Annual Report
Office of Professional Responsibility (OPR)

OPR Overview

Highlights of OPR Activity FY 2016 and FY 2017

Employee Misconduct and Corruption Statistics FY 2016 and FY 2017

U.S. Customs and Border Protection

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I appreciate your interest in the U.S. Customs and Border Protection (CBP) Office of Professional Responsibility (OPR) and thank you for taking the time to read OPR's Report on Fiscal Years 2016 and 2017.

In FY 2016, the office formerly known as the Office of Internal Affairs was renamed OPR. The change reflected CBP's efforts to promote accountability and transparency as well as a broad movement among law enforcement organizations nationwide acknowledging that employee conduct, both on and off duty, forms the basis of public trust. The American people have entrusted us to protect the homeland and defend liberty. Guided by the highest ethical and moral principles, and exhibiting the highest level of professional responsibility, CBP employees strive each and every day to maintain the public trust and engender the confidence of the communities we serve and protect.

As the United States' first unified border entity, CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security, and agricultural protection into one coordinated activity. Operating in such a complex threat environment, progressive organizations like CBP must continually assess their policies and programs and when necessary, develop and implement new protocols to address ever-changing priorities and challenges. In FY 2016 and FY 2017, among many other organizational initiatives, OPR:

Matthew Klein
Assistant Commissioner
Office of Professional Responsibility

1) spearheaded efforts to fully implement a unified, CBP-wide process for reviewing, responding to, and investigating use of force incidents,

2) implemented programs to increase the efficiency and effectiveness of vetting of applicants for frontline law enforcement positions,

3) collaborated in the agency-wide effort to improve CBP's complaint intake process, and

4) reorganized its analytical research capabilities to enhance proactive detection of data anomalies or other suspicious activity that could be indicative of integrity concerns.

I am tremendously proud of the work OPR employees do every day as well as the progress we have made toward promoting accountability and transparency. However, our efforts remain a work in progress. Moving forward, OPR will continue to seek improvements and efficiencies in screening job applicants to ensure only those of the highest caliber enter on duty with CBP, monitoring and evaluating the continued suitability of the current workforce, and identifying and countering threats or vulnerabilities that could undermine CBP's integrity and security.

Sincerely,

Matthew Klein
Assistant Commissioner
Office of Professional Responsibility

Introduction

The men and women of CBP commit to serve the country with vigilance and integrity, reinforced by the Oath of Office and adherence to the Standards of Conduct. Every action is dedicated to earning and maintaining the trust of the nation they serve. Even with this shared ethos, CBP is vulnerable to the potential for corruption and misconduct within its workforce.

Throughout their tenures as Commissioner and Deputy Commissioner of CBP, R. Gil Kerlikowske and Kevin McAleenan emphasized integrity, transparency, accountability, and professionalism. Under their leadership, CBP developed the *Integrity and Personal Accountability Strategy*, which provides a unified framework for ensuring integrity and professionalism of the workforce on- and off-duty; revised and released its *Use of Force Policy, Guidelines and Procedures Handbook*; established a unified, formal review process for use of force incidents; and made improvements to the complaints and discipline process.

In an independent review, the CBP Integrity Advisory Panel recognized these accomplishments and recommended in its Interim and Final Reports that CBP go farther to increase transparency and accountability[1]. Placing specific emphasis on sharing information regarding the functions of OPR and condition of the agency with respect to misconduct and corruption, the Panel recommended CBP publish an annual report to government officials, media, and the public.

Now as the Commissioner of CBP, Mr. McAleenan continues this commitment to transparency and accountability and commissioned this inaugural report of OPR activities and accomplishments. OPR offers the following report for Fiscal Years 2016 and 2017 as well as an overview of key statistics regarding misconduct and corruption. The purpose of this report is to increase transparency and awareness of CBP's efforts to prevent, detect, and investigate misconduct and corruption among CBP employees and to highlight examples of the breadth and depth of work OPR does on behalf of the entire CBP workforce.

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1   https://www.dhs.gov/sites/default/files/publications/DHS-HSAC-CBP-IAP-Interim-Report.pdf
   https://www.dhs.gov/publication/cbp-integrity-advisory-panel-1

OPR Overview

Officially established by the *Trade Facilitation and Trade Enforcement Act of 2015*, OPR ensures compliance with agency-wide programs and policies related to corruption, misconduct, and mismanagement and executes CBP's internal security and integrity awareness programs. It is a stand-alone office led by an Assistant Commissioner (AC), who reports directly to the Commissioner of CBP. The AC, OPR has executive oversight of CBP's *Integrity and Personal Accountability Strategy* and the agency's efforts to prevent, detect, and investigate misconduct and corruption. The AC also serves as CBP's Chief Security Officer, responsible for ensuring the safety and security of CBP's assets and workforce.

