in processing Haitian migrants.

BPA [REDACTED] was again shown portions of the video labeled as Video 1. BPA [REDACTED] identified HPU BPA [REDACTED] in the video. BPA [REDACTED] had not had any conversations with BPA [REDACTED] about the statements made by BPA [REDACTED] in the video (timestamp 03:15:30). BPA [REDACTED] acknowledged the CBP Standards of Conduct addressed professionalism. BPA [REDACTED] said the comments made by BPA [REDACTED] in the video were unprofessional. Additionally, BPA [REDACTED] acknowledged that CBP provided training concerning discrimination and the prohibition of discriminating against an individual based upon race, sex, and national origin. BPA [REDACTED] opined that the statements made by BPA [REDACTED] in the video could be construed as discriminatory. However, BPA [REDACTED] did not believe BPA [REDACTED] intended the statements to be discriminatory. BPA [REDACTED] said that BPA [REDACTED] was "calling out" the male in the video for what he was doing with women and children around him (timestamp 03:17:40).

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BPA [REDACTED] was again shown a portion of the video labeled at Video 2. BPA [REDACTED] identified BPA [REDACTED] and BPA [REDACTED] in the video and said they were attempting to cause a male migrant to return to the Rio Grande River. BPA [REDACTED] did not know of a reason why BPA [REDACTED] and BPA [REDACTED] would attempt to cause the male migrant to return to the river while allowing the women and children to continue other than the male migrant was the one "giving them a hard time" (timestamp 03:19:35).

BPA [REDACTED] said there were no directives from the Department of Homeland Security or CBP which authorized certain migrants to enter the United States while preventing others from entering the United States (timestamp 03:21:45).

BPA [REDACTED] said that prior to the incident in Video 2 showing BPA [REDACTED] and BPA [REDACTED] allowing female migrants and children to continue while attempting to cause a male migrant to return to the Rio Grande River, he had not seen BPA [REDACTED] or BPA [REDACTED] allow certain migrants to continue while attempting to stop other migrants (timestamp 03:22:34).

BPA [REDACTED] said that anyone entering the United States other than at a POE was making an illegal entry and was apprehended (timestamp 03:22:45). BPA [REDACTED] was shown the photos labeled as Photo 3 and Photo 4 and identified BPA [REDACTED] in both photos (timestamp 03:24:24). BPA [REDACTED] said that on September 19, 2021, he did not grab anyone from horseback.

BPA [REDACTED] said that a media crew entered the Rio Grande River from the Mexican side of the Rio Grande River. The media crew who entered the Rio Grande River from Mexico did not leave the water and BPA [REDACTED] did not speak with the media or provide any direction to the media. BPA [REDACTED] knew the activities of HPU BPAs at the boat ramp on September 19, 2021, were being recorded by media. BPA [REDACTED] did not know if the media spoke with migrants and if the media did speak with migrants, he did not know what statements were made. (timestamp 03:30:35).

| | |
|------------------|--|
| From: | SMITH, CONNOR P (b)(6) |
| To: | 'Mallard, Kris' (b)(6) White, Kamela (Appropriations) (b)(6) Moore, Thompson (Appropriations) (b)(6) Yaworske, Jason (Appropriations) (b)(6) Anstine, Paul (b)(6) Huntley, Tom (Detailee) (b)(6) (b)(6) |
| CC: | TALTON, STEPHANIE (b)(6) (b)(6) HUNTER, HOPE (b)(6) (b)(6) ROTH, DAVID A (b)(6) (b)(6) SCOTT, SABRINA (b)(6) (b)(6) LUGO, ALICE (b)(6) (b)(6) CARNES, ALEXANDRA (b)(6) (b)(6) MCDONOUGH, BRYN (b)(6) (b)(6) |
| Subject: | RE: Del Rio Horse Patrol Report |
| Date: | 2022/07/08 11:24:23 |
| Priority: | Normal |
| Type: | Note |

Pt. 4

From: SMITH, CONNOR P
Sent: Friday, July 8, 2022 11:23 AM
To: 'Mallard, Kris' (b)(6) 'White, Kamela (Appropriations)' (b)(6) 'Moore, Thompson (Appropriations)' (b)(6) 'Yaworske, Jason (Appropriations)' (b)(6) 'Anstine, Paul' (b)(6) Huntley, Tom (Detailee)' (b)(6)
Cc: TALTON, STEPHANIE <STEPHANIE.TALTON@CBP.DHS.GOV>; HUNTER, HOPE (b)(6) ROTH, DAVID A (b)(6) SCOTT, SABRINA (b)(6) LUGO, ALICE (b)(6) CARNES, ALEXANDRA (b)(6) MCDONOUGH, BRYN (b)(6)
Subject: RE: Del Rio Horse Patrol Report

Pt. 3

From: SMITH, CONNOR P

Sent: Friday, July 8, 2022 11:22 AM

To: 'Mallard, Kris' (b)(6) 'White, Kamela (Appropriations)'

(b)(6) 'Moore, Thompson (Appropriations)'

(b)(6) 'Yaworske, Jason (Appropriations)'

(b)(6) 'Anstine, Paul' (b)(6) 'Huntley, Tom
(Detailee)' (b)(6)

Cc: TALTON, STEPHANIE (b)(6) HUNTER, HOPE

(b)(6) ROTH, DAVID A (b)(6) SCOTT, SABRINA

(b)(6) LUGO, ALICE (b)(6) CARNES, ALEXANDRA

(b)(6) MCDONOUGH, BRYN (b)(6)

Subject: RE: Del Rio Horse Patrol Report

Pt. 2

From: SMITH, CONNOR P

Sent: Friday, July 8, 2022 11:21 AM

To: 'Mallard, Kris' (b)(6) 'White, Kamela (Appropriations)'

(b)(6) 'Moore, Thompson (Appropriations)'

(b)(6) 'Yaworske, Jason (Appropriations)'

(b)(6) 'Anstine, Paul' (b)(6) 'Huntley, Tom
(Detailee)' (b)(6)

Cc: TALTON, STEPHANIE (b)(6) HUNTER, HOPE

(b)(6) ROTH, DAVID A (b)(6) SCOTT, SABRINA

(b)(6) LUGO, ALICE (b)(6) CARNES, ALEXANDRA

(b)(6) MCDONOUGH, BRYN (b)(6)

Subject: RE: Del Rio Horse Patrol Report

Breaking out the sections into separate emails. Pt 1 here.

From: SMITH, CONNOR P

Sent: Friday, July 8, 2022 11:13 AM

To: 'Mallard, Kris' (b)(6) 'White, Kamela (Appropriations)'

(b)(6) 'Moore, Thompson (Appropriations)'

(b)(6) 'Yaworske, Jason (Appropriations)'

(b)(6) 'Anstine, Paul' (b)(6) 'Huntley, Tom
(Detailee)' (b)(6)

Cc: TALTON, STEPHANIE (b)(6) HUNTER, HOPE

(b)(6) ROTH, DAVID A (b)(6) SCOTT, SABRINA

(b)(6) LUGO, ALICE (b)(6) CARNES, ALEXANDRA

(b)(6) MCDONOUGH, BRYN (b)(6)

Subject: Del Rio Horse Patrol Report

Importance: High

Good morning,

Today at 1:30 p.m., CBP will publicly release the investigative report and investigative findings regarding the activities of the United States Border Patrol (USBP) Horse Patrol Unit in Del Rio, Texas, which occurred on September 19, 2021. The redacted report is attached in sections to this email and will be made publicly available on the CBP.gov website at 1:30 p.m.

The report is EMBARGOED until 1:30 p.m. today.

Thank you,

Connor P. Smith

Congressional Liaison Specialist

Department of Homeland Security

U.S. Customs and Border Protection | Office of Congressional Affairs

(b)(6)

| | |
|------------------------|---|
| Sender: | SMITH, CONNOR P (b)(6) |
| | 'Mallard, Kris' (b)(6) |
| | White, Kamela (Appropriations) (b)(6) |
| | Moore, Thompson (Appropriations) (b)(6) |
| | Yaworske, Jason (Appropriations) (b)(6) |
| | Anstine, Paul (b)(6) |
| | Huntley, Tom (Detailee) (b)(6) |
| | (b)(6) |
| | TALTON, STEPHANIE (b)(6) |
| | (b)(6) |
| | HUNTER, HOPE (b)(6) |
| | (b)(6) |
| Recipient: | ROTH, DAVID A (b)(6) |
| | (b)(6) |
| | SCOTT, SABRINA (b)(6) |
| | (b)(6) |
| | LUGO, ALICE (b)(6) |
| | (b)(6) |
| | CARNES, ALEXANDRA (b)(6) |
| | (b)(6) |
| | MCDONOUGH, BRYN (b)(6) |
| | (b)(6) |
| Sent Date: | 2022/07/08 11:23:37 |
| Delivered Date: | 2022/07/08 11:24:23 |

DEPARTMENT OF HOMELAND SECURITY



**REPORT OF INVESTIGATION
Exhibit List**

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

019

None


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 17

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|--|---|---|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 021</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Station Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp," approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 9, 2021, Special Agent (SA) [REDACTED] and SA [REDACTED] conducted a compelled interview with Border Patrol Agent (BPA) [REDACTED].</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-DEC-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 09-DEC-2021</p> | <p>15. TELEPHONE NUMBER [REDACTED]</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

021

10. NARRATIVE

On November 9, 2021, SA [REDACTED] and SA [REDACTED] conducted a compelled interview with BPA [REDACTED]. The interview was video and audio recorded with StarWitness equipment and is uniquely identified by Authentication Code ([REDACTED]) (Exhibit 1).

BPA [REDACTED] was advised to only answer the questions in the interview based on his personal knowledge, not what he may have seen on television or social media, unless he was specifically asked what he had seen on television or social media.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview (Exhibit 2). The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2 and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4 and Photo 5.

BPA [REDACTED] stated to prepare for this interview he had spoken with his union representatives. BPA [REDACTED] stated BPAs within the HPU have discussed what happened on September 19, 2021. BPA [REDACTED] stated the BPAs spoke about who was there and who had called out commands. BPA [REDACTED] stated he did not speak with any BPAs regarding specific allegations. BPA [REDACTED] stated these conversations were conducted verbally in person, and he had no text messages or emails related to the allegation made against the HPU on September 19, 2021.

BPA [REDACTED] stated he did not prepare a memorandum regarding the incident that occurred on September 19, 2021. BPA [REDACTED] stated after his shift on September 19, 2021, it was like any other day, and they went about their business of returning to the Carrizo Springs Station and putting up their horses.

BPA [REDACTED] stated he did not record any part of any incident that occurred on September 19, 2021.

BPA [REDACTED] stated he has been a BPA for 18 years and is currently assigned to the HPU as a Wrangler and Instructor for the Southern Corridor (Carrizo Springs) HPU at the Carrizo Springs Station. As an instructor he teaches horsemanship to BPAs new to the HPU. BPA [REDACTED] stated as a Wrangler he oversees the health and well-being of the horses. BPA [REDACTED] stated he has been assigned to the HPU for five years and previously did a three-year rotation with the HPU in the same location. BPA [REDACTED] stated being assigned to the HPU did not change any of the

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CONTINUATION

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PREPARED BY

2. REPORT NUMBER

021

10. NARRATIVE

authorities of a BPA but did add responsibilities related to taking care of horses.

BPA [REDACTED] described the selection process to the Carrizo Springs HPU. Prospective BPAs submit a memorandum to apply for the position. After the memoranda are reviewed, initial selections are made and the BPA then goes before a board for an interview. BPAs are then required to display their knowledge of horses and demonstrate their riding abilities hands on. BPA [REDACTED] stated all these prescreening activities are graded and the top candidates are selected to join the HPU.

BPA [REDACTED] stated his training with the HPU consisted of a two-week training in a controlled environment with another two weeks conducting on the job training in the field, in Carrizo Springs by a HPU instructor. BPA [REDACTED] stated he participated in this training on both of his assignments to the HPU. BPA [REDACTED] stated when he was selected to be an instructor, he attended another two-week training in Carrizo Springs. BPA [REDACTED] stated he attended two trainings related to crowd control on horseback, however he was not certified to conduct or teach crowd control. BPA [REDACTED] stated one of those trainings was given by a SBPA in Carrizo Springs and the other by a police department in Kentucky. BPA [REDACTED] stated the HPU had previously been requested to respond to crowd control issues, however they had never responded due to the lack of equipment and training. BPA [REDACTED] stated he was riding horses at as early as five years of age and assisting his father working cattle on horseback as early as seven years of age. BPA [REDACTED] stated he competed in horse shows at one point.

BPA [REDACTED] stated there was also eight hour quarterly training that was supposed to be conducted but due to COVID-19 quarterly training had not occurred in the past year to year and a half. BPA [REDACTED] stated if there was a deficiency seen or corrections that needed to be made with a rider, they were addressed in the field. (Timestamp 23:51)

BPA [REDACTED] stated the quarterly training included horsemanship and desensitizing. BPA [REDACTED] described desensitizing as training a horse not to be spooked when confronted with objects or items they were not familiar with or spooked by. BPA [REDACTED] used an example of a horse being spooked by a balloon. Desensitizing a horse spooked by a balloon would include using a balloon in training and making a horse become familiar with it, so the horse would not spook when it saw a balloon. BPA [REDACTED] explained there are many items used to desensitize horses. BPA [REDACTED] stated desensitizing was done for the safety of the rider.

BPA [REDACTED] described the HPU as a very productive resource due to the ability of horses to quickly traverse rough terrain in remote areas, where motor vehicles were not practical. BPA

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CONTINUATION

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021

10. NARRATIVE

██████████ stated that HPU conducted normal field BPA activities, such as tracking groups of migrants, arresting non-citizens, and checking landings on the Rio Grande River, but on horseback. (Timestamp 29:46)

BPA ██████████ stated when a BPA encounters a non-citizen in the United States, the BPA must first establish their citizenship and arrest them if they were in the United States illegally. BPA ██████████ stated HPU BPAs affected arrests on non-citizens but did not transport non-citizens via horseback. BPA ██████████ stated only in an emergency would a HPU BPA transport a non-citizen for emergency medical care. BPA ██████████ stated the HPU requested transportation via vehicles.

BPA ██████████ stated on September 19, 2021, without warning, the HPU was advised to report to the Del Rio POE and was told to provide security and crowd control due to the large number of migrants under the Del Rio POE. BPA ██████████ stated he was advised they would be assigned to the Del Rio POE for a week. BPA ██████████ stated he believed Acting Watch Commander (A)(WC) ██████████ was the one who ordered the HPU to the Del Rio POE. BPA ██████████ stated he did not know if WC ██████████ was directed to order the HPU to the Del Rio POE. BPA ██████████ advised Supervisory Border Patrol Agent (SBPA) ██████████ was the HPU Coordinator. BPA ██████████ stated he was advised of the order to respond to the Del Rio POE verbally by BPA ██████████ and there was no email string advising him to do so. (Timestamp 35:27)

BPA ██████████ stated he did not receive or see an operations plan regarding the situation at the Del Rio POE. BPA ██████████ stated when the HPU arrived at the Del Rio POE, they met with WC ██████████ and SBPA ██████████ at the command center and reviewed a map of the Del Rio POE area. BPA ██████████ stated they (WC ██████████ and ██████████) showed them the map and advised them to stay in the area and respond to calls for assistance. BPA ██████████ stated the HPU was present not only for the safety of other BPAs, but also the other agencies and the migrants. BPA ██████████ also advised there were several other law enforcement agencies and special units on location, and they were there to back them up and help when needed. (Timestamp 42:17)

BPA ██████████ stated the only standing directives, as described above, given by management to the HPU were from WC ██████████, SBPA ██████████, SBPA ██████████, and SBPA ██████████. (Timestamp 43:40)

BPA ██████████ stated he believed the allegations being made were civil rights violations. BPA ██████████ stated he heard the media made allegations that HPU BPAs had whipped migrants and used their horses in an aggressive manner on September 19, 2021.

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BPA [REDACTED] stated on September 19, 2021, both SBPA [REDACTED] and SBPA [REDACTED] were both at the Del Rio POE and were on horseback. BPA [REDACTED] stated initially the HPU was all together but later broke up into smaller groups. BPA [REDACTED] believed both SBPA [REDACTED] and SBPA [REDACTED] were closer to the Del Rio POE at the time of the incident. (Timestamp 50:26)

BPA [REDACTED] stated there were no directions regarding what to do with the non-citizens who were crossing and accumulating at the boat ramp. BPA [REDACTED] stated under normal circumstances these non-citizens would have been arrested when they crossed the Rio Grande River. (Timestamp 51:10)

BPA [REDACTED] stated he assumed that on September 19, 2021, the non-citizens at the Del Rio POE were free to travel back and forth from the United States to Mexico, because they had already been doing it for a week and there were no directives to detain or arrest these non-citizens. (Timestamp 51:55)

BPA [REDACTED] stated he was never advised if the migrants under the Del Rio POE were in custody nor was it discussed. BPA [REDACTED], relying on his experience, stated he did not believe any of the migrants were in custody because they were free to leave and travel back and forth to Mexico. BPA [REDACTED] stated in normal circumstances migrants who were in custody were not allowed to travel back and forth to Mexico on their own free will and return to the United States. BPA [REDACTED] stated he had never witnessed migrants traveling back and forth from the United States to Mexico until September 19, 2021. BPA [REDACTED] stated USBP management did not instruct the HPU to stop the non-citizens entering the United States at the boat ramp. BPA [REDACTED] stated he did not recall if USBP management requested the HPU to assist in making sure the non-citizens crossing at the boat ramp continue walking toward the Del Rio POE and not in other directions toward private property. BPA [REDACTED] stated he did ask how far the non-citizens were allowed to walk away from the river, because there were some non-citizens camping in the brush. BPA [REDACTED] stated he was advised law enforcement was trying to keep them closer to the Rio Grande River toward the Del Rio POE. BPA [REDACTED] stated he could not recall who he spoke to about this. (Timestamp 55:42)

BPA [REDACTED] stated the Texas Department of Public Safety (TXDPS) Troopers and the HPU were the only law enforcement agencies at the boat ramp on September 19, 2021. BPA [REDACTED] stated TXDPS arrived at the boat ramp prior to the HPU when this incident occurred. BPA [REDACTED] stated TXDPS asked for assistance at the boat ramp but does not recall who requested the assistance.

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BPA [REDACTED] stated HPU BPA [REDACTED], from Del Rio Station, advised via his radio that TXDPS had asked for assistance in closing and securing the boat ramp and requested more HPU BPAs at that location. BPA [REDACTED] stated when he arrived, he believed there were three to four DPS units. BPA [REDACTED] stated Troopers from the TXDPS units advised they wanted to make the boat ramp safe in case they (DPS) needed to use the boat ramp. BPA [REDACTED] stated there was no plan on how to close or secure the boat ramp area and that they just "took it upon themselves to close it". BPA [REDACTED] stated when he arrived there were approximately 200 to 300 non-citizens around the area of the boat ramp. BPA [REDACTED] stated he tried to clear the boat ramp by having the non-citizens move and enter on the bank of the Rio Grande River instead of the boat ramp. BPA [REDACTED] stated the objective was to have the boat ramp clear of people standing on it. BPA [REDACTED] stated there were no supervisors present, there was no plan on how to clear the ramp, and it was very disorganized. (Timestamp 59:55)

BPA [REDACTED] stated there were no directives given regarding how the HPU was to support TXDPS nor was there any formal coordination between the USBP and TXDPS. BPA [REDACTED] said the situation was much more informal, wherein each of the two agencies would support each other as needed.

BPA [REDACTED] stated there was no attempt to stop the non-citizens from crossing into the U.S. from Mexico at the boat ramp and that due to the large number of people there is no way they could have stopped the non-citizens from crossing.

BPA [REDACTED] stated the non-citizen were not responding to what they were asking them to do. BPA [REDACTED] stated there was a language barrier between law enforcement and the non-citizens.

BPA [REDACTED] was shown Photo 1 from the power point and provided a copy of Photo 1, an aerial photograph of the Del Rio POE area. BPA [REDACTED] identified the Del Rio POE, the Rio Grande River, the boat ramp, the U.S. and Ciudad Acuna, Coahuila, Mexico.

BPA [REDACTED] advised his understanding was the international boundary between the United States and Mexico was located in the middle of the Rio Grande River.

BPA [REDACTED] stated he did not hit any non-citizens with reins or a whip, nor did he witness any HPU BPA do so.

BPA [REDACTED] stated he did not make any unprofessional comments toward non-citizens, nor did he hear any HPU BPA do so.

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BPA [REDACTED] stated he did not order any non-citizen to return to Mexico, nor does he recall witnessing any HPU BPA doing so.

BPA [REDACTED] stated he did not maneuver his horse in an aggressive manner toward any non-citizen, nor did he witness any HPU BPA do so. BPA [REDACTED] stated he did use his horse as a barrier to stop the movement of one non-citizen or to move the non-citizen in a different direction toward the bank of the Rio Grande River and off the boat ramp.

BPA [REDACTED] stated he did not use force against any non-citizen, nor did he witness any HPU BPA do so on September 19, 2021. BPA [REDACTED] stated via the media he did see one HPU BPA grab a non-citizen by the shirt but did not believe that was a use of force. BPA [REDACTED] identified the HPU BPA grabbing the non-citizen by the shirt as BPA [REDACTED].

BPA [REDACTED] stated he did not grab any non-citizen by the shirt. BPA [REDACTED] stated the HPU BPAs were allowed to make an apprehension while on horseback. BPA [REDACTED] stated there was a short training, including use of force, regarding apprehending while on horseback. BPA [REDACTED] stated HPU BPAs were advised not to dismount their horse but if they must dismount, they needed to make sure there was another BPA there. BPA [REDACTED] stated there was no physical training related to apprehensions while on horseback. BPA [REDACTED] stated the purpose of staying on the horse was to maintain control of the horse while keeping the person you are trying to apprehend detained.

BPA [REDACTED] stated the majority of non-citizens they encountered during HPU operations are surprised to see BPAs on horseback. BPA [REDACTED] said it is not common to see non-citizens who are afraid of horses.

BPA [REDACTED] stated he did not recall a young child almost being trampled by a HPU BPA, nor did he witness this happening.

BPA [REDACTED] stated he did not hit the water with his reins or a lariat, nor did he witness any HPU BPA do so.

BPA [REDACTED] stated he did not use his horse to push any non-citizen back into the water, nor did he witness any HPU BPA do so.

BPA [REDACTED] stated he did not hit any non-citizen, intentionally or unintentionally, with his horse. BPA [REDACTED] stated he did not witness any horse make contact with a non-citizen.

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BPA [REDACTED] stated on September 19, 2021, he did not witness any non-citizens being knocked down into the water by a horse but had since seen video portraying this happening. BPA [REDACTED] stated he was unaware if contact between the horse and the non-citizen happened and that it also looked like the non-citizen slipped. BPA [REDACTED] stated it was slippery at the boat ramp.

BPA [REDACTED] stated he also saw a video that showed a non-citizen attempting to grab or grabbing the reins or bridle of the horse being ridden by HPU BPA [REDACTED]. BPA [REDACTED] stated the reins and bridle control a horse so if someone other than the rider had control of the horse it would become a safety issue for the rider. BPA [REDACTED] stated a horse could be forced to the ground by the reins or bridle. BPA [REDACTED] stated it was dangerous for a horse to rear its head back too much as it might force the horse to flip over backwards.

BPA [REDACTED] stated he believed the actions of the HPU on September 19, 2021, were within policy. BPA [REDACTED] stated he did not see any BPAs using force by using their horses on September 19, 2021.

BPA [REDACTED] stated he did not believe the non-citizens were an imminent threat.

BPA [REDACTED] was shown Photo 2 on the power point which contains four HPU BPAs on horseback at the boat ramp on September 19, 2021. BPA [REDACTED] identified the HPU BPAs from left to right as; [REDACTED] riding [REDACTED] (far left), himself, [REDACTED] riding Winchester (second from left), [REDACTED] riding [REDACTED] (third from left), and [REDACTED] riding [REDACTED] (far right). (Timestamp 1:29:04)

BPA [REDACTED] was then shown Video 1 from the power point. BPA [REDACTED] identified BPA [REDACTED] in the front of the video and BPA [REDACTED] in the background of the video. BPA [REDACTED] identified BPA [REDACTED] as the BPA who made a statement regarding the treatment of women and their "shit" country. BPA [REDACTED] stated he recognized BPA [REDACTED] voice on the video. BPA [REDACTED] stated he did not hear this comment made by BPA [REDACTED] on September 19, 2021. (Timestamp 1:29:54)

BPA [REDACTED] stated prior to this comment he had not heard BPA [REDACTED] make any derogatory comments, nor had he heard any other BPAs from the HPU make comments like this. BPA [REDACTED] stated this was not common behavior from BPAs in the HPU. BPA [REDACTED] stated CBP has a standard of conduct that addressed professionalism, and he believed these comments were not professional. BPA [REDACTED] clarified by stating they (BPAs) were there to do a job and to do it professionally.

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BPA [REDACTED] stated CBP provided training related to prohibiting discrimination against people based on sex, race and national origin. BPA [REDACTED] stated he did not see these comments as discriminatory because there was not a comment about sex or race. BPA [REDACTED] stated he did understand how that comment could be viewed as discriminatory.

Using Photo 1, BPA [REDACTED] identified how the non-citizens were supposed to be walking along the Rio Grande River to get to the Del Rio POE (Timestamp 1:40:08). BPA [REDACTED] stated he was telling the non-citizens to move in this direction.

BPA [REDACTED] was shown Video 2 from the power point.

BPA [REDACTED] identified BPA [REDACTED] as the HPU BPA who was allowing women and children non-citizens to continue walking up the boat ramp and trying to stop male non-citizens. (Timestamp 1:43:25)

BPA [REDACTED] stated he did not know why it seemed male non-citizens were trying to be stopped versus women and children. BPA [REDACTED] stated there was no directive from DHS and/or USBP management stating to allow some non-citizens to enter the United States versus others. BPA [REDACTED] stated BPAs did not have the authority to decide who came into the United States. BPA [REDACTED] stated there were no directives or orders to let the women and children to cross and to stop males, but he was unsure of what BPA [REDACTED] was thinking. (Timestamp 1:46:34)

BPA [REDACTED] was shown Video 1 from the power point.

BPA [REDACTED] identified the BPA on horseback swinging his reins as BPA [REDACTED].

BPA [REDACTED] stated BPA [REDACTED] always swings his split reins in this manner when riding. BPA [REDACTED] stated other BPAs in the HPU swing their reins in the same manner. BPA [REDACTED] stated he also has swung his reins in this manner because of the horse he was riding. (Timestamp 1:50:18)

BPA [REDACTED] stated there are several different types of whips that can be used for horses. BPA [REDACTED] stated HPU BPAs were not issued whips. (Timestamp 1:51:12)

BPA [REDACTED] stated a lariat was a rope used to catch cattle. BPA [REDACTED] stated HPU BPAs were not issued lariats and that no BPAs in his unit carried one. (Timestamp 1:51:21)

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BPA [REDACTED] described BPA [REDACTED] as using his split reins to apply pressure to the horse to have the horse move to his left. BPA [REDACTED] stated horses work off pressure, stating there did not have to be contact with the horse. BPA [REDACTED] stated the movement and sound of the reins twirling would make a horse move or change direction. BPA [REDACTED] stated pressure was applied to the opposite side of the direction of travel. BPA [REDACTED] stated in the video the horse BPA [REDACTED] was riding immediately moved when the pressure of the reins swirling occurred next to his head. (Timestamp 1:51:39)

BPA [REDACTED] stated in Video 1, BPA [REDACTED] was not using his foot to apply pressure and it appeared BPA [REDACTED] was not wearing spurs. BPA [REDACTED] further stated therefore BPA [REDACTED] was using the reins to apply pressure. BPA [REDACTED] stated the horse, "[REDACTED]", liked to move on his own. (Timestamp 1:54:01)

BPA [REDACTED] stated some horses need more pressure than others and some react differently to different methods of pressure, as they all have their own personalities. BPA [REDACTED] stated riders also have their own preferences of how to apply pressure. BPA [REDACTED] stated he liked to wear spurs to apply pressure. (Timestamp 1:54:34)

BPA [REDACTED] stated during "reins training" there was no training related to the use of split reins as an application of applying pressure, however BPA [REDACTED] stated HPU BPAs are taught they could use split reins as a means of applying pressure when other types of pressure were not working. (Timestamp 1:55:40)

BPA [REDACTED] stated there are two types of reins, split and closed. BPA [REDACTED] stated split reins are longer, approximately five to six feet, and give the rider more movement of the horse and pressure on the horse. BPA [REDACTED] stated there is approximately three feet of split reins left from the hands of the rider to the end. BPA [REDACTED] stated the other type of reins are called closed reins, meaning there is one piece of leather connected to both side of the bridle on either side of the horse's head. BPA [REDACTED] stated closed reins are not used by HPU BPAs. BPA [REDACTED] stated these reins are more prone to getting stuck in brush, which was one reason USBP did not use them. (Timestamp 1:56:17)

BPA [REDACTED] stated if a BPA hit someone with reins it would be a use of force that would be reportable. BPA [REDACTED] stated if reins were swung at someone, but they did not make contact he did not believe that would be a use of force because no contact was made. (Timestamp 1:57:58)

BPA [REDACTED] believed the average person would move away from a rider swinging his reins so

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they would not be hit. BPA [redacted] believed the average person could perceive that a rider was trying to use force with the reins by swinging them. BPA [redacted] stated swinging them in this manner would be intermediate force. BPA [redacted] stated he did not witness any of the non-citizens displaying assaultive resistant behavior. BPA [redacted] believed the non-citizens were being resistant because they would not do what they were being told, but that there may have been because of a language barrier. (Timestamp 1:58:41)

BPA [redacted] was shown Video 2.

BPA [redacted] identified BPA [redacted] as using his horse to push non-citizens into the Rio Grande River. BPA [redacted] stated he did not recall using his horse to push anyone into the river. BPA [redacted] stated from what he saw BPA [redacted] was using his horse to make non-citizens move back to the river but was unaware of what BPA [redacted] intentions were. BPA [redacted] stated prior to this incident, he had never seen a HPU BPA use their horse to push someone into the river. (Timestamp 2:01:01)

BPA [redacted] stated some of the HPU had received training on crowd control. BPA [redacted] stated to his knowledge neither BPA [redacted] nor BPA [redacted] have received crowd control training. BPA [redacted] stated a rider needed to be concerned with running over someone with a horse, but a horse's instinct was not to run into things and instead maneuver around an object. (Timestamp 2:05:44)

BPA [redacted] stated if someone was run over by a horse it could lead to serious injury. BPA [redacted] stated injuries to people by a horse are prevented by horsemanship. (Timestamp 2:06:30)

BPA [redacted] stated there was no policy or training regarding the use of a horse to hit a person. BPA [redacted] stated he would only use a horse in deadly force. BPA [redacted] stated if a person was hit by a horse, it would be a use of force. BPA [redacted] stated horses were a prey animal and would not run over people. BPA [redacted] stated charging someone with a horse could be classified as a use of force. (Timestamp 2:08:23)

BPA [redacted] stated there are no circumstances that would permit a BPA to use a horse to force a non-citizen to return to Mexico. (Timestamp 2:12:48)

BPA [redacted] was shown Video 2.

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BPA [REDACTED] stated the video depicted BPA [REDACTED] maneuvering his horse for the purpose of moving non-citizen back into the Rio Grande River (Timestamp 2:14:56)

BPA [REDACTED] was shown Photo 5 from the power point.

BPA [REDACTED] identified BPA [REDACTED] in the forefront of the photo. BPA [REDACTED] identified BPA [REDACTED] in the background on the far right. BPA [REDACTED] stated prior to this incident he had not heard BPA [REDACTED] or another BPA telling anyone to return to Mexico. BPA [REDACTED] stated he did not tell anyone to go back to Mexico. (Timestamp 2:17:52)

BPA [REDACTED] stated he cannot tell someone to return to Mexico once they have entered the United States, prior to being processed. (Timestamp 2:19:38)

BPA [REDACTED] stated he was unaware if there were any special rules for treatment and processing of non-citizens who were not from Mexico. BPA [REDACTED] stated he had not processed any non-citizens in over five years. BPA [REDACTED] stated credible fear was when a non-citizen claimed if returned to their country, harm would come to them. BPA [REDACTED] stated asylum was when the President made an order to allow non-citizens to "come in" due to the conditions of their country. BPA [REDACTED] stated he was unaware if any of the non-citizen were claiming credible fear or asylum.

BPA [REDACTED] was shown Photo 3 and Photo 4 from the power point.

BPA [REDACTED] identified the BPA in both photos as BPA [REDACTED]. (Timestamp 2:22:40)

BPA [REDACTED] stated prior to this incident he had never seen BPA [REDACTED] grab anyone by the shirt to prevent them from entering the United States, nor had he seen anyone in the HPU do this. BPA [REDACTED] stated he did not grab anyone in this manner. BPA [REDACTED] stated he did not believe BPA [REDACTED] grabbing this non-citizen was a use of force. BPA [REDACTED] stated he did not witness BPA [REDACTED] grabbing the non-citizen on that date.

BPA [REDACTED] identified BPA [REDACTED] as wearing a "go pro" camera on his shoulder. BPA [REDACTED] stated he believed there was a policy that BPAs were not allowed to wear cameras when on duty. BPA [REDACTED] stated HPU BPAs were not issued go pro cameras.

BPA [REDACTED] stated there was news media present at the boat ramp on September 19, 2021. BPA [REDACTED] believed the media was filming the boat ramp. BPA [REDACTED] stated the media was

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speaking with the non-citizens, but he was not aware of what they were talking about.

BPA [REDACTED] stated he believed some of the media personnel crossed the Rio Grande River at other than designated POE, in violation of United States law.

BPA [REDACTED] stated he advised the media to return to Mexico and enter through a designated POE.

BPA [REDACTED] stated all equipment used by the HPU is issued by the USBP and that HPU BPAs are not allowed to make changes to the equipment. BPA [REDACTED] stated HPU equipment is inspected daily by HPU BPAs. BPA [REDACTED] stated HPU BPAs are not issued whips however there are lunge whips, which are used for training, located at the stalls. BPA [REDACTED] stated the lunge whips are locked up and he has never seen an HPU BPA possess a lunge whip in the field. (Timestamp 2:33:14)

BPA [REDACTED] stated there was no communication regarding concerns about non-citizens assaulting other non-citizens. BPA [REDACTED] stated there was a concern about assaults on BPAs by non-citizens due to the large number of non-citizens versus the number of BPAs on the ground. BPA [REDACTED] stated there was no protocol or discussion of what to do if there were riots. (Timestamp 2:36:55)

BPA [REDACTED] stated he did not recall hearing about a knife being thrown at any BPA.

BPA [REDACTED] stated he believed the chaos in this short time evolved from the fact that there was no organization or leadership present at the boat ramp. BPA [REDACTED] stated TXDPS was not very helpful at the boat ramp. BPA [REDACTED] stated he believed "miscommunication" between the non-citizens, TXDPS and USBP contributed to the situation. BPA [REDACTED] stated he believed due to the number of non-citizens and the number of BPAs on the ground the whole situation at the Del Rio POE was uncontrollable. (Timestamp 2:41:53)

At the conclusion of the interview BPA [REDACTED] was asked if there was anything he would like to add or clarify regarding his statement. BPA [REDACTED] deferred to his Attorney for the National Border Patrol Counsel (NBPC) [REDACTED]. [REDACTED] advised he wanted to ask "Weingarten questions" to clarify some questions regarding Supervisory BPA (SBPA) presence and directives at the boat ramp.

BPA [REDACTED] stated the direction to initially go to the boat ramp was given by BPA [REDACTED]. BPA

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[REDACTED] stated BPA [REDACTED] is not a SBPA. BPA [REDACTED] stated he never heard a SBPA give any directives about the boat ramp. BPA [REDACTED] stated he acknowledged via his radio that he was going to the boat ramp and that it took under five minutes to arrive at the boat ramp. BPA [REDACTED] stated he heard other HPU BPAs acknowledge via radio they too were moving toward the boat ramp. BPA [REDACTED] again stated no SBPA came on the radio to give any instruction to the HPU. BPA [REDACTED] stated when he arrived at the boat ramp there were no SBPA on scene. BPA [REDACTED] stated while at the boat ramp he heard BPA [REDACTED] call on the radio, twice, asking for direction from SPBAs on what to do at the boat ramp. BPA [REDACTED] stated there was no response to the first request by BPA [REDACTED], but after the second request they were told to let the non-citizens through. BPA [REDACTED] stated he did not know who advised to let them through. (Timestamp 2:43:36)

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[REDACTED]

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[REDACTED]

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None


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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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EXHIBIT - 18

**DEPARTMENT OF HOMELAND SECURITY
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OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|---|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 020</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area known as the "Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE) Del Rio, Texas, located in the Western District of Texas. CBP OPR is investigating the case by examining evidence, conducting interviews, and reviewing all relevant operational and training documentation related to the event.</p> <p>On November 9, 2021, Special Agent (SA) [REDACTED] and Senior Special Agent (SSA) [REDACTED], CBP OPR Del Rio, conducted a compelled subject interview of BPA [REDACTED].</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-DEC-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 09-DEC-2021</p> | <p>15. TELEPHONE NUMBER [REDACTED]</p> |
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On November 9, 2021, Special Agent (SA) [REDACTED] and Senior Special Agent (SSA) [REDACTED] conducted a compelled subject interview of BPA [REDACTED]. BPA [REDACTED] was accompanied by Union Representative [REDACTED]. The entirety of the interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code: [REDACTED] (Exhibit 1). The time was Coordinated Universal Time, (UTC) 16:13:34 through UTC 21:06:27.

Prior to the interview, BPA [REDACTED] was provided with his Warning and Assurances to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation. At the beginning of the interview, BPA [REDACTED] reviewed copies of the Warnings and Assurance to Employee Required to Provide Information and Weingarten Rights, Employee Notification Regarding Union Representation, which he previously signed. BPA [REDACTED] identified his signature on the documents and he and Union Representative [REDACTED] stated they had no questions regarding the forms. BPA [REDACTED] was placed under oath prior to the interview.

BPA [REDACTED] entered on duty with USBP on October 19, 2015, and has been assigned to the Southern Corridor HPU in Carrizo Springs since September 2019. BPA [REDACTED] current supervisors were Supervisory Border Patrol Agent (SBPA) [REDACTED] and SBPA [REDACTED]. BPA [REDACTED] explained it was a voluntary and competitive selection process to join the HPU. BPA [REDACTED] was required to submit a memorandum of his prior experience and conduct an assessment ride. BPA [REDACTED] had extensive horse-related experience prior to joining the HPU. BPA [REDACTED] stated he had been around and worked with horses since he was two or three years old. BPA [REDACTED] explained he was a ferrier before joining USBP, during which he maintained horses' hooves daily (Timestamp 00:09:59).

BPA [REDACTED] completed a four-week basic Horse Patrol training in which two weeks were in a controlled environment and two weeks were on-the-job training where riders were taken out into the field with their instructors. BPA [REDACTED] also attended one quarterly training which involved desensitizing the horse. BPA [REDACTED] explained desensitizing training consisted of teaching a horse to push objects out of the way and exposing a horse to objects that could cause them to get spooked. BPA [REDACTED] only attended one quarterly training since joining the HPU in 2019. BPA [REDACTED] stated the quarterly trainings have been canceled due to the reassignment of the HPU to assist in processing non-citizens. BPA [REDACTED] stated being in the HPU does not change his responsibilities or authority as a BPA.

Concerning his authority and responsibility, BPA [REDACTED] was asked to state his obligation as an immigration official when encountering non-citizens illegally present in the United States

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(Timestamp 00:13:09). BPA [REDACTED] stated it is a BPA's responsibility to establish their status and, if they are illegally present, detain them and transport them to a Border Patrol facility for processing. BPA [REDACTED] stated there are no other options and confirmed it is his job and he is required by law to apprehend non-citizens illegally in the United States. BPA [REDACTED] reiterated that being a member of the HPU does not change his legal responsibilities.

BPA [REDACTED] stated the primary function of the HPU, as related to the USBP Mission, is a force multiplier. BPA [REDACTED] stated, in general, the HPU is used to patrol the border. BPA [REDACTED] said HPU can be utilized for crowd control situations but he had not been formally trained on crowd control. BPA [REDACTED] stated during HPU basic training he was told that the horses could be used for crowd control and that they discussed these techniques. BPA [REDACTED] stated crowd control was a separate training which he hasn't received (Timestamp 00:10:44).

BPA [REDACTED] stated he did speak with other CBP employees regarding the allegations stemming from the September 19, 2021, incident involving HPU but could not remember the names of the employees. BPA [REDACTED] explained the media was alleging agents were whipping people and they didn't understand how they came to that conclusion (Timestamp 00:05:10).

BPA [REDACTED] was asked to explain the overall situation at the Del Rio POE which led to the assignment of the HPU to the area. BPA [REDACTED] stated from what he understood, the HPU was being assigned there because the reintroduction of Title 42 was being announced and there was a concern regarding riots. BPA [REDACTED] stated he believed they were going for crowd control (Timestamp 00:16:15). BPA [REDACTED] was unaware of who ordered the HPU to the Del Rio POE, and SBPA [REDACTED] and SBPA [REDACTED] told him they would be assigned to that area. BPA [REDACTED] stated the purpose for the HPU to be at the Del Rio POE area was for crowd control, to make sure people were safe, and to assist the Texas Department of Public Safety (TXDPS) (Timestamp 00:21:05).