Mission	To safeguard and promote the integrity and security of the CBP workforce.
Vision	We strive to serve with professionalism, accountability, and vigilance as the premier organization for identifying, mitigating, and countering threats and vulnerabilities which undermine CBP's workforce integrity and security.
Organization	The OPR mission transcends the traditional investigative functions of most law enforcement internal affairs units and the organizational structure reflects our unique dual mission to safeguard and promote both the integrity and security of CBP.
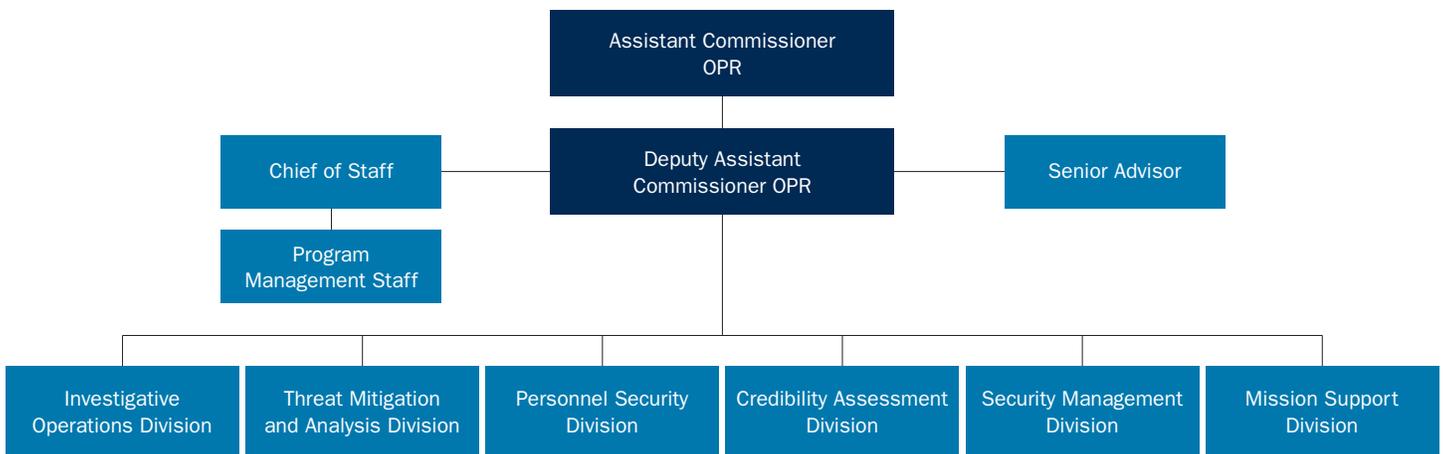
The OPR workforce consists of six divisions and the Executive Office of the Assistant Commissioner and includes criminal investigators, polygraph examiners, personnel, information, and physical security specialists, analysts, and mission support specialists.

The Investigative Operations Division and the Threat Mitigation and Analysis Division work collaboratively and proactively to detect potential cases of employee misconduct and corruption, understand the nature and extent it exists in CBP, and investigate allegations of wrongdoing.

The Personnel Security Division and Credibility Assessment Division administer OPR's integrated, multi-layered screening programs designed to ensure job applicants and contractors meet CBP's rigorous hiring and integrity standards and current employees continue to meet established suitability and eligibility requirements to maintain their Public Trust and National Security positions.

The Security Management Division helps safeguard CBP's personnel, information, facilities, and operations.