BPA [REDACTED] was asked if he had received any written operation plans outlining the roles and responsibilities of the HPU (Timestamp 00:21:30). BPA [REDACTED] stated not he did not receive such guidance when he initially arrived, however, he was aware of a proposed plan to move migrants from non-secure locations around the POE to "a more manageable area". BPA [REDACTED] stated this plan was to be executed at 2:00 pm on September 19, 2021. The goal of the plan was to ensure the safety of the migrants. BPA [REDACTED] stated BPA command later cancelled the operation.

Once the HPU arrived in Del Rio on September 19, 2021, BPA [REDACTED] attended an operational briefing at the Incident Command Center but could not recall who conducted the briefing. During

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the briefing, the HPU was told to assist any agency that needed assistance. BPA [REDACTED] stated the only other agency that was there was TXDPS (Timestamp 00:23:00).

BPA [REDACTED] stated SBPAs [REDACTED] and [REDACTED] were not with the HPU at the boat ramp and he assumed they stayed in the area under the bridge (Timestamp 31:10). BPA [REDACTED] stated there was no real direction given by management regarding the non-citizens accumulating at the boat ramp. BPA [REDACTED] recalled someone communicating via radio, whom he assumed was USBP command, telling them to go to the boat ramp and "shut it down". BPA [REDACTED] stated this individual did not identify themselves either by name or identifying number (Timestamp: 00:38:25).

BPA [REDACTED] explained that the HPU interpreted this order to mean that they should not allow anyone to proceed any further into the United States from the boat ramp. BPA [REDACTED] further stated his interpretation of this order was the non-citizens already on the shore could continue toward the POE. Any migrants continuing to cross would not be allowed to "further enter into the United States" (Timestamp 00:35:28). BPA [REDACTED] said he had not been told to send any of these people back, stating they could go back to Mexico if they wanted or stay at the riverbank but could not go any further into the United States.

While the HPU was on their way to the boat ramp, a second transmission was broadcast over the radio requesting the HPU to assist TXDPS at that location. BPA [REDACTED] stated he assumed this transmission was made by TXDPS personnel directly to HPU (Timestamp: 00:40:00). BPA [REDACTED] reiterated there were no names or other identifiers given by any of the individuals communicating over the radio, so he could not be certain who was speaking during these transmissions.

BPA [REDACTED] advised that there were two or three TXDPS troopers at the boat ramp when the HPU arrived (Timestamp 00:39:20). HPU was operating on radio channel [REDACTED] which was more of a line-of-sight channel, did not work off the tower, and was not usually recorded. BPA [REDACTED] said TXDPS was able to communicate on this channel as well.

BPA [REDACTED] said it was unclear to him if the migrants already in the camp underneath the bridge were considered to be in USBP custody (Timestamp 36:50). He stated he witnessed migrants freely crossing back and forth between the United States and Mexico but was unsure about their custody status as well. BPA [REDACTED] was asked if, under normal circumstances, migrants in custody would be allowed to cross back to Mexico to retrieve food and other items and return on their own. BPA [REDACTED] replied they would not (Timestamp 00:38:09). When the HPU arrived at the boat ramp, BPA [REDACTED] witnessed a very large crowd, which he estimated to be two hundred people, crossing and bathing. The HPU asked these people to go towards the bridge where necessities were

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available, such as food, water, and restrooms. Once this initial crowd was cleared out of the boat ramp area toward the POE, another group of individuals began to cross the river from Mexico. BPA [REDACTED] stated a TXDPS Trooper, who he could not identify, got on the radio and requested instructions on what to do with the individuals that were still attempting to cross but this request went unanswered (Timestamp 00:44:00).

BPA [REDACTED] observed a male individual approximately 20' from the US riverbank continuing toward the boat ramp. BPA [REDACTED] stated this individual indicated he was going to continue toward the POE (Timestamp 00:44:41). BPA [REDACTED] stated this individual was carrying a bag which he (BPA [REDACTED]) believed to contain food. BPA [REDACTED] instructed this individual to stop, but the male individual did not obey his commands and attempted to "abscond". BPA [REDACTED] pursued the individual, who then hid behind a group of women and children near the riverbank (Timestamp 00:45:48). The group of women and children realized BPA [REDACTED] was not pursuing them, so they continued up the boat ramp. As BPA [REDACTED] continued pursuing the individual, the family crossed in front of BPA [REDACTED] and his horse. As the family crossed directly in front of BPA [REDACTED], he pulled back on his reins to stop his horse and let the family go by. BPA [REDACTED] stated he continued to pursue this individual for approximately 30' but then noticed another BPA who was running. BPA [REDACTED] stated he diverted his attention back to the other BPA and the river at that point. He did not elaborate on what ultimately happened to the individual he had been pursuing.

BPA [REDACTED] was asked why he had focused his attention on this particular subject (Timestamp 00:46:35). BPA [REDACTED] stated it was because this individual was "telling us" (HPU) what "he wanted to do". BPA [REDACTED] stated he believed this individual may have been attempting to agitate the crowd. BPA [REDACTED] stated he could not be certain what this individual was actually bringing back across the river and this individual was not following his commands to stop. BPA [REDACTED] said he did not know what language this individual spoke. BPA [REDACTED] stated he spoke both Spanish and English when giving this individual commands.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview. The PowerPoint contains videos and photographs of the area near the Del Rio Port of Entry and boat ramp, as well as video and photos of Carrizo Springs HPU BPAs. During the interview, BPA [REDACTED] was shown the videos and photos and asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photos are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] was shown Photo 1 and was told to mark where the United States was located on the

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map. BPA [REDACTED] explained the line between the United States and Mexico fluctuated based on the flow of the river (Timestamp 00:50:22). BPA [REDACTED] stated the international border fluctuated on the Rio Grande River but was at the center of the deepest part of the river. BPA [REDACTED] also identified the Del Rio POE International Bridge, the boat ramp, the United States, and Mexico. BPA [REDACTED] pointed out a triangular shaped area of brush and stated the HPU was instructed to move non-citizens from an area known as the firebreak towards the bridge area, where most migrants were.

BPA [REDACTED] was asked if he hit any non-citizen with reins or a whip or witnessed anyone do so, and BPA [REDACTED] stated he did not hit or witness anyone hit a non-citizen with reins or a whip (Timestamp 00:56:55).

When asked if he made any unprofessional comments toward any non-citizens, BPA [REDACTED] stated he believed that he made unprofessional comments towards a non-citizen. BPA [REDACTED] advised he couldn't remember specifically what he said, but it was along the lines of, "This is how you treat your women; this is why your country is shit." BPA [REDACTED] stated he also said "stop" a couple of times. BPA [REDACTED] stated he did not believe his comments were xenophobic (Timestamp 00:57:10). BPA [REDACTED] could not recall ordering anyone to return to Mexico, but he did tell non-citizens to stop (Timestamp 00:58:33). BPA [REDACTED] was asked to elaborate what he meant and said, "stop, don't, stop what you're doing, stop walking, stop running, stop continuing further into the United States."

BPA [REDACTED] denied maneuvering his horse in an aggressive way toward non-citizens. BPA [REDACTED] explained he maneuvered his horse but not towards any non-citizens (Timestamp 00:59:12). BPA [REDACTED] also did not witness any HPU BPA maneuver their horse in an aggressive way towards non-citizens.

When asked if he used any force against any non-citizens, BPA [REDACTED] denied doing so. BPA [REDACTED] also stated he did not witness any HPU BPAs use force against any non-citizens. BPA [REDACTED] denied grabbing any non-citizen by the shirt while on his horse and did not see any other BPA do so. BPA [REDACTED] stated HPU BPAs are allowed to apprehend subjects while on horse-back and were taught how to do so briefly during Horse Patrol basic training. BPA [REDACTED] believed they are allowed to do so by policy (Timestamp 01:00:24).

BPA [REDACTED] denied nearly trampling a young child and stated he did not witness any other HPU BPAs do so (Timestamp 01:00:35). BPA [REDACTED] denied hitting the water with a lariat or reins when near a non-citizen. BPA [REDACTED] also did not witness any HPU BPAs do so. BPA [REDACTED] denied using his horse to push or force any non-citizen back into the water. BPA [REDACTED] stated he did not

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witness any HPU BPAs use their horse to push or force any non-citizen back into the water.

BPA [REDACTED] denied hitting anyone with his horse and denied witnessing any HPU BPA hit anyone with their horse. BPA [REDACTED] stated he did not see any non-citizen make contact with a horse or get knocked down into the water. BPA [REDACTED] stated he believed the actions by HPU BPAs, on September 19, 2021, amounted to reasonable force and were within policy (Timestamp 01:01:39).

When asked if there was an imminent threat at the boat ramp on September 19, 2021, BPA [REDACTED] said he believed there was an imminent threat at the time surrounding the incident at the boat ramp. BPA [REDACTED] stated the situation was fluid and he had no way of knowing what the migrants were attempting to bring into the United States and there is always a chance of something happening (Timestamp 01:02:28). BPA [REDACTED] stated the HPU BPAs were outnumbered by the large number of migrants which were congregated near the boat ramp.

BPA [REDACTED] was asked to specifically identify any actions he observed that presented an imminent threat (Timestamp 01:02:50). BPA [REDACTED] recalled an incident earlier in the morning when the HPU was called to assist with a "knife fight" under the bridge. BPA [REDACTED] said that incident ended up being a migrant that attempted to stab another migrant with a plastic fork. Additionally, BPA [REDACTED] explained there were ongoing incidents throughout the morning where the non-citizens were being aggressive by attacking each other over the food they were bringing back from Mexico. BPA [REDACTED] said this was not occurring at the time of the encounter at the boat ramp. BPA [REDACTED] also stated there was an incident earlier in the morning where an individual was cutting cane with a steak knife. When BPA [REDACTED] asked the individual to drop the knife, he threw the knife towards BPA [REDACTED] (Timestamp 01:05:07). HPU BPAs did not report this incident.

BPA [REDACTED] was shown Photo 2 and identified the HPU BPAs as BPA [REDACTED], BPA [REDACTED], BPA [REDACTED] and himself (Timestamp 01:10:12). BPA [REDACTED] was shown Video 1 and confirmed he was the BPA in the video that could be heard making unprofessional comments (Timestamp 01:10:56). BPA [REDACTED] stated he was not talking to the group, but rather, to one person that was not following his commands. BPA [REDACTED] explained he made the comments because he was frustrated the individual was not obeying his lawful commands and it upset him that this individual was using women and children to shield himself from him ([REDACTED]) and his horse (Timestamp 01:11:48). When asked to explain why he said this individual's country "was shit", BPA [REDACTED] said, "I don't know; it just came out". BPA [REDACTED] stated he did not know what country the individual was from. BPA [REDACTED] said he was also frustrated because he did not know what the individual's intentions were and could have pushed one of the women or children in front of the horse. When asked if he made any other comments not caught on camera, BPA [REDACTED] denied

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doing so. BPA [redacted] denied hearing any other HPU BPAs make derogatory comments and advised it was not common HPU behavior to make comments such as those. When asked, BPA [redacted] admitted he did not know what language the individual spoke and acknowledged that there could have been a language barrier. BPA [redacted] admitted the comments he made were unprofessional. When asked to explain, BPA [redacted] said, "an agent shouldn't say something like that, you're supposed to be professional and it just wasn't professional and when wearing a uniform, it could be construed as views from the agency" (Timestamp 01:15:43). When asked if CBP provided training related to prohibiting discrimination, BPA [redacted] advised BPAs take computer-based training and some trainings have tests. BPA [redacted] said he has completed the computer-based training multiple times.

When asked if he saw his comments as discriminatory, BPA [redacted] said he could see why they could be viewed as discriminatory, but in his opinion, they were not. When asked to elaborate, BPA [redacted] said, "it had nothing to do with race, ethnicity or anything like that" (Timestamp 01:17:19). BPA [redacted] further stated, he could see how the comments could be viewed as discriminatory by saying, "I am a Caucasian, white individual speaking to people of color" (Timestamp 01:17:50). BPA [redacted] agreed the comments he made, had the appearance to be discriminatory, whether he intended them to be or not.

BPA [redacted] was shown Video 2 and BPA [redacted] was able to identify himself as the BPA who seemed to be allowing women and children to continue up the boat ramp while stopping a male non-citizen (Timestamp 01:20:28). When asked why the women and children were being allowed to continue and the male subjects were not, BPA [redacted] stated that usually in law enforcement, men are separated from women and continued by saying, "at the bridge everybody that was being processed first were men because they didn't want them to cause issues, any riots" (Timestamp 01:23:34). BPA [redacted] stated he wasn't necessarily letting women and children continue and stopping male subjects, he explained they could only stop so many people and could not stop everyone with the amount of HPU BPAs present . BPA [redacted] advised he was not aware of any directive from DHS or USBP management stating to allow some non-citizens to enter versus others, such as females, family units, males, and children (Timestamp 01:28:13). When asked if he witnessed any other HPU BPA allow women and children to pass but not male subjects prior to this incident, BPA [redacted] stated he had witnessed it occur. BPA [redacted] could not recall which BPA it was, when he witnessed it, or what their reasoning would have been .

BPA [redacted] was asked if he as a BPA has authority to decide who can enter the United States (Timestamp 01:32:18). BPA [redacted] said "No, if I follow the law, no. It doesn't discriminate against anybody. If you enter illegally, you enter illegally".

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BPA [REDACTED] was shown Video 1 and identified a HPU BPA swinging his reins as BPA [REDACTED] (Timestamp 01:32:40). BPA [REDACTED] explained swinging reins in that manner was used to control the horse by adding pressure to one side of the horse. It would make the horse move away from the pressure and force it to go the other way. BPA [REDACTED] stated the swinging or twirling of the reins was taught during HPU training and could also be used as a deterrent to keep people who were on the ground away from the horse. BPA [REDACTED] explained further that HPU BPAs try to keep people on the ground away from the horse for their safety and the safety of others, stating if an individual were to grab the reins of a horse, they could cause injury to the rider. BPA [REDACTED] characterized a situation where someone was trying to take control of the horse as being an instance in which a BPA could use force. BPA [REDACTED] stated BPAs do use this technique of spinning the reins to keep people away from the horse (Timestamp 01:36:35).

BPA [REDACTED] stated he may have twirled his reins the day of the incident and didn't think he did it within striking distance of any non-citizens. SA [REDACTED] asked BPA [REDACTED] to explain the difference between whips and lariats (Timestamp 01:44:06). BPA [REDACTED] stated lariats were used to catch something like a steer for branding or medical treatment. BPA [REDACTED] stated whips were not intended to make contact with or hit a horse, but instead, were used to make noise or to follow behind the animal. BPA [REDACTED] further stated HPU BPAs were not issued lariats or whips. BPA [REDACTED] stated HPU BPAs were issued split reins that were safer for HPU BPAs in case the reins get caught on a branch in the brush while riding.

BPA [REDACTED] was asked if using the reins to strike an individual, intentionally, or unintentionally, was a use of force (Timestamp 01:49:44). BPA [REDACTED] said it would be. BPA [REDACTED] was asked if a BPA swung the reins at someone with the intent to strike them but missed would that situation be a use of force. BPA [REDACTED] said it would be if the intent was to strike however it would not be absent that intent. BPA [REDACTED] was asked if he felt a reasonable person would move back to avoid being hit if reins were being swung near them. BPA [REDACTED] said it would depend on the proximity of the action but if the person was close to the spinning reins, he would expect them to move. He further stated it would be reasonable for an individual to perceive this action as a use of force. He stated this situation would be an intermediate use of force at most.

BPA [REDACTED] was asked when he can utilize intermediate force (Timestamp 01:52:00). BPA [REDACTED] said it is permissible if the individual is perceived to be a threat, providing examples of assaultive behavior such as throwing an object at the agent.

SSA [REDACTED] advised Union Representative [REDACTED] and BPA [REDACTED] to ask for clarification when they feel it is needed (Timestamp 01:54:45). SSA [REDACTED] stated a break can be taken at the end of



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the interview to allow Union Representative [REDACTED] and BPA [REDACTED] to discuss important information BPA [REDACTED] could share to clarify his statement (Timestamp 01:57:37). SSA [REDACTED] reminded Union Representative [REDACTED] that statements and information regarding the incident had to be communicated by BPA [REDACTED] and not Union Representative [REDACTED] (Timestamp 01:58:38). Union Representative [REDACTED] said he understood.

When asked if he witnessed any non-citizens displaying assaultive resistant behavior, BPA [REDACTED] stated he did not. [REDACTED] was asked to elaborate, and he explained that before the media arrived and began recording, non-citizens who were bringing food across were getting "mobbed" by other non-citizens for their food. When asked if anyone was assaulted, BPA [REDACTED] said no one was hurt or claimed to be hit, but he viewed the situation as potentially dangerous for the person carrying the food.

BPA [REDACTED] was shown Video 2 and was asked to identify the HPU BPA on the video who moved his horse in a direction of a non-citizen that caused the non-citizen to fall into the water. BPA [REDACTED] identified the HPU BPA as BPA [REDACTED]. When asked if he used his horse to force anyone back into the river, BPA [REDACTED] said he did not recall ever forcing anyone back into the river (Timestamp 02:16:48). BPA [REDACTED] stated prior to the incident, he never witnessed BPA [REDACTED] or anyone from the HPU use their horse to force people back into the river.

BPA [REDACTED] was asked if the HPU received training on crowd control and said it is discussed during Horse Patrol basic training (Timestamp 02:17:32). BPA [REDACTED] explained the horse can be used as a barrier to stop people from proceeding forward and can be used to push a crowd back.

When asked if HPU BPAs must worry about the horse running someone over, BPA [REDACTED] said HPU BPAs should always worry about potentially running someone over even though both the horse and rider are trained to avoid these situations. BPA [REDACTED] also stated if someone was run over, it could potentially result in serious injury. When asked to explain, BPA [REDACTED] stated someone could suffer a broken bone or it could even cause death for the rider or person on the ground. HPU BPAs were trained to keep distance by using verbal commands and in some instances, HPU BPAs used their reins to keep someone away from their horse to prevent injuries. BPA [REDACTED] said when operating around children, subconsciously HPU BPAs' senses were heightened to prevent them from injuring a child, and the BPAs would take a little more care in their actions (Timestamp 02:20:52).

When asked under what circumstance HPU BPAs were allowed to use the horse to hit someone, BPA [REDACTED] stated if there was an imminent threat, they could use the horse as a conveyance to hit

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someone. He further added it would be a use of force incident but did not know if there was policy detailing it specifically (Timestamp 02:21:26). SA [REDACTED] then asked if there was a policy detailing using a conveyance as a tool in a deadly force situation, BPA [REDACTED] responded by saying he believed there was.

BPA [REDACTED] agreed if a HPU BPA hit someone with a horse, either intentionally or unintentionally, it would be considered a reportable use of force incident (Timestamp 02:23:05). When asked to explain further, BPA [REDACTED] said if a horse came in contact with someone and potentially caused harm to someone, it would be considered a use of force incident.

BPA [REDACTED] stated HPU BPAs were permitted to charge at someone with a horse. When asked to explain why, BPA [REDACTED] said "there's nothing to say you can't charge at somebody, it's just like drawing your gun. There's nothing that says you can't draw your gun, pulling the trigger is a different story" (Timestamp 02:23:55). When asked if horses were trained to charge at someone, BPA [REDACTED] said it was not something that was covered in training. He further added that HPU BPAs were trained to chase after someone to apprehend them, but they were not trained to charge at someone to threaten to run them over. BPA [REDACTED] agreed charging at someone with a horse and forcing them into a body of water could cause injuries.

BPA [REDACTED] was asked if charging at someone with a horse would be classified as a reportable use of force incident, and BPA [REDACTED] stated he did not think it was. BPA [REDACTED] was then asked if it caused injuries to someone, would it be considered a reportable use of force incident and BPA [REDACTED] still believed it wouldn't (Timestamp 02:31:10).

BPA [REDACTED] was asked under what circumstances a BPA could use a horse to force a non-citizen to return to Mexico. BPA [REDACTED] said there were no circumstances where a BPA could force someone back to Mexico. He elaborated by saying a BPA cannot pursue someone back across the border. BPA [REDACTED] said it wasn't their job to make people go back to Mexico (Timestamp 02:31:47). BPA [REDACTED] added BPAs could not force anyone to go back to Mexico, but he believed BPAs could advise them to go back to Mexico. When asked to elaborate, BPA [REDACTED] stated if the river was dangerous in a certain area, BPAs would tell non-citizens not to proceed forward because they could potentially drown.

BPA [REDACTED] was shown Video 2 and was asked to identify the HPU BPA who could be heard telling people to go back to Mexico. BPA [REDACTED] identified the HPU BPA as BPA [REDACTED] (Timestamp 02:39:03). BPA [REDACTED] said he could not say for sure who BPA [REDACTED] was speaking to when he was telling people to go back to Mexico, but it looked like BPA [REDACTED] may have been speaking to

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a group of people who were in the middle of the river. BPA [REDACTED] stated he never heard BPA [REDACTED] or anyone from the HPU telling people to go back to Mexico prior to the incident on September 19, 2021. BPA [REDACTED] also stated he did not order anyone to return to Mexico (Timestamp 02:43:12).

After the incident at the boat ramp, the HPU BPAs advised non-citizens there was no food or water under the Del Rio POE and that they could go back to Mexico to obtain items. BPA [REDACTED] was asked who within his chain of command was ordering or allowing non-citizens to go back to Mexico to obtain food and water and he could not recall (Timestamp 02:47:26). BPA [REDACTED] stated before the incident at the boat ramp took place, BPA [REDACTED] asked for further instructions on the radio and did not receive a response. After the incident at the boat ramp, someone who BPA [REDACTED] believed was from incident command, advised via radio it was okay to let people cross back to Mexico for food and water.

BPA [REDACTED] was asked if he could describe his understanding of Credible Fear and BPA [REDACTED] said it is when someone feared persecution from their government (Timestamp 02:54:21). BPA [REDACTED] added if someone was claiming a credible fear or asylum, that individual was supposed to apply in the first country they arrived to and not "however many countries down the road." When asked to describe his understanding of asylum, BPA [REDACTED] explained it was also fear of persecution of someone's government. BPA [REDACTED] was then asked specifically what someone would be seeking if they were requesting asylum and BPA [REDACTED] said they would be seeking to become a resident in said country and not be returned to their country (Timestamp 02:56:36). BPA [REDACTED] was not aware the non-citizens were claiming credible fear and requesting asylum. BPA [REDACTED] said he did not know and was not aware or advised whether the migrants were claiming credible fear and requesting asylum.

BPA [REDACTED] was shown Photo 5 and identified the HPU BPA in the picture as himself (Timestamp 02:58:18). BPA [REDACTED] stated he was speaking to the individual in front of the horse wearing the blue shirt and black pants. BPA [REDACTED] was asked what he was telling the individual to do, and BPA [REDACTED] explained he believed he was telling him to get back. BPA [REDACTED] was asked where his finger was pointing in the picture and BPA [REDACTED] stated it was pointed toward the river. BPA [REDACTED] said he did not recall ordering the individual or anyone to return to Mexico but instead told people to get back (Timestamp 02:59:15). BPA [REDACTED] stated the individual in the picture was the same person that was using the women and children to shield himself from BPA [REDACTED] and his horse. BPA [REDACTED] explained he was trying to make the non-citizen get back and stay at the bank of the river. BPA [REDACTED] added he was not trying to make the individual go back into the water. BPA [REDACTED] was asked to explain the reason why he was stopping the individual from further entering

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the United States to present himself for Asylum. BPA [REDACTED] said he did not know what the individual's intentions were and that the individual was not following his (BPA [REDACTED]) commands. BPA [REDACTED] reiterated that his instructions were to shut down the boat ramp and interpreted that to mean keeping the non-citizens confined at the bank of the river and not letting them go further into the United States (Timestamp 03:12:57). BPA [REDACTED] said he assumed it was USBP management who gave the initial orders to shut down the boat ramp (Timestamp 03:14:26).

BPA [REDACTED] was asked if he ordered anyone to return to Mexico so they could not present themselves and claim a credible fear or asylum. BPA [REDACTED] denied ordering anyone to return to Mexico so they would not be able to present themselves and claim a credible fear or asylum (Timestamp 03:16:38). When asked if he witnessed anyone from the HPU ordering non-citizens back to Mexico, BPA [REDACTED] stated when he was shown Video 2, he could hear the HPU BPA, earlier identified as BPA [REDACTED], telling people to go back to Mexico. BPA [REDACTED] stated it appeared BPA [REDACTED] was speaking to individuals who were in the river, but he did not know why BPA [REDACTED] told them that.

BPA [REDACTED] was shown Photo 3 and Photo 4 and was able to identify the HPU BPA in the picture as BPA [REDACTED] (Timestamp 03:17:37). BPA [REDACTED] denied ever witnessing BPA [REDACTED] grab someone by the shirt in an attempt to prevent them from entering the United States prior to the incident at the boat ramp (Timestamp 03:19:05). BPA [REDACTED] stated generally in normal operations if individuals were running from them and not following commands to stop, they could grab the individual to apprehend them. BPA [REDACTED] was asked if the HPU received training on how to apprehend while mounted on the horse and BPA [REDACTED] stated during basic HPU training they were taught to reach out and grab someone by their shirt if they were running (Timestamp 03:26:14). BPA [REDACTED] stated they could also get in front of them to cut them off with their horse.

When asked if there were media and camera crews at the boat ramp, BPA [REDACTED] said he believed so (Timestamp 03:27:17). BPA [REDACTED] stated the media personnel crossed the Rio Grande River instead of using a designated POE, in violation of U.S. law (Timestamp 03:28:11). BPA [REDACTED] stated a TXDPS Trooper told the media personnel they needed to go back to either the middle of the river or across the river or they would arrest them. BPA [REDACTED] added they told them to go back to the middle of the river and an individual from the media responded by saying he did that all the time and knew where the boundary was. BPA [REDACTED] stated he directly told the media personnel to go back to the center of the river where the United States boundary was (Timestamp 03:29:16). BPA [REDACTED] was asked if he told the media to return to Mexico and enter through a designated POE and BPA [REDACTED] stated he did not but did ask them to go to the international border which was the center of the river (Timestamp 03:29:43). BPA [REDACTED] stated he did not know if the media

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personnel came from Mexico or the United States.

[Agent's Note: BPA [REDACTED] was asked if he had anything he wanted to add or clarify and Union Representative [REDACTED] began to question BPA [REDACTED] directly, eliciting responses from BPA [REDACTED]. Union Representative [REDACTED] was advised multiple times his line of questioning in this forum was not appropriate and was asked to stop. Union Representative [REDACTED] was allowed breaks to confer with BPA [REDACTED] but continued being disruptive. Union Representative [REDACTED] stopped as per the request of SSA [REDACTED].]

SA [REDACTED] asked BPA [REDACTED] if any HPU BPA on his unit received crowd control training (Timestamp 04:21:39). BPA [REDACTED] stated he believed BPA [REDACTED] received crowd control training and further recalled having a conversation with BPA [REDACTED] regarding his concern for not having received crowd control training. BPA [REDACTED] stated he was concerned with the assignment of the HPU to the Del Rio POE area and explained the quarterly trainings that were canceled would have been a good opportunity to receive crowd control training.

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None


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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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EXHIBIT - 19

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U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|---|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 037</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1905 Detainee/Alien - Humanitarian Issues/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of BPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol (USBP), Carrizo Springs Station (CAR) Horse Patrol Unit (HPU), Carrizo Springs, Texas. The incident occurred at an area commonly known as "the boat ramp," approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas, located in the Western District of Texas.</p> <p>On March 16, 2022, Special Agent (SA) [REDACTED] and SA [REDACTED] conducted a compelled interview with Border Patrol Agent (BPA) [REDACTED]. The interview was video and audio recorded with StarWitness equipment and uniquely identified by Authentication Code [REDACTED].</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 09-APR-2022</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>13. APPROVED DATE 09-APR-2022</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ONGOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

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On March 16, 2022, Special Agent (SA) [REDACTED] and SA [REDACTED] conducted a compelled interview with BPA [REDACTED]. The interview was video and audio recorded with StarWitness equipment and uniquely identified by Authentication Code [REDACTED].

BPA [REDACTED] stated he entered on duty with the USBP November 28, 2011, at the Carrizo Springs Station. BPA [REDACTED] stated his current position is a BPA.

BPA [REDACTED] was advised to only answer the questions in the interview based on his personal knowledge, not what he may have seen on television or social media, unless he was specifically asked what he had seen on television or social media.

Prior to the interview, OPR Threat Mitigation and Analysis Division created a PowerPoint presentation, which was displayed at various points throughout the interview (Attachment 2). The PowerPoint contains videos and photographs of the area near the Del Rio POE and boat ramp, as well as video and photos of CAR HPU BPAs. During the interview, BPA [REDACTED] viewed the videos and photos and SA [REDACTED] and SA [REDACTED] asked questions concerning the videos and photos. The videos in the PowerPoint are labeled Video 1, Video 2, and Video 3. The photographs are labeled Photo 1, Photo 2, Photo 3, Photo 4, and Photo 5.

BPA [REDACTED] stated the allegation was apparent due to the media attention and the statement given by the President. BPA [REDACTED] stated he spoke to his union representative attorney, [REDACTED] about the incident. BPA [REDACTED] stated in the days following September 19, 2021, he and the other HPU BPAs discussed the media coverage of the incident. (Timestamp 7:30)

BPA [REDACTED] stated the HPU had a text message group and advised he would preserve any texts he has. Attorney [REDACTED] stated he would advise BPA [REDACTED] not to turn over anything not required, and he and BPA [REDACTED] could review those messages. (Timestamp 8:25)

BPA [REDACTED] stated he did not prepare a memorandum regarding the HPU activities on September 19, 2021. (Timestamp 9:46)

BPA [REDACTED] stated he did not make any recording from the Del Rio POE on September 19, 2021. (Timestamp 10:03)

BPA [REDACTED] stated the HPU is a standardized national program. BPA [REDACTED] stated there is a solicitation for BPAs to join the HPU and each BPA must be evaluated prior to being selected to

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attend the HPU training. BPA [REDACTED] stated if selected, the selectee would attend a four-week training and on the job training. BPA [REDACTED] advised the four-week training includes basic horsemanship, equipping a horse with tack, cleaning up tack and care for horses. (Timestamp 10:12)

BPA [REDACTED] stated crowd control was not part of the national program. BPA [REDACTED] said he had previously participated in a Mobile Field Force (MFF) training, which he described as similar to crowd control training. BPA [REDACTED] said he believed this training took place in 2019. BPA [REDACTED] stated the MFF training was provided by the USBP, and the instructor was Supervisory Border Patrol Agent (SBPA) [REDACTED]. BPA [REDACTED] stated SBPA [REDACTED] was certified to provide the training. BPA [REDACTED] believed the MFF training was approximately one week in length. BPA [REDACTED] stated he started with the HPU on October or November of 2018, and he attended this training within the first six months of being assigned to the HPU. (Timestamp 11:51)

BPA [REDACTED] stated the training addressed how to control large groups of people when outnumbered, improving rider control of the horse, as well as formations and individual techniques in horsemanship used to maneuver and contain people in a certain area. (Timestamp 14:18)

BPA [REDACTED] stated he believed HPU BPAs [REDACTED] and [REDACTED] also attended this training. (Timestamp 15:55)

BPA [REDACTED] stated the national policy on HPU training required HPU BPAs attend recurring quarterly training. BPA [REDACTED] added there was also constant evaluation in the field by instructors who would address any issues they observed. BPA [REDACTED] stated due to the Covid-19 pandemic, quarterly training was not being conducted, and prior to September 2021, three of the previous four quarterly trainings did not occur. BPA [REDACTED] stated there were approved waivers for the quarterly trainings that were missed due to Covid. BPA [REDACTED] stated the last quarterly training he attended was in 2020. BPA [REDACTED] stated quarterly training covered basic horsemanship, MFF, desensitizing, and anything associated with being on the HPU. (Timestamp 16:27)

BPA [REDACTED] stated desensitizing, although addressed during quarterly training, was also something that was constantly monitored and addressed by the riders and instructors. BPA [REDACTED] stated HPU BPAs were assigned a horse, however horses were also sometimes rotated among BPAs. BPA [REDACTED] stated each horse had its own personality and may act differently than another horse to the same stimuli. (Timestamp 18:48)

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On September 19, 2021, BPA [REDACTED] was riding Raven, a horse that was assigned to him in June of 2021. BPA [REDACTED] stated Raven was a new horse for the HPU. (Timestamp 19:30)

BPA [REDACTED] stated in June of 2021, the HPU was suspended, and HPU BPAs were assigned to assist the CAR with processing and transporting migrants. BPA [REDACTED] stated during this time he did not ride any of the HPU horses but believed the two wrangler instructors were riding them as part of maintaining the horses. BPA [REDACTED] stated HPU BPAs should have been riding as much as possible because it is a perishable skill. (Timestamp 20:05)

BPA [REDACTED] stated he had no experience riding horses prior to joining the HPU. BPA [REDACTED] stated he was comfortable riding horses. (Timestamp 22:44)

BPA [REDACTED] stated on September 18, 2021, while assigned to the transport unit, he received a phone call from SBPA [REDACTED]. BPA [REDACTED] stated SBPA [REDACTED] advised him the HPU BPAs were being requested in Del Rio due to concerns that migrants would learn about Title 42 and riot. BPA [REDACTED] stated the HPU responded to Del Rio with their horses. BPA [REDACTED] believed the HPU arrived back at the CAR around 11:30 pm on September 18, 2021. (Timestamp 23:11)

BPA [REDACTED] stated there was no concern that the horses had not been ridden in the past three months prior to being assigned to assist at the Del Rio POE. BPA [REDACTED] stated that during the five days prior, he picked up migrants at the Del Rio POE and transported them to different locations. BPA [REDACTED] stated over those five days he saw the population and the tension of the migrants grow. BPA [REDACTED] stated he had concerns about the safety of everyone at the Del Rio POE because it was very chaotic. (Timestamp 25:08)

BPA [REDACTED] stated that BPAs from the Northern Corridor HPU (Del Rio, Comstock and Brackettville Stations) had already been at the Del Rio POE, and they reported the population responded the HPU presence more than anything else. BPA [REDACTED] opined that the population under the Del Rio POE was being detained. (Timestamp 26:00)

[Agents note: At this point in the interview, in response to BPA [REDACTED] offering his assessment that the population under the POE was being detained, Union Representative [REDACTED] interjected about what the legal and operational definition of "detained" may be related to BPA [REDACTED]'s opinion.]

BPA [REDACTED] stated in the days and weeks prior to September 19, 2021, the number of people

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entering the country continued to grow. BPA [REDACTED] stated the migrants were transported from the Del Rio POE to different stations for processing. (Timestamp 26:24)

BPA [REDACTED] stated he did not recall any USBP management advising whether the migrants under the Del Rio POE were in custody. BPA [REDACTED] stated USBP management expressed that the migrants needed to be moved as quickly as possible for processing. When asked if USBP was doing its best to manage the migrant population at the Del Rio POE, BPA [REDACTED] stated that it was subjective. BPA [REDACTED] stated if managing the population was part of the USBP plan, he did not know what the USBP plan was. (Timestamp 30:25)

BPA [REDACTED] was asked to describe his observation of the atmosphere and the overall situation under the Del Rio POE over the five days he had been transporting migrants. BPA [REDACTED] responded by saying, "Many people and a growing population. It seems, basically, I don't want to say unorganized, but as the week progressed, the five days progressed, there seemed to be a little bit more order and a little bit more efficiency but, by and large, it was still, I would just call it sickening." (Timestamp 33:36)

BPA [REDACTED] stated migrants were moving around freely but within reason. BPA [REDACTED] stated he was at the weir dam and there was freedom of movement for the migrants as this was where the majority of the migrants were crossing. BPA [REDACTED] stated the only time the only "people in positions of authority" he saw were assigned to move support services like setting up porta pottys. (Timestamp 34:16)

BPA [REDACTED] stated some migrants were being released to non-government organizations (NGOs) and given a date to return for processing. BPA [REDACTED] stated that due to the migrant population's access to communication, he anticipated that the migrants would learn about the Title 42 expulsion flights and that they were not being released into the U.S. BPA [REDACTED] believed this knowledge might cause the migrants at the Del Rio POE to become disgruntled or act out, thus creating a safety issue. (Timestamp 35:50)

BPA [REDACTED] stated law enforcement was "greatly outnumbered" at the Del Rio POE, continuing that the situation was "far from ideal". BPA [REDACTED] stated there was a growing population who had not been searched and were not secured. BPA [REDACTED] described the population of migrants as "unknown". BPA [REDACTED] stated they (USBP) thought the migrants were being cooperative because they were getting what they wanted but Title 42 would change the migrants disposition. (Timestamp 37:30)

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BPA [REDACTED] stated he was unaware of who ordered the HPU to the Del Rio POE on September 18, 2021, but he was personally notified by SBPA [REDACTED]. BPA [REDACTED] stated Acting Assistant Chief Patrol Agent (A-ACPA) [REDACTED] was overseeing the HPU and gave briefings to the HPU at the Del Rio POE. (Timestamp 38:44)

BPA [REDACTED] stated on September 18, 2021, SBPA [REDACTED] did not provide any objective for the HPU at the Del Rio POE. BPA [REDACTED] stated he did not recall any specific instructions given by A-ACPA [REDACTED]. BPA [REDACTED] stated he recalled that the HPU was only instructed to be in the area and answer calls for assistance on the radio. (Timestamp 40:03)

BPA [REDACTED] stated the HPU responded to a call of a female migrant with a knife who was trying to stab someone. BPA [REDACTED] stated the female migrant was located within the large group of migrants, but HPU was able to form a path through the crowd so either BORTAC or BORSTAR were able to contact the female migrant. (Timestamp 41:13)

BPA [REDACTED] stated prior to September 18, 2021, he witnessed migrants crossing the Rio Grande River at the weir dam upriver from the Del Rio POE. BPA [REDACTED] stated migrants were traveling back and forth between the U.S. and Mexico of their own free will. BPA [REDACTED] stated there was no specific instruction given to the HPU regarding migrants crossing back and forth between the U.S. and Mexico. BPA [REDACTED] stated at one point he asked an unknown SBPA about a group of migrants who were walking away from the encampment, to which the SBPA stated the migrants were probably lost, but not to worry, they would return. BPA [REDACTED] stated this comment "sums up the mentality" at the time. (Timestamp 41:54)

BPA [REDACTED] did not recall any instruction that permitted migrants to cross back and forth between the U.S. and Mexico. (Timestamp 43:40)

BPA [REDACTED] stated he did not recall when Texas Department of Public Safety (TXDPS) stopped the migrant crossing at the weir dam. BPA [REDACTED] stated he had hoped the closing of the weir dam was a collaborative effort between TXDPS and USBP, but he was not there so he did not know what or how it occurred. BPA [REDACTED] stated the HPU was advised, for situational awareness, that migrants were no longer crossing at the weir dam but were crossing at the boat ramp area. (Timestamp 43:55)

BPA [REDACTED] stated the migrants crossing back to Mexico were getting provisions (food and water) for themselves or their families. BPA [REDACTED] stated some of the migrants were selling the provisions upon their return in the U.S. BPA [REDACTED] stated on September 18, 2021, the USBP

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was supplying the migrants at the Del Rio POE with food and water. BPA [REDACTED] stated migrants were told that diapers and medical services were available. BPA [REDACTED] stated migrants continued crossing back and forth between the U.S. and Mexico during his entire assignment at the Del Rio POE. (Timestamp 45:01)

BPA [REDACTED] stated BPAs used the [REDACTED] radio channel throughout the operation. This channel was unsecured and did not go through a repeater. BPA [REDACTED] said he did not believe this channel was recorded. BPA [REDACTED] stated call signs were not being used during radio communications which frustrated him. BPA [REDACTED] stated communication was lacking, no landmarks in the area were named, and agents were calling others by their names rather than using their assigned call signs. BPA [REDACTED] stated anyone using the [REDACTED] radio channel would have been able to hear radio transmission from the boat ramp area to the Del Rio POE and to the weir dam. BPA [REDACTED] said cell phones were also used for communication. (Timestamp 48:20)

BPA [REDACTED] stated on September 19, 2021, while he was located approximately 30 yards from the incident command trailer, he heard over the radio an unknown person ask for assistance to close the boat ramp. BPA [REDACTED] stated he believed a Northern Corridor HPU BPA at the boat ramp requested the HPU to respond. BPA [REDACTED] stated when he arrived at the boat ramp there were two DPS troopers there. (Timestamp 52:34)

[Agent note: A second recording was initiated due to the camera shutting off. BPA [REDACTED] was advised all notifications and advisements were still in effect. The interview was video and audio recorded with StarWitness equipment and uniquely identified by Authentication Code ([REDACTED]).]

BPA [REDACTED] was shown Photo 1, an aerial photograph of the Del Rio POE area, from the PowerPoint. BPA [REDACTED] identified the Del Rio POE, the boat ramp, weir dam, and Rio Grande River. (Timestamp 00:40)

BPA [REDACTED] stated the international boundary is the Rio Grande River. BPA [REDACTED] recalled being taught at the academy the international boundary between the U.S. and Mexico is the deepest part of the Rio Grande River. (Timestamp 2:22)

BPA [REDACTED] stated on September 18, 2021, the mass of the migrant population was gathered around the Del Rio POE toward the boat ramp area, because upriver of the Del Rio POE was occupied by TXDPS. BPA [REDACTED] stated TXDPS may have occupied the upriver area to the weir dam as early as September 17, 2021. (Timestamp 5:13)

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BPA [REDACTED] stated he did not know who requested assistance from the HPU to close the boat ramp on September 19, 2021. BPA [REDACTED] stated discussions he has had after the fact lead him to believe a Northern Corridor HPU BPA made the request. BPA [REDACTED] said that due to his proximity to the Incident Command Center, he believed the incident command staff should have heard the same request on their radios. BPA [REDACTED] stated there was not a call to stand down to the request, so the HPU responded. BPA [REDACTED] stated he responded with three HPU BPAs from his location, traveling along the dirt road that parallels the Rio Grande River, from the Del Rio POE to the boat ramp. BPA [REDACTED] stated more HPU BPAs also responded. BPA [REDACTED] stated he did not recall the other HPU BPAs who responded with him. (Timestamp 7:30)

BPA [REDACTED] was shown Photo 2, a photograph of four HPU BPAs on horseback at the boat ramp on September 19, 2021, from the PowerPoint. BPA [REDACTED] identified himself on the far right of the photo, then stated from right to left was BPA [REDACTED], BPA [REDACTED] and BPA [REDACTED] on the far left. (Timestamp 10:15)

BPA [REDACTED] stated he was not asked to participate in any operation, nor was he provided an operations plan on September 18 or 19, 2021. BPA [REDACTED] stated on September 20, 2021, the HPU was ordered to assist in moving the migrant population located in the brush along the fire break to the creek, which is located down river from the Del Rio POE, and the boat ramp area. BPA [REDACTED] stated the objective was to move and consolidate migrants who had been staying down river from the Del Rio POE to an area closer to the Del Rio POE to detain them. BPA [REDACTED] believed both SBPAs [REDACTED] and [REDACTED] were at the Del Rio POE on these dates. (Timestamp 11:24)

BPA [REDACTED] stated on September 19, 2021, he arrived at the Del Rio POE around 9:00 am and recalled the incident at the boat ramp occurred just after 12:00 pm. BPA [REDACTED] stated when he arrived at the boat ramp there were two TXDPS vehicles, TXDPS troopers on foot and some of the Del Rio HPU BPAs. BPA [REDACTED] stated a large number of migrants were crossing the Rio Grande River and there were migrants bathing and drying out clothes. (Timestamp 14:01)

BPA [REDACTED] believed the TXDPS troopers and some of the HPU had given the migrants instruction to gather their things and begin walking toward the Del Rio POE. BPA [REDACTED] advised he did not know who authorized the boat ramp to be shut down. BPA [REDACTED] stated closing the boat ramp made sense tactically, to stop or control migrants crossing like TXDPS had done at the weir dam. (Timestamp 15:00)

BPA [REDACTED] stated part of USBP's mission is to deter entry (into the U.S.) and that was what

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was taking place at the boat ramp. BPA [REDACTED] stated the migrants already in the U.S. were being moved toward the Del Rio POE. (Timestamp 16:08)

BPA [REDACTED] stated he did not know if any of the HPU BPAs contacted USBP management prior to commencing the closure of the boat ramp. BPA [REDACTED] stated it made sense to shut down the boat ramp like the weir dam. (Timestamp 18:53)

BPA [REDACTED] recalled a discussion with TXDPS troopers at the boat ramp regarding moving migrants toward the Del Rio POE but did not recall any specific plan. (Timestamp 19:35)

BPA [REDACTED] stated when he arrived at the boat ramp, he began to convey the message to migrants to start gathering their things and move toward the Del Rio POE. BPA [REDACTED] stated he had to continue "verbally encouraging" migrants to gather their things and start moving because some migrants were reluctant to leave. (Timestamp 20:08)

BPA [REDACTED] defined "shutting down the boat ramp" as preventing migrants from crossing back and forth and moving migrants who were at the boat ramp toward the Del Rio POE. BPA [REDACTED] stated to stop the migrants from crossing at this location safely, they must first move all migrants who were on or at the boat ramp area. BPA [REDACTED] stated if there were still migrants on the boat ramp, preventing more migrants from crossing there would not work. BPA [REDACTED] stated the boat ramp would have been considered shut down when migrants stopped crossing "because they saw they weren't, we weren't allowing it". BPA [REDACTED] stated at one point on September 19, 2021, there were not migrants crossing at the boat ramp, stating the migrants were waiting on the bank in Mexico and not in the river. BPA [REDACTED] agreed one way to shut down a crossing was by deterrence. Attorney [REDACTED] stated BPA [REDACTED] had previously stated he used the term "shutting down" loosely as that was how it was described at the weir dam. (Timestamp 21:09)

BPA [REDACTED] stated he would define "shut down" as putting the boat ramp in a similar state as the weir dam, at that time, where migrants were not crossing. BPA [REDACTED] was asked if it was his personal goal to shut down the boat ramp. BPA [REDACTED] replied it was not his job to make that decision. BPA [REDACTED] agreed he responded to the boat ramp and commenced in doing certain things, because his goal was to do what he was told. (Timestamp 26:16)

BPS [REDACTED] stated the order to shut down the boat ramp was given via an official communication channel, which he was sure was heard by incident command, therefore it was a safe assumption the order was valid. BPA [REDACTED] stated the order could have come from TXDPS because they also had communication on the same channel. (Timestamp 28:06)

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When asked if there was a discussion regarding what BPAs should do when another agency, like TXDPS, asked BPAs to do something, BPA [REDACTED] stated he was sure it was brought up. BPA [REDACTED] stated he remembered making a comment, "this should be incident command 101, there should be a defined chain of command, there should be call signs and there was none of that." (Timestamp 28:58)

BPA [REDACTED] stated he did not think about any legal issues of responding to a call from TXDPS because the call came over the radio. BPA [REDACTED] stated this was a USBP issue and imagined USBP would be "in charge". BPA [REDACTED] said there were no SBPAs at the boat ramp during the incident. (Timestamp 29:44)

BPA [REDACTED] was asked if he gave any thought to USBP policy and what was happening at the boat ramp and his actions. BPA [REDACTED] stated at that time he did not, until seeing a photo of himself grabbing his radio mic asking for guidance. BPA [REDACTED] stated he called for guidance twice and did not get a response. (Timestamp 30:45)

BPA [REDACTED] stated while at the boat ramp he did not inquire about the immigration status from any of the migrants. BPA [REDACTED] stated he did ask some of the migrants where they were from. BPA [REDACTED] stated most of the conversations he had with migrants were related to food, water, and medical attention. (Timeline 32:09)

When asked what BPA [REDACTED] knew of the migrant's status, BPA [REDACTED] stated the migrants were entering the U.S. unlawfully, but he did not know the dispositions of the migrants. (Timestamp 34:15)

BPA [REDACTED] stated, beyond officer presence, he did not use any force toward migrants at the boat ramp. BPA [REDACTED] stated he did not see any reportable use of force incidents. (Timestamp 35:28)

BPA [REDACTED] stated the use of force policy is the same for the HPU, however there are additional factors to consider. BPA [REDACTED] continued there were certain risks when dealing with horses, to include the horse, the rider, and anyone around the horse. BPA [REDACTED] stated the horses were very well trained, but they still had their own will. BPA [REDACTED] stated due to the size of a horse there was risk of serious injury or even death to the rider or a person on the ground. (Timestamp 36:06)

BPA [REDACTED] stated the MFF training covered using a horse to get people to comply. BPA

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[REDACTED] stated a reasonable person would be willing to comply because of a horse's size. BPA [REDACTED] stated in this training, role players were used to conduct practical exercises and BPAs also participated as part of the crowd. BPA [REDACTED] stated contact between the horse and a civilian, in an effort to obtain compliance, should only happen in exigent circumstances. BPA [REDACTED] continued by saying sufficient space between a person and the horse was ideal so that the civilian did not get too close to the horse. (Timestamp 37:28)

BPA [REDACTED] was asked to give an example of exigent circumstance where a horse would be used to physically contact someone. BPA [REDACTED] stated based on the MFF training, if a line of horses was being used and a crowd was actively trying to move past the line of horse, the size and strength of horse could be used to stop the crowd. BPA [REDACTED] stated a horse can also be used in a deadly force situation. (Timestamp 40:01)

When asked if there was anything in policy about using a horse to hit someone, BPA [REDACTED] responded he would follow the use of force policy. (Timestamp 40:55)

BPA [REDACTED] was shown Video 1 from the PowerPoint. BPA [REDACTED] identified himself at the beginning of the video on a horse with the number 68 on its rear flank. (Timestamp 41:35)

BPA [REDACTED] stated he did not know what his voice sounded like on a recording. BPA [REDACTED] stated he did tell people who were standing in Mexico to stay in Mexico. (Timestamp 44:44)

BPA [REDACTED] identified BPA [REDACTED] on a white horse. BPA [REDACTED] stated at the time of the incident he did not hear BPA [REDACTED] make the comments related to using women and the migrant's country being "shit." BPA [REDACTED] stated he did not recall anyone making derogatory comments. He also stated that these types of comments were not normal practice for BPAs. When asked why BPA [REDACTED] may have made these comments, BPA [REDACTED] said, "probably because we are in a very stressful situation." BPA [REDACTED] stated BPA [REDACTED] had "a certain respect for women and children" and thought this migrant was using the women and children as shields. BPA [REDACTED] stated he never discussed BPA [REDACTED] comments with BPA [REDACTED] (Timestamp 46:08)

BPA [REDACTED] stated CBP provided training related to professionalism. BPA [REDACTED] was asked of his opinion of the comments made by BPA [REDACTED] and BPA [REDACTED] stated he did not think the comments made by BPA [REDACTED] were derogatory. (Timestamp 49:06)

BPA [REDACTED] stated USBP provided quarterly use of force training. BPA [REDACTED] stated officer presence was a use of force and therefore force was always being applied. BPA [REDACTED] stated

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an applied use of force was reportable per policy. BPA [REDACTED] stated the quarterly use of force training had been limited to PowerPoints. BPA [REDACTED] stated there was nothing specific in the use of force policy regarding using a horse to apply force. (Timestamp 53:05)

BPA [REDACTED] was asked about a child who was nearly trampled by a horse. BPA [REDACTED] stated she was not almost trampled and did not see anyone being hit by a horse. (Timestamp 55:55)

BPA [REDACTED] identified himself in Video 1 on horseback. BPA [REDACTED] stated in the video he was stopping a migrant from entering the U.S. When asked if this migrant was already in the U.S., BPA [REDACTED] agreed he was. BPA [REDACTED] stated he was trying to stop this migrant from entering further into the U.S. because he was asked to shut the boat ramp down. BPA [REDACTED] stated these migrants had stopped on the bank in Mexico when there were no migrants crossing at the boat ramp. BPA [REDACTED] stated he asked for guidance (from USBP management) because some of the migrants had tickets previously given to them by USBP, but his understanding was not to allow migrants to cross at the boat ramp. BPA [REDACTED] stated there was not a goal of not allowing migrants to return to Mexico, but that if there were no migrants at the boat ramp (in the U.S.) there would be no migrants there to return. BPA [REDACTED] stated he did not recall when during the chain of events this particular part of Video 1 took place. BPA [REDACTED] continued, saying that due to the amount of time since the incident, his recollection had been clouded by seeing the videos. (Timestamp 56:28)

[Agent note: Migrants who had made contact with USBP under the Del Rio POE and were added to a list to be transported were provided a ticket from USBP so they would know when it was time for them to be transported.]

BPA [REDACTED] agreed the two migrants in Video 1 were in the U.S. and his said his goal was to stop them from entering further into the U.S. BPA [REDACTED] stated at that point he could make a lawful arrest, or the migrants could have turned back to the river themselves, evade his arrest and returned to Mexico, which was very common. BPA [REDACTED] said to his knowledge no migrant was arrested at the river. (Timestamp 1:00:10)

BPA [REDACTED] was asked if he attempted to arrest the migrant he was attempting to stop in Video 1. BPA [REDACTED] asked, "how was I going to arrest him?" BPA [REDACTED] stated migrants were arrested largely based on being complacent, but this was not the usual atmosphere they work in. BPA [REDACTED] said, given the situation, to arrest that many migrants at once on horseback would be difficult and, outside of the migrants complying, "the best bet would be to keep them from

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advancing". (Timestamp 1:01:52)

BPA [REDACTED] stated he did not consider the migrant he was trying to stop, in Video 1, to be under arrest. BPA [REDACTED] continued by saying he tried to stop the migrant, but the migrant did not stop. BPA [REDACTED] stated the women and children in the video were part of the last group that was being allowed to walk toward the Del Rio POE, but the male migrant he was trying to stop was not part of that group. BPA [REDACTED] agreed the male migrant he was trying to stop was standing with the group of females and children that were being allowed to continue to the Del Rio POE, however BPA [REDACTED] stated the male migrant was not traveling with the females and children. BPA [REDACTED] stated the women and children were some of the migrants that were reluctant to move from the boat ramp when the HPU initially arrived to send the crowd back to the POE. BPA [REDACTED] stated the migrants bringing back food would have been waiting along the riverbank but would have taken the food to their families. BPA [REDACTED] stated he could not recall why that particular male migrant was pushed back toward the river. (Timestamp 1:04:05)

BPA [REDACTED] stated there were no directives given to separate adult males and allow women and children to enter the U.S. BPA [REDACTED] advised there was a "push" to disperse the adult male population before the females and children. BPA [REDACTED] stated as the population of migrants rose the priority was to process adult males first because they were the greatest safety risk if there was a riot. (Timestamp 1:09:20)

BPA [REDACTED] stated he attempted to stop the male migrant because he assumed that migrant arrived after the boat ramp was cleared of most migrants. BPA [REDACTED] was advised of three options for the migrants being held at the riverbank: to let them continue to the Del Rio POE, arrest them, or wait at the riverbank until the migrants returned to Mexico. BPA [REDACTED] stated, "or to turn them back", explaining this was common verbiage used by USBP and a stat (statistic) USBP kept. BPA [REDACTED] continued, saying he would not be forcing the migrant back across the river to Mexico, but that the migrant would decide to go back. BPA [REDACTED] stated if the situation would have become safe, "we" (the HPU) could have affected an arrest. BPA [REDACTED] was asked what he remembered from this specific event, which he replied he did not remember this event. (Timestamp 1:11:00)

BPA [REDACTED] identified the object he was twirling in his hands in Video 1 as split reins. BPA [REDACTED] stated he did not have a whip in his hand, nor did he see a whip in the field that day. BPA [REDACTED] stated he did not hit anyone with his reins on September 19, 2021. (Timestamp 1:13:36)

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BPA [REDACTED] stated humans learned to control horses through pressure and release, whether through cues from the rider in the saddle, pressure on the horse's sides via the rider's legs, reins, or the bit in the horse's mouth. BPA [REDACTED] stated reins can apply pressure on the horse's mouth and can be used against the horse's neck. BPA [REDACTED] stated the spinning of the reins in the horse's eyes sight was another stimulus which would make a horse move away from the stimulus. (Timeline 1:14:23)

BPA [REDACTED] stated spinning of reins can also be used to create distance between the horse and a person coming too close. BPA [REDACTED] stated he believed that he was trying to create distance and make his horse turn quickly in Video 1. BPA [REDACTED] stated he was constantly learning and spinning the reins was probably taught simultaneously in the field and quarterly training. (Timestamp 1:15:41)

BPA [REDACTED] stated an HPU BPA does not want someone on the ground advancing toward the horse because of safety concerns. BPA [REDACTED] stated a person could be injured if the horse stepped on them. BPA [REDACTED] stated if a person on the ground was able to control the reins it could be a deadly situation for both the rider and the person grabbing the reins. BPA [REDACTED] added if someone harmed the horse, the horse's reaction could affect the rider. (Timestamp 1:16:46)

BPA [REDACTED] stated use of force policy did not specifically address the use of reins to create distance and stated the use of force policy was open for interpretation and using the reins in this manner would not be any different than no contact being made. BPA [REDACTED] stated if someone was hit by a rein it would be considered an extension of your body. (Timestamp 1:18:24)

BPA [REDACTED] stated he did not see a whip on September 19, 2021. BPA [REDACTED] stated there was a lunging whip used in a training environment. BPA [REDACTED] stated he could not identify a lariat. (Timestamp 1:19:20)

BPA [REDACTED] stated he did not see any HPU BPA strike anyone with reins. (Timestamp 1:20:40)

BPA [REDACTED] identified himself on horseback in the forefront of screen in Video 1. BPA [REDACTED] stated he could not recall who he was speaking to but assumed it was migrants who had not crossed the (international) boundary. BPA [REDACTED] stated he was not speaking to anyone who can be seen in the video. (Timestamp 1:21:00)

BPA [REDACTED] stated he recalled seeing airboats on the days he worked at the Del Rio POE,

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recalling on September 20, 2021, the boat ramp had to be cleared of migrants so that an airboat could dock. BPA [REDACTED] stated after the incident TXDPS parked their patrol vehicles on the boat ramp and put yellow caution tape around it. (Timestamp 1:25:43)

BPA [REDACTED] stated after they were advised to let the migrants enter, he and the other HPU BPAs returned to the firebreak area about halfway to the Del Rio POE from the boat ramp. BPA [REDACTED] advised the order to allow the migrants to enter at the boat ramp came over the radio, but the person did not identify themselves. (Timestamp 1:26:30)

BPA [REDACTED] recalled the timeline of events at the boat ramp stating when he arrived migrants were advised to gather their belongings and move toward the Del Rio POE. BPA [REDACTED] stated once most of the migrants had left the boat ramp area, there were no migrants crossing the river. BPA [REDACTED] continued by saying at some point, migrants began coming to the middle of the river, so he called via radio for guidance, twice, asking what to do with the migrants standing in the river. BPA [REDACTED] stated some of the migrants had tickets, which he believed that meant they had checked in (with USBP). BPA [REDACTED] stated he did not know what the ticket meant. BPA [REDACTED] stated after a "standoff" the migrants moved and that was when the photos and videos were taken. BPA [REDACTED] stated later they were told to let the migrants continue walking up the boat ramp and that was when TXDPS took over putting up the caution tape. (Timestamp 1:28:25)

BPA [REDACTED] stated when he called for guidance over the radio he stated, "I need a call from leadership." BPA [REDACTED] stated not long after the second call for guidance, the migrants in the middle of the river crossed the river and ran, and he grabbed the migrant by the shirt. BPA [REDACTED] stated when he called for guidance, he advised that migrants with tickets and food were coming back. BPA [REDACTED] stated after the incident he asked other HPU BPAs and a TXDPS trooper if they had heard his request for guidance over the radio and those BPAs responded yes. (Timestamp 1:30:10)

BPA [REDACTED] was shown Video 2 from the PowerPoint. BPA [REDACTED] identified himself in the middle of the screen on horseback. BPA [REDACTED] said it was possible he told migrants in Spanish "go over there". BPA [REDACTED] stated he was probably talking to the people crossing. BPA [REDACTED] stated one of the reporters was saying the migrants were not breaking any laws because they had not made it to land. (Timestamp 1:39:20)

BPA [REDACTED] stated he did not remember telling any migrants on the bank (U.S. side) to return to Mexico. BPA [REDACTED] identified himself as the BPA on horseback when the migrant fell into the water at the end of the boat ramp. BPA [REDACTED] stated neither he nor his horse made contact

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with the migrant. BPA [REDACTED] stated at the end of the boat ramp, there were softball sized crushed stones under the surface of the water. (Timestamp 1:41:46)

BPA [REDACTED] stated the boat ramp was a hard surface made from concrete. BPA [REDACTED] advised his horse was shod and he considered his horse's footing on this surface. BPA [REDACTED] said he and this horse had worked on hard slick surfaces before. BPA [REDACTED] stated if the horse goes down the rider is going down with the horse, which was a concern. (Timestamp 1:43:44)

BPA [REDACTED] was again shown part of Video 2 where his horse lifts its head and a migrant falls back into the water. BPA [REDACTED] stated he specifically remembered the horse not contacting this migrant. BPA [REDACTED] stated his horse raised his head in such a manner because he was reacting to being pulled back. BPA [REDACTED] stated he was getting too close to the migrant that tripped. (Timestamp 1:44:50)

BPA [REDACTED] stated to his knowledge the Star Ranch had given TXDPS the access and permission to file trespassing charges on migrants found on their property. BPA [REDACTED] stated he did not recall any instruction about keeping migrants off the Star Ranch. (Timestamp 1:46:43)

BPA [REDACTED] was shown a clip of Video 2 in which he is using his horse to stop a migrant wearing red shorts at the water's edge. BPA [REDACTED] stated his objective was to prevent this migrant from entering further into the U.S. BPA [REDACTED] continued, saying the ultimate operational goal was to stop migrants from crossing (into the U.S.). BPA [REDACTED] stated this operational goal could not be achieved if migrants continued to be allowed to enter further into the U.S. BPA [REDACTED] stated to "stop the flow, you have to have a starting point." (Timestamp 1:49:20)

BPA [REDACTED] advised that the migrants he was holding at the boat ramp could either abscond to Mexico or stay there in the boat ramp area until the area was secure to place them under arrest and have them move to the Del Rio POE. BPA [REDACTED] stated the way these migrants were being held was out of his control from an operational standpoint. BPA [REDACTED] stated to stop more migrants from crossing they could not let this migrant continue walking. (Timestamp 1:50:39)

BPA [REDACTED] stated he did not force any migrants to return to Mexico. BPA [REDACTED] stated he did not see any BPAs force any migrants to return to Mexico. (Timestamp 1:53:51)

BPA [REDACTED] was asked why he was holding the migrants at the water's edge and in the water instead of on dry solid ground. BPA [REDACTED] stated he wished there was a better way for

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migrants to present themselves. BPA [REDACTED] added how far back is that line allowed to move before the migrants think more can come. (Timestamp 1:54:24)

BPA [REDACTED] advised in the section of Video 2 where he is sitting on his horse looking around, he was checking the surrounding area. BPA [REDACTED] advised during this time he did not have conversations with BPA [REDACTED] who was located just up the boat ramp from him. (Timestamp 1:56:24)

BPA [REDACTED] stated the migrants stopped crossing the river very close to the time when the first male was separated from the women and children. (Timestamp 1:57:23)

BPA [REDACTED] stated on September 19, 2021, his handheld radio was on his belt with the mic attached to his vest. BPA [REDACTED] advised that in Video 2 he grabbed his mic on his vest. BPA [REDACTED] stated he believed this was the first time he radioed leadership to ask for guidance. BPA [REDACTED] stated there was a photo of him using the mic and he believed that was when he made the second call. BPA [REDACTED] stated they continued to hold the migrants until he was advised by an unknown person to let the migrants in. (Timestamp 2:02:21)

BPA [REDACTED] stated he spent five days traveling to the Del Rio POE and recalled when his peers (BPAs) showed up for the first time he would tell them, "It gets worse." BPA [REDACTED] stated it made him sick the first time he saw it. (Timestamp 2:07:00)

After further viewing Video 2, BPA [REDACTED] stated this may not be when he was advised to let the migrants in because the group of migrants in the video was small. BPA [REDACTED] stated this was the last small group before they began stopping migrants at the boat ramp BPA [REDACTED] continued, saying that he told the migrants in the river that was the last group to come across. (Timestamp 2:08:13)

BPA [REDACTED] stated he heard "go to Mexico" while reviewing Video 2. BPA [REDACTED] stated he was talking to migrants that were behind everyone in the river that are shown on the video. BPA [REDACTED] stated the reporters were the last people to "come in" and there were a lot of migrants still waiting behind them. (Timestamp 2:12:40)

BPA [REDACTED] stated he did not have the authority to order someone back to Mexico from the U.S. at the bank of the Rio Grande River. BPA [REDACTED] stated he did not have the authority to force a migrant back to Mexico using a horse, because it would still be an order. BPA [REDACTED] stated it was a function of the USBP to deter migrants from entering the U.S. BPA [REDACTED] stated that at

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the end of Video 2, he believed there was a large number of people standing on the bank of the river in Mexico. (Timestamp 2:13:50)

BPA [REDACTED] stated as a BPA when he encountered a migrant who had entered the U.S. illegally, he could make an arrest. (Timestamp 2:16:15)

BPA [REDACTED] identified himself in Video 3 as the BPA hanging off the saddle. (Timestamp 2:20:42)

BPA [REDACTED] was shown Photo 3 from the PowerPoint. BPA [REDACTED] stated BPAs often grab individuals who run from them. BPA [REDACTED] stated it was also normal for HPU BPAs on horseback to grab individuals who run. BPA [REDACTED] stated he had received training on handcuffing from horseback. BPA [REDACTED] stated trying to arrest someone from horseback was not a violation of policy. (Timestamp 2:21:57)

BPA [REDACTED] stated the training included situations similar to the one depicted in the photo, which involved reaching for items while simultaneously controlling the horse. BPA [REDACTED] stated in Photo 3, he was trying to stop this migrant and arrest him. (Timestamp 2:25:51)

BPA [REDACTED] was shown Photo 4 from the PowerPoint. BPA [REDACTED] stated that the migrant in this photo was the same migrant from Photo 3. (Timestamp 2:26:43)

BPA [REDACTED] was shown Video 3 from the PowerPoint. BPA [REDACTED] stated that in the video he attempted to affect an arrest on a migrant. BPA [REDACTED] stated after the migrant broke loose from him, he turned around back toward the boat ramp because there were more migrants. BPA [REDACTED] explained that if a BPA chased the one migrant running away from the group there was a potential the rest of the group will abscond and not be apprehended. BPA [REDACTED] stated he discontinued pursuing this migrant as a matter of efficiency. BPA [REDACTED] stated it was more effective from a law enforcement standpoint to let one migrant run away and go back to the group, so all the migrants did not get away. BPA [REDACTED] stated he also wanted to be a deterrent at the boat ramp for the other migrants still waiting on the Mexico side of the river. (Timestamp 2:27:03)

BPA [REDACTED] stated it appeared some of the media had entered the U.S. illegally on September 19, 2021. (Timestamp 2:38:43)

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None


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U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 20

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

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|---|---|---|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 007</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of SBPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 20, 2021, Special Agents (SA) [REDACTED] and [REDACTED], CBP OPR Del Rio, conducted a witness interview of SBPA [REDACTED].</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 27-SEP-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 27-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

007

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 20, 2021, SA [REDACTED] and SA [REDACTED] OPR Del Rio, conducted an interview of Supervisory Border Patrol Agent (SBPA) [REDACTED]. The interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code: [REDACTED] (Exhibit 1). The time was Coordinated Universal Time, (UTC) 00:38:40 through UTC 02:11:32.

SBPA [REDACTED] is currently assigned as the supervisor for the HPU for the Southern Corridor of Del Rio Sector and he normally operates out of the Carrizo Springs Station. There are currently nine agents assigned to him that work on the HPU. The unit also includes one other supervisor (SBPA [REDACTED]). SBPA [REDACTED] and his unit start their shift at 6:00 AM at the Carrizo Springs I Station. On September 19th and September 20th, SBPA [REDACTED] and his unit assisted with the current surge in migrants that occurred near the Del Rio POE. They arrived at the Del Rio POE at approximately 9:30 AM. SBPA [REDACTED] stated that there were also two Del Rio HPU agents working that day (Exhibit 1 timestamp 00:41:01).

During the shift on September 19, 2021, SBPA [REDACTED] attended a mission briefing at the Incident Command Center at the Del Rio POE. The briefing was in reference to a mission that was being planned to clear migrants from a brush area near the Del Rio POE and Boat Ramp just south of the Del Rio POE. The mission had been planned for September 19, 2021, but eventually got postponed until Monday, September 20, 2021. The mission included clearing an area from a point known as the "fire break". They were planning to move migrants from the east side of the fire break to the west side of the fire break. SBPA [REDACTED] described the area they were to clear out to be approximately four tenths of a mile to half a mile wide. The end of the fire break connected to an area of the river close to Boat Ramp. The mission was to be conducted in coordination with the State SWAT team, Border Patrol Tactical Unit (BORTAC) Agents, and Texas Department of Public Safety (TXDPS). The plan was for the HPU to assist the other teams (who would be utilizing vehicles) to clear that area and move migrants from the east side of the firebreak to the west side. SBPA [REDACTED] stated the orders they received for this mission were given by Acting Assistant Chief Patrol Agent (ACPA) [REDACTED] (00:45:00 – 00:51:15).

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10. NARRATIVE

While at the command center attending the briefing, SBPA [REDACTED] received a call at approximately 1:30 PM from one of his agents, BPA [REDACTED], informing him that TXDPS Troopers were requesting assistance with shutting down a crossing at the Boat Ramp just south of the Del Rio POE. SBPA [REDACTED] stated he was told by BPA [REDACTED] that the TXDPS operation was to shut down the crossing so that no people could go back and forth (timestamp 00:56:55 – 01:01:15).

SBPA [REDACTED] verified with the Command Center that the DPS request for assistance was not part of the current operational briefing (01:02:01). SBPA [REDACTED] stated he was under standing orders for his unit to help where needed (01:03:30). SBPA [REDACTED] stated the order to assist where needed came from BPA [REDACTED] ([REDACTED]) whom he believed was part of the Del Rio Sector Special Operations Group (SOG). SBPA [REDACTED] advised BPA [REDACTED] that the unit could assist DPS with their operation (01:05:00). SBPA [REDACTED] stated the operation at the boat ramp was a DPS operation (01:13:20). He believes that DPS was conducting the operation because they had completed similar operations on the upriver side of the bridge the day before (00:58:22).

SBPA [REDACTED] was shown a video (Video 2) of several HPU BPAs at the boat ramp where they were assisting the DPS Troopers with shutting down the crossing (01:05:50). In the video, one of the BPAs can be seen twirling his reins, while attempting to prevent migrants from crossing at the boat ramp. SBPA [REDACTED] was able to identify the BPA as BPA [REDACTED]. SBPA [REDACTED] stated the twirling of the reins is not consistent with Horse Patrol training, but that he is aware that BPA [REDACTED] has used that method before to help distract/control his previous horse. SBPA [REDACTED] stated that he is not sure why BPA [REDACTED] is twirling the reins in this instance, possibly intimidation, but he did notice that the horse responded (moved abruptly) at one point when BPA [REDACTED] twirled the reins in the video. SBPA [REDACTED] stated he has seen agents in the past twirl the reins in this manner. SBPA [REDACTED] stated he did not believe that he witnessed any policy violations in the video but that he could see how it could look bad. SBPA [REDACTED] said it did not appear that BPA [REDACTED] hit any of the individuals with the reins. SBPA [REDACTED] also stated it did not appear that any of his agents hit any of the individuals with their horse (01:05:50 – 01:22:20). SBPA [REDACTED] believes that the individual falling in the water fell due to a drop off at the edge of the ramp in the river (01:59:10).

SBPA [REDACTED] was able to identify a total of four of the BPAs in the video (Video 2) as BPAs from his unit. He was able to identify BPA [REDACTED], BPA [REDACTED] (not certain), BPA [REDACTED] (mentioned previously) and BPA [REDACTED] (01:17:50).

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SBPA [REDACTED] was shown another video (Video 1) of one of the HPU BPAs on a white/light colored horse (01:22:30). SBPA [REDACTED] was unable to definitively identify the BPA in the video. He could see that the horse was white, but he couldn't be sure because two of his agents ride white/light color horses. The two BPAs he believes that it could have been BPA [REDACTED] or BPA [REDACTED]. He also believes that there was a Del Rio HPA out there that day that also had a light-colored horse as well, but he couldn't be sure which agent was in the second video. SBPA [REDACTED] was able to identify BPA [REDACTED] in this video as the BPA on the brown horse who was twirling his reins and was pointing (01:26:15).

SBPA [REDACTED] was shown several still photos of the incident at the boat ramp (01:31:10). In the first photo (Photo 2), he was able to identify BPA [REDACTED], BPA [REDACTED], BPA [REDACTED] and BPA [REDACTED]. The second and third picture (Photo 3 and Photo 4) depict one of the BPAs next to a migrant and grabbing a migrant by the shirt. SBPA [REDACTED] was able to identify the agent as BPA [REDACTED] (01:33:40) in photo 3, and he wasn't sure about photo 4. SBPA [REDACTED] advised that his agents are trained to apprehend people while on horseback due to and they may have to grab people at times while on horseback (01:36:25).

SBPA [REDACTED] was asked if he was aware of any of his BPAs wearing a "Go Pro" camera during the incident (01:53:40). He stated that he was aware that BPA [REDACTED] was wearing a personal "Go Pro" camera that day. SBPA [REDACTED] stated that in the past the Del Rio Sector Border Patrol Strategic Communications Branch has asked for footage of the HPU in action. He stated for this reason some of his agents at times will carry cameras with them for that purpose and for liability purposes. SBPA [REDACTED] stated he did not receive a request from BPA [REDACTED] to wear the camera and that he did not tell BPA [REDACTED] that he couldn't wear it. SBPA [REDACTED] was not sure if the wearing of the camera was a policy violation. SBPA [REDACTED] did not know the whereabouts of the camera, but he assumed the agent had it. SBPA [REDACTED] stated he is not aware of any footage/pictures being released to the media by his agents regarding this incident.

SBPA [REDACTED] said he was not advised of, nor did he witness any incidents of excessive force conducted by his HPU BPAs in relation to this incident. SBPA [REDACTED] also stated he did not witness and was not advised of any migrants being combative (01:37:40).

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PREPARED BY

[REDACTED]

2. REPORT NUMBER

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**REPORT OF INVESTIGATION
Exhibit List**

None


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| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 010</p> |
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| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of SBPA [REDACTED]</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 20, 2021, Special Agent (SA) [REDACTED] and SA [REDACTED], CBP OPR Del Rio, conducted an interview of Supervisory Border Patrol Agent (SBPA) [REDACTED], Carrizo Springs, Texas.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 28-SEP-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 28-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

010

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 20, 2021, SA [REDACTED] and SA [REDACTED] conducted an interview of SBPA [REDACTED]. The interview was audio and video recorded using the StarWitness equipment and uniquely identified by Authentication Code: 01-zwfz4-g6e60-epggz-dg4e1-jdt59. The time was Coordinated Universal Time, (UTC) 02:47:42 through UTC 03:39:18.

SBPA [REDACTED] started his duty on September 19, 2021, at 6:00 a.m., as the HPU supervisor at the Carrizo Springs Border Patrol Station. SBPA [REDACTED] stated he was assigned to the Del Rio POE for support of the mass influx of migrants. He arrived at the Del Rio POE at 9:30 a.m.

SBPA [REDACTED] stated prior to reporting to the Incident Command Center, he met with SBPA [REDACTED]. SBPA [REDACTED] informed them of an operation that will be taking place later that day. The operation was an attempt to guide all the migrants closer to the POE and was to start at approximately 2:00 p.m. SBPA [REDACTED], SBPA [REDACTED] and 11 HPU BPAs, two of which were from Del Rio Station, patrolled the perimeter via horseback prior to the operation.

SBPA [REDACTED] was informed to stand down from the operation, with no explanation as to why. At approximately 2:00 p.m., at the time the incident in question took place, the Texas Department of Public Safety (TXDPS) had previously closed the Wier Dam and was attempting to direct traffic to the boat ramp. SBPA [REDACTED] was a half mile away from the Boat Ramp. TXDPS requested assistance of the HPU in stopping the foot traffic of the migrants at the Boat Ramp. SBPA [REDACTED] stated TXDPS had previously closed the Wier Dam and did not know who authorized them to close the Boat Ramp. SBPA [REDACTED] believed the Incident Command Center did not authorize the closure.

SBPA [REDACTED] stated HPU was not given instructions to assist DPS in closing the foot traffic at the Wier Dam. SBPA [REDACTED] stated the agents did so, on their own accord.

SBPA [REDACTED] stated, in reference to radio communications they were operating on Tactical Channel 2 (TAC 2), by orders of the Command Center. TAC 2 does not operate via a repeater.

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SBPA [REDACTED] was not a HPU instructor and was fairly new to HPU. SBPA [REDACTED] joined HPU in April of this year (2021). SBPA [REDACTED] stated he attended the four-week training.

SA [REDACTED] showed Video 1 (timestamp 03:02:41). Video 1 was paused at 03:03:21 and SBPA [REDACTED] identified BPA [REDACTED] as the BPA in Video 1. BPA [REDACTED] was on a horse and saying something to the migrants and while on his horse he was preventing migrants from passing further. Video 1 was paused again at 03:04:16, SA [REDACTED] asked SBPA [REDACTED] in his opinion and experience what were the BPAs attempting to do. SBPA [REDACTED] responded, they appeared to be attempting to prevent the migrants from entering the Boat Ramp. SA [REDACTED] asked whether it was part of the mission that day or common practice, and if they have the authorization as BPAs to deter migrants. SBPA [REDACTED] responded, to deter migrants, no. SBPA [REDACTED] believed they were following instructions from DPS, in stopping the foot traffic.

SA [REDACTED] asked if they are trained to block people with horses. SBPA [REDACTED] responded in case of a riot, yes, and did not see anything wrong with that.

SA [REDACTED] paused Video 1 at 03:07:28 and asked SBPA [REDACTED] if he saw an HPU BPA twirl his reins and if could identify him. SBPA [REDACTED] responded, yes. and identified the BPA as BPA [REDACTED]. SA [REDACTED] asked if twirling of the reins is part of normal operations. SBPA [REDACTED] stated yes. SBPA [REDACTED] explained that reins were used to guide a horse to places the horse did not want to go. SA [REDACTED] asked could reins be used for any other reason. SBPA [REDACTED] stated, in an event when someone was attempting to take the reins, that would be a safety concern and the reins may be used as a deterrent.

SA [REDACTED] asked if they were taught twirling the reins. SBPA [REDACTED] stated, he did not recall it being part of the training syllabus. SBPA [REDACTED] stated using the reins to make the horse move was acceptable.

SA [REDACTED] paused Video 1 at 03:09:58 and asked SBPA [REDACTED] in his experience, why the agent would twirl his reins in that manner. SBPA [REDACTED] stated he believed if there was a stone or obstacle, perhaps the BPA used it to prevent the horse from going to it. SBPA [REDACTED] did not know if the BPA was trying to make the horse go somewhere or deter a person. After conclusion of Video 1, SA [REDACTED] asked SBPA [REDACTED] if he was able to identify any of the horses in the video. SBPA [REDACTED] identified a palomino horse and stated BPA [REDACTED] typically rode that horse.

SA [REDACTED] showed Video 2 and asked SBPA [REDACTED] if he was able to identify any other BPAs

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10. NARRATIVE

in the video (timestamp 03:15:49). SBPA [REDACTED] stated yes. SBPA [REDACTED] identified BPA [REDACTED] based on the GoPro camera he was wearing, BPA [REDACTED] and BPA [REDACTED]. SA [REDACTED] paused Video 2 at 03:17:19, and asked SBPA [REDACTED] if he observed BPA [REDACTED] twirl his reins and see the migrant fall to the water. SBPA [REDACTED] stated yes. SA [REDACTED] asked if SBPA [REDACTED] believed the horse struck the migrant or if there were obstacles that would have caused the migrant to fall. SBPA [REDACTED] stated that it was difficult to see if the horse struck the migrant, but he knew the specific spot was slippery due to his recent past experience when his horse was drinking water from the same area.

SA [REDACTED] paused Video 2 at 03:19:36, and asked SBPA [REDACTED] in his opinion what was the BPA trying to do with his reins. SBPA [REDACTED] did not know what the BPA's intentions were.

SA [REDACTED] paused Video 2 at 03:21:35 and asked SBPA [REDACTED] if could identify the BPA on the screen. SBPA [REDACTED] could not.

SA [REDACTED] presented Photo 2 and asked SBPA [REDACTED] if he could identify the BPAs (timestamp 03:22:21). SBPA [REDACTED] stated yes and identified BPA [REDACTED] BPA [REDACTED] BPA [REDACTED] and BPA [REDACTED]

SA [REDACTED] presented Photo 3 and asked SBPA [REDACTED] if he could identify the BPAs. (timestamp 03:23:15) SBPA [REDACTED] stated no.

SA [REDACTED] presented Photo 4 and asked SBPA [REDACTED] if he could identify the BPAs (timestamp 03:23:39). SBPA [REDACTED] stated yes and identified BPA [REDACTED]

SA [REDACTED] presented Photo 3 and asked SBPA [REDACTED] if it safe to say the BPA is BPA [REDACTED] (timestamp 03:24:28). SBPA [REDACTED] stated yes. SA [REDACTED] asked SBPA [REDACTED] with his experience and training, what BPA [REDACTED] was doing. SBPA [REDACTED] stated it appeared BPA [REDACTED] had a hold of the individual by the shirt, which was common when someone was fleeing. SBPA [REDACTED] stated HPU BPAs were trained both on and off the horse and no use of force was reported to him.

SA [REDACTED] inquired about the GoPro worn by BPA [REDACTED] SBPA [REDACTED] stated he was aware of BPA [REDACTED] use of a GoPro. STRATCOM (Del Rio Border Patrol Sector Strategic Communications) had requested photos and footage not necessarily of this operation.

HPU did not ask for authorization to assist DPS in the attempt to shut down foot traffic. DPS did

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10. NARRATIVE

ask for permission from USBP to shut down the foot traffic.

SA [redacted] asked SBPA [redacted] whether based on the videos he had seen, if there was any policy the HPU BPAs violated. SBPA [redacted] responded no, and that there was no use of force.

SBPA [redacted] stated BPA [redacted], BPA [redacted], BPA [redacted] and BPA [redacted] were also on the day shift and SBPA [redacted] will provide "481" (G-481, Daily Unit Assignment Log) to show all HPUs that were on shift via email.

SBPA [redacted] stated the Incident Command Center provided guidance in operations and to assist where needed, which included assisting other agencies like DPS. SBPA [redacted] did not know who exactly gave that command but, it did come from the Incident Command Center. SBPA [redacted] heard it personally. SBPA [redacted] also stated that he believed all agencies report to the Command Center.

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EXHIBIT - 22

**DEPARTMENT OF HOMELAND SECURITY
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| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 28-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
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| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

008

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas, which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 22, 2021, Special Agents [REDACTED] and [REDACTED], CBP OPR Del Rio, conducted an interview of BPA [REDACTED]. The interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code:

[REDACTED] The time was Coordinated Universal Time, (UTC) 19:57:49 through UTC 20:25:35.

BPA [REDACTED] is currently assigned to the [REDACTED] [REDACTED] and he normally operates out of the Del Rio [REDACTED]. For the past two weeks, he has been assigned to the Del Rio Port of Entry Incident Command trailer located near the Del Rio Port of Entry (POE) bus loading area.

BPA [REDACTED] stated he was assigned to work on September 19, 2021, and he started his shift at approximately 6:00 AM and finished at approximately 7:00 PM. BPA [REDACTED] stated his assignment, that day, was to help coordinate security and the movement of migrants from the "pods" that they were being held at to the "Loading Zone" so that they could be loaded onto the buses. BPA [REDACTED] advised that he reports to [REDACTED] who is assigned to the Del Rio Border Patrol Sector (Del Rio Border Patrol Station) and is currently overseeing the operations at the incident command area near the bridge loading zone. BPA [REDACTED] did consult with [REDACTED] on September 19, 2021, regarding his specific area of operation. They specifically discussed what would be done with migrants who crossed the border and arrived at areas other than the checkpoint area near the camp (timestamp 20:03:30).

BPA [REDACTED] stated that on September 19, 2021, he met with the HPU supervisor and advised him to assist with security in his area. He stated he did not remember telling the HPU supervisor or any agents to "help where needed" (timestamp 20:09:15). BPA [REDACTED] stated it is possible someone could have heard him say those words, but he does not normally use that expression. BPA [REDACTED] stated that most of the direction that he gave on that day revolved around providing security in the Loading Zone and in the lavatory area when they were being cleaned out. Additionally, he also coordinated security when an EMT must go into an area to

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1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

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assist with treating one of the migrants. BPA [redacted] did not recall the HPU agents being part of any special operations on that day (timestamp 20:08:10).

BPA [redacted] was shown Video 2 of the incident involving members of the HPU at the Boat Ramp that occurred on September 19, 2021 (timestamp 20:10:30). BPA [redacted] did not recall hearing about that incident either directly or on the radio while he was working that day. BPA [redacted] stated that the operations being conducted on site were communicated on radio [redacted]. BPA [redacted] stated he did not recall hearing any requests for assistance regarding the incident at the Boat Ramp.

BPA [redacted] stated he has had training in Incident Command Operations and receives ongoing incident command training due to his position on the [redacted] (timestamp 20:07:01). BPA [redacted] stated he believed guidance to the Texas Department of Public Safety (TXDPS) troopers came from their chain of command. BPA [redacted] said he believed TXDPS had their own incident command center, and he did not know if the TXDPS command center was in communication with the Border Patrol command center on that day. BPA [redacted] did state that it was normal for TXDPS and Border Patrol to help each other during this time with everything going on at the Del Rio POE (timestamp 20:14:02).

BPA [redacted] was shown photo 1, a satellite image of the area in question and was asked to identify and mark pertinent locations. He annotated the U.S. and Mexico on their respective sides of the international boundary, the Rio Grande River, the POE bridge, and the location of his operation and the security line that he oversees. He further identified and marked the Boat Ramp depicted in the video he was shown (timestamp 20:15:45).

BPA [redacted] stated he was not aware of any circumstance where he as a BPA would be authorized to use force or the threat of force to force an individual to return to Mexico after making entry into the United States (timestamp 20:17:10).

BPA [redacted] said he was not advised of, nor did he receive any complaints from any migrants that day regarding the use of excessive force by any HPU agents (timestamp 20:12:50). BPA [redacted] stated he was not aware of any agent's video recording the incident involving the HPU agents at the boat ramp (timestamp 20:22:55).

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**REPORT OF INVESTIGATION
Exhibit List**

1. CASE NUMBER

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PREPARED BY

[REDACTED]

2. REPORT NUMBER

008

None


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 23

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
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|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 009</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of [REDACTED]</p> | | |
| <p>9. SYNOPSIS On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 22, 2021, CBP OPR Special Agents (SA) [REDACTED], CBP OPR Del Rio and SA [REDACTED], OPR SAC Tucson, interviewed [REDACTED] at the Del Rio OPR office.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 28-SEP-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 28-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

1. CASE NUMBER

202112280

PREPARED BY

2. REPORT NUMBER

009

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio, Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 22, 2021, SA [REDACTED] and SA [REDACTED] interviewed [REDACTED] at the Del Rio OPR office. The interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code: 01-3qj4E-o7haq-hj461-r97h4-v5va9. The time was Coordinated Universal Time, (UTC) 21:49:49 UTC through 22:18:34 UTC.

[REDACTED] stated that on Sunday, September 19, 2021, he was assigned as the [REDACTED] for the migrant staging location located "under the bridge" at the Del Rio POE, and his shift began at 9:00 a.m. [REDACTED] responsibilities were the identification, accounting, movement, and transfer of migrants, the amenities provided to migrants, and the coordination of all persons entering the Migrant Staging Location. He also coordinated with the Emergency Operations Center (EOC) for the transportation of all migrants away from the Del Rio POE.

Between September 18, 2021, and the early part of the day on September 19, 2021, the U.S. Border Patrol recorded their "high water mark," of 15,877 migrants. U.S. Border Patrol (USBP) Del Rio was working with different Border Patrol Sectors, Immigration and Customs Enforcement (ICE), ICE facilities, and others to move migrants out of the Migrant Staging Location. [REDACTED] responsibility was to identify migrants who were to be transported and determine their composition, such as family units or adults. [REDACTED] was also responsible for water, food, and medical treatment. On September 12, 2021, USBP had 700 migrants detained, and by September 18, 2021, to early September 19, 2021, that number had reached 15,877. [REDACTED] was responsible for managing the "chaos." [REDACTED] explained there was a lot of movement and accounting for incoming and outgoing migrants.

In the Incident Command Post (ICP), [REDACTED] would also account for BPAs and other agency personnel as they arrived. [REDACTED] explained that arriving personnel were logged and provide them with responsibilities, such as the feeding of migrants, providing security, and preparing migrants for movement.

[REDACTED] previously received Incident Command Training between approximately 2009 and

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2012 when he was a Field Operations Supervisor. [REDACTED] training consisted of the Incident Command Systems (ISC) 300 and 400 courses. [REDACTED] has not completed any refresher courses as these are one-time courses only; however, he stated he had sharpened his skills since completing the training by responding to numerous incidents. [REDACTED] explained that he was previously assigned to the USBP's Rio Grande Valley Sector where they established EOCs for hurricanes, and he became very familiar with ICS operations.

[REDACTED] IPC at the migrant staging location consisted of a trailer with radios and cameras. The Migrant Staging Location ICP was the location where personnel assigned to the Migrant Staging Location would meet and where personnel entering and exiting the Migrant Staging Location would be tracked. This included CBP employees, outside agency law enforcement officers, food service contractors, volunteers, and the media. [REDACTED] initial concern was safety and he wanted to ensure he had enough personnel on hand to meet safety requirements. (timestamp 21:59:55)

[REDACTED] recalled the specific time the HPU arrived on September 19, 2021 (timestamp 22:00:01). A larger ICP and the EOC had been established behind the Migrant Staging Location ICP. This larger IPC and EOC handled security for the overall area impacted by the influx of migrants, not just the Migrant Staging Location. Laredo Sector [REDACTED] [REDACTED] was the Lead Field Coordinator (LFC) and was the IC responsible for all Department of Homeland Security (DHS) and outside agency components assigned to the migrant influx. [REDACTED] was [REDACTED] first line supervisor during this operation. [REDACTED] did not need guidance from [REDACTED] that day (timestamp 22:01:16). The HPU did not check in with [REDACTED] at the Migrant Staging Location ICP when they arrived (timestamp 22:01:26).

On September 19, 2021, there was a 10:00 a.m. or 10:30 a.m. briefing with the Team Leaders (TLs) from the involved components and agencies to discuss security. A migrant "community" was being established close to the Boat Ramp (east of the Migrant Staging Location) because they were running out of room in the Migrant Staging Location. In the meeting, two Deputy ICs were going over security and contemplating how law enforcement personnel could move the migrants from the Boat Ramp area into the "containment zone" closer to the Del Rio POE. After going over the plan, the TLs departed and were to meet again at 2:00 p.m. to discuss what assets they had for the operation and to develop a strategy. This included Texas Department of Public Safety (TXDPS), Texas Criminal Investigations Division (TXCID), and the Val Verde County Sheriff's Office. The HPU was going to be part of this operation, but [REDACTED] did not speak to any of the HPU supervisors. (22:02:40)

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PAIC [REDACTED] said that personnel at this meeting were not instructed to stop or deter the flow of migrants entering the U.S. PAIC [REDACTED] never gave instructions to the HPU to assist in stopping or deterring the flow of migrants into the U.S. [REDACTED] did not recall a request being broadcast over the radio to do so (timestamp 22:05:27). PAIC [REDACTED] did submit a request through the EOC for additional HPU for a security presence, but not for the purpose of stopping the flow of migrants. PAIC [REDACTED] requested that the HPU respond to augment the Del Rio Sector's HPU, which had been working in the area since September 12, 2021. Del Rio Sector's HPU had only been working day shift, and PAIC [REDACTED] wanted a 24-hour, seven day a week HPU coverage. PAIC [REDACTED] intended HPU to patrol up and down (east and west) the Rio Grande River from the Migrant Staging Location to provide a security presence.

PAIC [REDACTED] did not know what the Carrizo Springs' HPU's instructions were on September 19, 2021, from 10:30 a.m. to 2:00 p.m. as he did not speak to them when they arrived (timestamp 22:06:45). PAIC [REDACTED] spoke to their Special Operations Supervisor (SOS) to ensure they were providing security patrols up and down the "bridge road." USBP anticipated that migrants would learn about deportation flights back to Haiti and wanted a good presence at the Migrant Staging Location and up and down the river.

PAIC [REDACTED] did not recall a request from DPS at approximately 1:30 p.m. for HPU's presence at the "down river Boat Ramp." (timestamp 22:07:35). PAIC [REDACTED] learned of DPS's request after the incident at the Boat Ramp involving the Carrizo Springs HPU had already occurred. PAIC [REDACTED] learned of the incident when Border Patrol Chief Raul Ortiz advised him that it was in the media.

[REDACTED] had overarching command of security for this operation, to include DPS assets, and provided direction and guidance. However, [REDACTED] had two Deputy ICs, one of which was Del Rio Sector [REDACTED] PAIC [REDACTED]. PAIC [REDACTED] was responsible for the coordination of the various law enforcement agencies and was responsible of security operations. The second Deputy IC was Eagle Pass North Station PAIC [REDACTED]. A DPS Trooper was co-located at the EOC with [REDACTED] and the two Deputy ICs to facilitate communication with TXDPS and command staff (22:09:53).

PAIC [REDACTED] explained at the Migrant Staging Location, any arriving personnel reported to him, and he assigned them as needed, such as to security operations or migrant feeding. When services or contractors arrived, PAIC [REDACTED] ensured there was an adequate law enforcement presence for security.

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When asked, [REDACTED] clarified that [REDACTED] and [REDACTED] had oversight of security for the entire operation, whereas he had oversight for security at the Migrant Staging Location. When additional outside agency personnel or BPAs arrived, they reported to the EOC run by [REDACTED] and the two Deputy ICs. If they were then subsequently directed to the Migrant Staging Location, they would report to him upon their arrival (22:12:12).

All personnel involved in the overall operation were communicating on radio [REDACTED], a direct, non-repeater, frequency. This frequency was chosen due to the amount of radio traffic involved with the operation and they didn't want to tie up the normal repeater channels used by the Del Rio Sector BPAs. He was not aware of any other channel being used during the operation. They could still scan the regular repeater channel for that area, [REDACTED], but they were all operating on [REDACTED]. He believed, but was not sure, that DPS had access to [REDACTED] on their radios but was unsure if they were communicating on it.

[REDACTED] was shown Video 2 via a link: "Trapped": Migrants collecting food try to evade law enforcement at the U.S.-Mexico border" (timestamp 22:14:14).

According to [REDACTED], no allegations of excessive force or misconduct on the part of BPAs or officers were reported to him, nor was he aware of such allegations until he saw the video that was shown to him (timestamp 22:16:24). He believed the order or authorization for HPU to assist DPS at the Boat Ramp came from the EOC. He was not sure if the request from DPS for HPU assistance went from DPS up to the EOC and then to HPU, or if it went straight from DPS to HPU. He saw HPU patrolling back and forth (timestamp 22:17:04).

Regarding radio transmissions, [REDACTED] stated he heard some of the of radio traffic occurring during the overall operation. When he was in the EOC the radio was on, and he heard people call the command post. He didn't know who was in the EOC monitoring the radio. When people arrived at the EOC, they were required to sign in, but he didn't know if that was actually taking place. Arriving personnel were given their assignments when they arrived at the EOC. If they were assigned to him at the Migrant Staging Location, he had a sign in board at his ICP on which he accounted for personnel as they came and left. His board was erased at the end of every shift, or the names of individual personnel were erased as they are relieved. He didn't have any pictures of the board for achieving. In the EOC, they had the number of assets written down by agency, such as the number of BPAs or DPS Troopers, but he didn't know if they have them by name.

On or about September 19, 2021, it was normal for BPAs to help other agencies as needed.

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1. CASE NUMBER

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There was a high number of law enforcement personnel going back and forth, and it wouldn't be out of the realm of possibility for DPS to ask for help. He asked DPS for help when he saw something they could assist with. It was a unified command and requesting assistance from other agencies occurred (timestamp 22:21:17).

When asked to clarify, [REDACTED] confirmed he believed permission for HPU to help DPS came from [REDACTED]'s EOC, or that DPS communicated directly with HPU. He wasn't sure who granted permission for HPU to assist DPS. He also clarified that all personnel arriving at the scene, to include DHS, outside agency, and civilian personnel, were supposed to sign in at the EOC by name, but he could not confirm that occurred. At his Migrant Staging Location ICP, he only annotated the TL's name and the number of personnel with each TL (timestamp 22:22:40).

Referring to the previously mentioned 2:00 p.m. meeting that was scheduled to take place, [REDACTED] did not go to the meeting and was unsure if it occurred. He was advised by an unknown person that the operation to move the migrants towards the containment zone was postponed, and he believed he was advised of this before 2:00 p.m. If the meeting had taken place, [REDACTED] or [REDACTED] would have conducted the meeting as they handled the initial meeting that took place at 10:00 or 10:30 a.m. (timestamp 22:24:58).

According to [REDACTED], no Operations Plan (OpPlan) had been drafted for the overarching operation dealing with the migrant surge. Based on past practice, he did not believe an OpPlan would have been drafted for an individual operation, such as the operation they intended to plan at 2:00 p.m. Individual units or personnel would have been advised of their roles and responsibilities, but he didn't believe anything was put in writing. Due to time constraints, a Command's Intent, or something simple with overall roles and responsibilities may have been drafted, but not an OpPlan. [REDACTED] stated no Commander's Intent, OpPlan, Operations Order, etc., had been sent out and all directives were verbal. In his position he would have known if such a document had been distributed (timestamp 22:28:02).

SA [REDACTED] presented Photo 1 a satellite image of the area in question to [REDACTED] and asked to identify and mark pertinent locations (timestamp 22:29:17). He annotated the U.S. and Mexico on their respective sides of the international boundary, the Rio Grande River, the POE bridge, and the location of his migrant staging location ICP. He further identified and marked the Boat Ramp depicted in the video he was shown.

[REDACTED] was asked under what circumstances a BPA could use force, or threaten to use force, to make an individual return to Mexico after they entered the U.S., to which he replied that

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PREPARED BY

[REDACTED]

REPORT OF INVESTIGATION CONTINUATION

2. REPORT NUMBER

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10. NARRATIVE

no such circumstances exist. Through officer presence BPAs could be encouraged migrants to return to Mexico, but once they have entered the U.S. it's the USBP's job to arrest them. It was, or should be, part of a BPAs training that once a migrant entered into the U.S., BPAs could not use force to cause a migrant to return to Mexico. [REDACTED] stated he instructed Use of Force for many years and did not teach BPAs they could use force or threaten the use of force to cause someone to return to Mexico (timestamp 22:31:13).

He did not know if BPAs who arrived in Del Rio Sector or at the Del Rio Station were briefed on the location of the International Boundary. He believed it was common knowledge that the middle of the Rio Grande River was the International Boundary. He added that the boundary can change based on depth and other factors such as islands that must be traversed. If a BPA wanted simplify things, they'll use the northern bank of the river as a migrant would already in the U.S. by the time, they reach the north bank

[REDACTED] drew a line on the satellite image of what he identified as the north bank of the Rio Grande River.

According to [REDACTED], with the exception of rescues, BPAs do not take enforcement action in the river, and they wait until migrants have stepped foot onto the north riverbank before doing so (timestamp 22:33:29).

Referring to the previously viewed video (Video 2), [REDACTED] confirmed that the migrants seen in it were already in the U.S. He was not aware of any instances of BPAs forcing migrants back into the river, and no such actions were reported to him that day (timestamp 22:34:51).

[REDACTED] signed, dated, and wrote the time on the back of the satellite image he was provided and on which he made annotations (timestamp 22:34:56).

He recommended that OPR speak with Special Operations Supervisor [REDACTED], the Del Rio Sector HPU second line supervisor. He also recommended that OPR speak with Del Rio Sector's North HPU supervisor, Supervisory Border Patrol Agent [REDACTED], although he is not the supervisor for the Carrizo Springs HPU BPAs seen in the video. Also recommended were [REDACTED] and [REDACTED] and [REDACTED]. He believes they may know what was told to the HPU regarding their role with DPS and the containment zone north of the boat ramp and west to the bridge during the hours of 10:30 a.m. to 2:30 p.m.

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1. CASE NUMBER

202112280

PREPARED BY

[REDACTED]

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009



**REPORT OF INVESTIGATION
Exhibit List**

None


**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

202112280



EXHIBIT - 24

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|--|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 004</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On Friday September 24, 2021, Assistant Special Agent in Charge (ASAC) [REDACTED], OPR SAC Houston and Special Agent (SA) [REDACTED], OPR SAC Tucson, conducted a witness interview of [REDACTED] of the Del Rio Sector Special Operations Detachment.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 27-SEP-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 27-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
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PREPARED BY

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REPORT OF INVESTIGATION
CONTINUATION

10. NARRATIVE

On Friday September 24, 2021, OPR ASAC [REDACTED] and SSA [REDACTED] conducted a witness interview of [REDACTED] of the Del Rio Sector Special Operations Detachment at the OPR office in Del Rio, Texas. The interview was audio and video recorded using StarWitness equipment and uniquely identified using Authentication Code: [REDACTED]). The time was Coordinated Universal Time, (UTC) 17:16 through UTC 18:28.

[REDACTED] is currently assigned to the Del Rio Border Patrol Sector Special Operation Detachment. [REDACTED] said he was familiar with the incident involving the HPU that occurred at the Boat Ramp on September 19, 2021, where HPU was seen interacting with several migrants attempting to enter the United States. [REDACTED] stated that he found out about the incident the following day. On September 19, 2021, [REDACTED] said he was stationed at the incident command center located near the Del Rio POE where the majority of the of the Haitian migrant population were located. [REDACTED] role during the incident was to serve as one of the Deputy Patrol Agent's in Charge assigned by [REDACTED] and [REDACTED] [REDACTED] Del Rio Sector, to manage security operations and to coordinate with other law enforcement agencies and tactical units. [REDACTED] reported directly to [REDACTED] and [REDACTED].

[REDACTED] explained the chain-of-command during the incident are as follows: [REDACTED] was the overall Incident Commander and below him were two Deputy Incident Commanders, [REDACTED] and [REDACTED]. Serving under [REDACTED] command is Border Patrol Tactical Unit (BORTAC) Commander [REDACTED], who was assigned to take care of field operations and was [REDACTED] main point-of-contact. After [REDACTED], there are multiple BORTAC supervisors including [REDACTED], and Border Patrol Search, Trauma, and Rescue Unit (BORSTAR) [REDACTED]. BORTAC Commander [REDACTED] coordinated with other Border Patrol units including the HPU. [REDACTED] responsibilities were to assist with operations, including transport, feeding operations, logistics and administrative reporting procedures.

[REDACTED] said that his responsibilities included assessing the security situation in which he initially observed approximately 15,000 migrants under the POE bridge on the north side of the river scattered east and west of the river. Initially he established a security perimeter to contain the situation so that it wouldn't get larger. Texas Department of Public Safety (TXDPS) had already established a perimeter on the west side of the POE with marked TXDPS vehicle units parked facing the river all the way to the boat landing on the westside. [REDACTED] stated that the main mission during the incident was to provide security and to be prepared for any emergency that might arise. [REDACTED] said that he wanted to establish a security line of vehicles on the

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eastside POE since TXDPS had the westside covered, but USBP was short on manpower. Therefore, USBP was unable to establish a security line until the following morning on September 20th. However, [REDACTED] stated that there were some ATV patrol units patrolling in the area along the riverbanks on September 19, 2021. [REDACTED] orders were mainly to collect situational awareness and to observe and report at that time, but not to deter migrants from coming north towards the United States (timestamp 17:34:31). [REDACTED] further explained that there was no intention to create a choke point to funnel the migrants at that time and pointed out that having vehicles parked on east and westside was only for the purpose of observation and having situational awareness (timestamp 17:36:35:00). [REDACTED] reiterated that [REDACTED] was the overall Incident Commander on September 19, 2021, but also that [REDACTED] was overseeing operations as Chief of Del Rio Sector. [REDACTED] considered both [REDACTED] and [REDACTED] to be joint Incident Commanders. [REDACTED] stated that he reported to both [REDACTED] and [REDACTED].

[REDACTED] stated that [REDACTED] was used for the main radio frequency channel for operations and [REDACTED] radio channel was used for medical emergencies. Neither [REDACTED] nor [REDACTED] were repeater channels. [REDACTED] was chosen because it was a common channel that everyone had on their radios and was easy to use to communicate with all parties including TXDPS. [REDACTED] said that since these were not repeater channels, he did not believe they are recorded. [REDACTED] did not know the maximum range of [REDACTED] but was not aware of any radio communications issues. [REDACTED] further stated that he did not know if the frequency was encrypted. [REDACTED] also said that everyone was capable of monitoring the radio including the Incident Command, but nobody was specifically assigned to monitor the radio such as dispatch personnel, but there was always someone in the mobile command unit (timestamp 17:42:00).

[REDACTED] stated that there was a meeting that occurred around 10:30 a.m., on the September 19, 2021, regarding placement of vehicles on the eastside of the POE in order to gain situational awareness. Present at the meeting were [REDACTED], [REDACTED], [REDACTED] as well as other team leaders. During the meeting, concern was raised for the migrant children and mothers for possible medical issues considering the heat, as well as providing food and water. Also, during the meeting, it was decided by [REDACTED], [REDACTED] and [REDACTED] that a security line that was supposed to occur at 2:00 p.m., that day would not be established and that agents would stand down due to lack of manpower. [REDACTED] stated that there were no other operations scheduled for September 19, 2021, but several informal meetings were probably occurring between different agents throughout the day to decide how to organize a perimeter line. The recommendation was to establish the perimeter the following day on September 20, 2021, since

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more USBP mobile response team members would be arriving to the incident location. After the meeting, the directive for the remainder of the day was to stand-down but to continue with situational awareness and providing security (timestamp 17:50:00).

██████████ stated that there was no overarching operation plan drafted on September 19, 2021, to establish the line of vehicles for a perimeter. There was only a verbal briefing at 10:30 a.m., to team leaders regarding the perimeter. ██████████ further stated that no operation took place around 2:00 p.m., hours on the September 19, 2021, with the HPU, but each individual unit supervisors were assigning their personnel to help with situational awareness and medical emergencies (timestamp 17:53:00). The HPU team leader reported to the HPU program manager Acting Assistant Chief Patrol Agent (ACPA) ██████████ who in turn reported directly to ██████████. ██████████ stated that the HPU supervisor during the incident should have been at the meeting at 10:30 a.m. but was unable recall his name.

██████████ further stated that if an HPU supervisor was at the 10:30 a.m. meeting, the only instructions to personnel were to maintain security and that the movement that was to occur around 2:00 p.m., was cancelled. ██████████ further stated that ideally, he would have been notified of the incident involving the HPU when it happened on the September 19, 2021, but there were a lot of gaps in communication as far as who was communicating with each other. The first time ██████████ spoke to HPU program manager Acting ACPA ██████████ about the incident was via telephone on September 20, 2021.

██████████ stated that he did not know if TXDPS requested assistance from the HPU to shut down the border ramp and that TXDPS didn't specifically communicate with him for assistance to shut down the Boat Ramp (18:04:44). ██████████ said that TXDPS requests for permission such as to shut down the Boat Ramp was circumstantial and depended on unfolding events and that it was common for agents to talk amongst themselves and support each other. There wasn't necessarily a clear chain-of-command for those requests (18:06:46).

██████████ stated he was not aware of anyone from USBP giving TXDPS guidance to stop the flow of migrants across the border. ██████████ said that TXDPS did not request any permission to stop migrants and that DHS had no tactical operational control over TXDPS and that BPAs had no authority to enforce Texas state laws (timestamp 18:07:00). ██████████ stated he did not hear HPU units on the radio during the incident on September 19, 2021, but said that it was possible they could've used a different radio frequency, but he probably would have known about it.

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PREPARED BY

[REDACTED]

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None


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OFFICE OF PROFESSIONAL RESPONSIBILITY**

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U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

| | | |
|---|---|--|
|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 012</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of Patrol Agent in Charge [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas, which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 21, 2021, Special Agents (SAs) [REDACTED] and [REDACTED], CBP OPR, Del Rio, interviewed Patrol Agent in Charge (PAIC) [REDACTED], U.S. Border Patrol (USBP) Eagle Pass North Station, Eagle Pass, Texas.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 28-SEP-2021</p> | <p>14. ORIGIN OFFICE CBP OPR RAC DEL RIO</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 28-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
| <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS [REDACTED] REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p> | | |

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION CONTINUATION

1. CASE NUMBER

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PREPARED BY

2. REPORT NUMBER

012

10. NARRATIVE

On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas, which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.

On September 21, 2021, Special Agents (SAs) [REDACTED] and [REDACTED], CBP OPR, Del Rio, interviewed Patrol Agent in Charge (PAIC) [REDACTED], U.S. Border Patrol (USBP) Eagle Pass North Station, Eagle Pass, Texas. The interview was audio and video recorded using the StarWitness equipment and uniquely identified by Authentication Code: [REDACTED]. The time was Coordinated Universal Time, (UTC) 18:04:03 UTC through 18:25:15 UTC. Assistant Special Agent in Charge [REDACTED], CBP OPR, Houston, Texas, prepared this report based upon a review of the interview video recording.

Prior to the interview, PAIC [REDACTED] was provided with an Administrative Warning Acknowledgment for Non-Bargaining Unit Employees, which he signed acknowledging he understood his rights and obligations. SA [REDACTED] placed PAIC [REDACTED] under oath prior to the interview.

During the interview, PAIC [REDACTED] explained that approximately five days prior to the interview he was assigned as the Incident Commander for the influx of migrants entering the U.S. near the Del Rio POE. The following day, [REDACTED], USBP, Laredo, Texas, was assigned as the Incident Commander and PAIC [REDACTED] became the Deputy Incident Commander. As the Deputy Incident Commander, PAIC [REDACTED] was responsible for coordination with other agencies and stakeholders, reporting, and providing general guidance to subordinate personnel.

On September 19, 2021, PAIC [REDACTED] worked from approximately 7:00 AM to 10:00 PM, and was working at the Incident Command Center near the Del Rio POE during the incident involving the HPU near the Boat Ramp. PAIC [REDACTED] did not recall when the USBP Carrizo Springs HPU arrived in Del Rio. PAIC [REDACTED] explained that there was an Incident Command Center and an Incident Command Post near the Del Rio POE, and he was assigned to the Incident Command Center. The USBP Carrizo Springs HPU reported to the Incident Command Post near the Del Rio Port of Entry; therefore, PAIC [REDACTED] was unaware of their arrival. USBP Special Operations Groups reported to the Incident Command Center, but other personnel reported to the Incident Command Post near the Del Rio POE.

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PAIC [REDACTED] was uncertain but believed PAIC [REDACTED], USBP Del Rio Station, was responsible for the Incident Command Post during the incident involving the HPU. However, PAIC [REDACTED] did not specifically know if PAIC [REDACTED] was present during the incident (timestamp 00:08:51).

PAIC [REDACTED] said he was aware that the HPU was assigned to the incident location, but he did not know the specifics of their daily taskings and was unaware of any operations that USBP Carrizo Springs HPU planned to assist with on September 19, 2021. (timestamp 00:09:11).

PAIC [REDACTED] denied giving direction to the USBP Carrizo Springs HPU or having any contact with the HPU (timestamp 00:09:29). PAIC [REDACTED] said that while at the Incident Command Post, he observed the HPU but did not have any communication with them. (timestamp 00:09:39).

According to PAIC [REDACTED], on September 19, 2021, [REDACTED] was the Incident Commander assigned to the main Incident Command Center (timestamp 00:09:52).

PAIC [REDACTED] agreed that there was a multi-agency effort near the Del Rio POE and said that Texas Department of Public Safety (TXDPS) Troopers and personnel received direction from their management (timestamp 00:11:42). PAIC explained that DPS coordinated with USBP.

PAIC [REDACTED] was unaware of any standing order on September 19, 2021, directing the HPU to assist where needed (timestamp 00:12:30). PAIC [REDACTED] explained that the HPU would have received direction from their immediate supervisors. However, PAIC [REDACTED] was uncertain who would have provided direction to the HPU supervisors. According to PAIC [REDACTED], HPUs, typically, have program managers and an Assistant Chief Patrol Agent (timestamp 00:12:50).

PAIC [REDACTED] said that BPA [REDACTED] is a BORSTAR (Border Patrol Search Trauma and Rescue) Operator who was likely present at the area commonly referred to as the Loading Zone on September 19, 2021, but PAIC [REDACTED] was not sure (timestamp 00:13:42). PAIC [REDACTED] explained that BPA [REDACTED] would have tasked and assigned BPAs working near the Loading Zone who were involved in loading and unloading migrants. PAIC [REDACTED] agreed that it was possible the HPU received guidance from BPA [REDACTED] (timestamp 00:16:15).

PAIC [REDACTED] agreed that it was common for BPAs and DPS Troopers to work together and assist each other in matters concerning the migrant influx near the Del Rio POE (timestamp 00:17:06).

PAIC [REDACTED] denied knowledge of any DPS operational orders to stop the entry of undocumented

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[REDACTED]

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migrants or that he received notification that DPS intended to act to stop migrants from entering the United States. However, PAIC [REDACTED] said he did see video feed and hear radio communications that DPS personnel were lining up near the Weir Dam (timestamp 00:17:47).

PAIC [REDACTED] denied knowledge of a request from DPS to assist preventing undocumented migrants from entering the United States (timestamp 00:19:07). PAIC [REDACTED] said PAIC [REDACTED], USBP Special Operations Detachment Del Rio, is his counterpart at the Incident Command Center and is also serving as a Deputy Incident Commander leading the special operations element (timestamp 00:18:10). According to PAIC [REDACTED], PAIC [REDACTED] was working on September 19, 2021 (timestamp 00:18:42).

PAIC [REDACTED] was asked if the USBP mission was to stop or deter the entry of undocumented migrants into the U.S. PAIC [REDACTED] replied "...not down there" and explained that was the "mission set" USBP was currently postured to care for individuals involved in the migrant influx near Del Rio, Texas. (timestamp 00:19:24). PAIC continued by stating that he did not believe BPAs were instructed to stop the flow of migrants that day, unless it was possibly put out on radio (timestamp 00:19:53).

PAIC [REDACTED] explained that radio communications occurred on Tactical Channel 2, and this radio channel is not recorded. PAIC [REDACTED] said that tactical channels were being used for communications because BPAs were communicating with others in close proximity, and other agencies involved in operations near the Del Rio POE have the ability communicate on Tactical Channel 2 (timestamp 00:20:13).

Both the Incident Command Center and Incident Command Post are located near the Del Rio POE and are located within approximately 100 yards of each other (timestamp 00:21:44).

PAIC [REDACTED] denied receiving reports of any allegations of misconduct or use of excessive force by BPAs. PAIC [REDACTED] explained that he first learned of the September 19, 2021, incident involving the HPU from social media (timestamp 00:22:01).

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[REDACTED]

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None


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U. S. CUSTOMS AND BORDER PROTECTION
OFFICE OF PROFESSIONAL RESPONSIBILITY**

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|  <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY Customs and Border Protection</p> <p style="text-align: center;">REPORT OF INVESTIGATION</p> | | <p>1. CASE NUMBER 202112280</p> |
| | | <p>PREPARED BY [REDACTED]</p> |
| | | <p>2. REPORT NUMBER 013</p> |
| <p>3. TITLE EMPLOYEE, UNKNOWN/Unknown/1610 General Misconduct-Other Non-criminal/DEL RIO, VAL VERDE, TX</p> | | |
| <p>4. FINAL RESOLUTION</p> | | |
| <p>5. STATUS Interim Report</p> | <p>6. TYPE OF REPORT Memo of Interview</p> | <p>7. RELATED CASES 202112198</p> |
| <p>8. TOPIC Interview of [REDACTED]</p> | | |
| <p>9. SYNOPSIS</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 24, 2021, OPR Senior Special Agent (SSA) [REDACTED], CBP OPR SAC Tucson and Assistant Special Agent in Charge (ASAC) [REDACTED], OPR SAC Houston, conducted an interview of [REDACTED], Laredo Sector Headquarters.</p> | | |
| <p>10. CASE OFFICER (Print Name & Title) [REDACTED] - CBP OPR Special Agent</p> | <p>11. COMPLETION DATE 28-SEP-2021</p> | <p>14. ORIGIN OFFICE UFITS Region 1</p> |
| <p>12. APPROVED BY(Print Name & Title) [REDACTED] - CBP OPR Special Agent Supervisor</p> | <p>13. APPROVED DATE 28-SEP-2021</p> | <p>15. TELEPHONE NUMBER No Phone Number</p> |
| <p>THIS DOCUMENT IS LOANED TO YOU [REDACTED] AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> | | |
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|  <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> | <p>1. CASE NUMBER 202112280</p> <p>PREPARED BY [REDACTED]</p> <p>2. REPORT NUMBER 013</p> |
| <p>10. NARRATIVE</p> <p>On September 20, 2021, U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Del Rio, Texas, received information concerning an incident involving Border Patrol Agents (BPAs) from the U.S. Border Patrol, Carrizo Springs Station Horse Patrol Unit (HPU) Carrizo Springs, Texas. , The incident occurred at an area commonly known as "the Boat Ramp", approximately three to four tenths of a mile east of the Del Rio Port of Entry (Del Rio POE), Del Rio , Texas which is located in the Western District of Texas. CBP OPR is investigating and preparing a case to be presented to the United States Attorney's Office.</p> <p>On September 24, 2021, OPR Senior Special Agent (SSA) [REDACTED], CBP OPR SAC Tucson and Assistant Special Agent in Charge (ASAC) [REDACTED], OPR SAC Houston, conducted an interview of [REDACTED], Laredo Sector Headquarters. The interview was audio and video recorded using the Star Witness equipment and uniquely identified by Authentication Code: 01-sh6yz-2uof6-nayfs-hlzs7-pqpo7 (Exhibit 1). The time was Coordinated Universal Time, (UTC) 19:10:31 through UTC 20:21:08. [REDACTED] said he arrived in Del Rio on September 16, 2021, and was the designated Incident Commander (IC) for the group of immigrants massed under the bridge near the Del Rio POE. [REDACTED] said he initially learned of the incident involving the Carrizo Springs HPU from what he saw in the media and internal CBP reporting. [REDACTED] said he was not present during the incident involving the HPU and had no firsthand knowledge of what occurred.</p> <p>[REDACTED] said when he arrived in Del Rio, he coordinated his efforts with [REDACTED], Del Rio Sector Headquarters, with the focus of assuring the safety of approximately 15,000 migrants and getting them to a CBP or Immigration Customs Enforcement or (ICE) facility (timestamp 00:05:20). [REDACTED] said his principal role and responsibility was to manage the scene and assure it was properly resourced. [REDACTED] said he and other BPAs were not prepared for what they were faced with and described the event as something no one involved had ever seen or experienced before. [REDACTED] said he worked hand in hand with [REDACTED] to manage and resolve the incident, but as the IC, he accepted full responsibility for what occurred at the POE (timestamp 00:08:50).</p> <p>[REDACTED] said during the initial days of the migrant surge, it was all hands-on deck with no organizational structure and took a few days to get communications and resources defined. [REDACTED] said they (the USBP) did not have time to formulate an operational plan to specify responsibilities of each unit or to stipulate a clear chain of command. [REDACTED] said during the first 72 hours there was not a lot of structure in place (timestamp 00:16:40) and operations were very chaotic (timestamp 00:17:30). [REDACTED] described the event as an unbelievable situation (timestamp 00:18:30) with the first 72 hours of the operation as being reactive. [REDACTED]</p> | |

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██████████ said although the situation at the site was chaotic, he never had any reason to believe there was a breakdown in communication between management and personnel in the field (timestamp 00:23:00).

According to ██████████, Sunday, September 19, 2021, was the height of the worst conditions he experienced at the camp (timestamp 00:28:40). ██████████ described the condition as dire because they were having difficulty obtaining basic hygiene items and an adequate supply of bottled water. ██████████ said the temperature was 104 degrees, and the migrants were getting desperate. ██████████ said he observed some of the immigrants relieving themselves in plain sight because the port-a-potties were not adequately being serviced. ██████████ described the situation as unlike anything he had ever seen in his life.

██████████ said BPAs were stretched thin at that point, but they continued to focus on preserving human life and maintaining control at the site (timestamp 00:1:00) ██████████ said he was aware BPAs were working two shifts but did not know the total hours the agents were working per day. ██████████ acknowledged that he had no issues with communications between the units and had the ability to continuously monitor all portable and vehicle radio traffic.

██████████ acknowledged that on September 19, 2021, at 10:30 AM, he had a meeting with all the unit team leaders. The purpose for the meeting was to conduct an operation to consolidate the several groups of migrants in to one single group underneath the bridge. ██████████ said he was not aware of any team leader from the HPU attending the meeting, and he did not give any specific tasking to the HPU for this operation (timestamp 00:16:00). ██████████ was not aware of who directed the HPU to patrol any specific areas along the river. ██████████ said he did not recall receiving a request from the Texas Department of Public Safety (TXDPS) to assist in shutting down the Boat Ramp area.

██████████ said he learned about the HPU incident late Sunday evening, but at the time, he thought the incident occurred the day prior. Upon learning about the incident, he and ██████████ met to discuss the actions taken by the HPU. ██████████ said the social media video that was shown to him showed a BPA speaking unprofessionally and behaving in an unacceptable manner. ██████████ said ██████████ removed the HPU from that area and placed specific agents involved on administrative leave.

██████████ said he did not ask or direct the DPS to shut down the flow of migrants at the Boat Ramp (timestamp 00:00:55) nor did they have any plans or intentions of closing it down that day. If the DPS requested any form of direct assistance or support from BPAs on cite, BPAs had the

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authority to respond and act without having to first ask for permission from the USBP chain of command.

[REDACTED] clarified that there was an operational plan drafted to take control of the east side of the bridge and consolidate west of the fire break near the bridge. [REDACTED] said the operations plan was verbally briefed to all team leaders present but was unsure if a paper copy of the plan was distributed. [REDACTED] said he never gave an order or instruction to push migrants back to Mexico after reaching the U.S. side.

[REDACTED] concluded his statement by stating that as the Incident Commander, he accepted full responsibility for what occurred at the POE. [REDACTED] said although he was unaware of what occurred at the Boat Ramp, it was still his responsibility (timestamp 20:19:50).

DEPARTMENT OF HOMELAND SECURITY



**REPORT OF INVESTIGATION
Exhibit List**

1. CASE NUMBER

202112280

PREPARED BY

[REDACTED]

2. REPORT NUMBER

013

None

**DEPARTMENT OF HOMELAND SECURITY
U. S. CUSTOMS AND BORDER PROTECTION
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202112280



EXHIBIT - 27

**DEPARTMENT OF HOMELAND SECURITY
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