The Mission Support Division manages OPR's enacted budget and provides support services to nearly 600 on board employees operating from 26 locations nationwide.
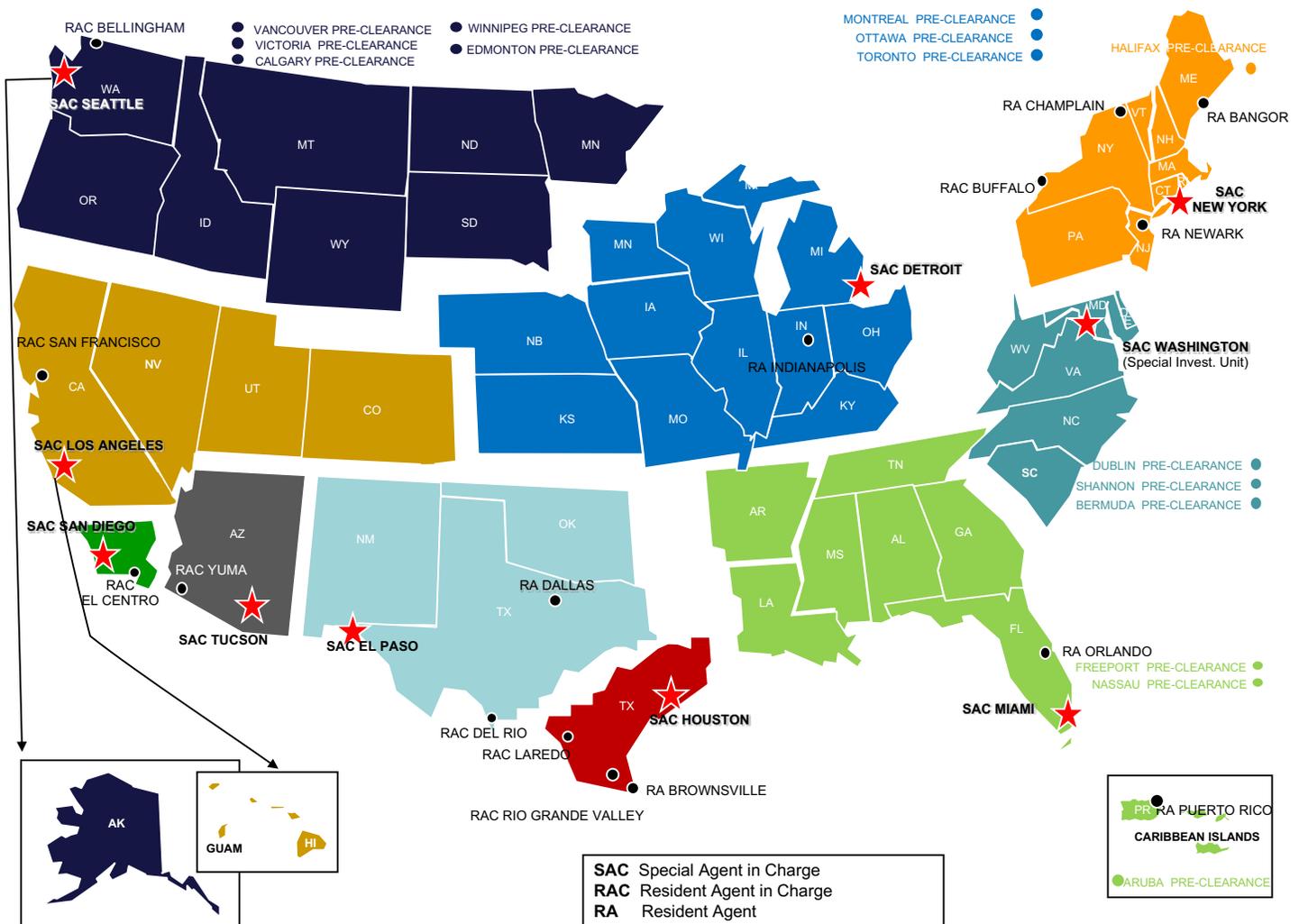
Investigative Operations

As the internal investigative arm of CBP, OPR conducts both criminal and administrative investigations. The OPR Investigative Operations Division (IOD) is organizationally structured to meet the threat of corruption and address misconduct that undermines the safety and security of the CBP workforce and mission.

IOD personnel have experience at law enforcement agencies across the Federal government and other CBP offices. IOD personnel have previously served with agencies such as Immigrations and Customs Enforcement (ICE), Federal Bureau of Investigation (FBI), U.S. Secret Service (USSS), U.S. Marshals Service (USMS), Offices of Inspectors General (OIG), and Drug Enforcement Administration (DEA). This unique balance of experience and institutional knowledge, combined with the investigative responsibility for approximately 59,000 employees, including over 45,000 law enforcement agents and officers, provides IOD an investigative edge.

Field Offices

IOD personnel are strategically located throughout the United States in ten OPR field offices each led by a Special Agent in Charge (SAC): Seattle, Los Angeles, San Diego, Tucson, El Paso, Houston, Detroit, Miami, New York, and Washington, DC. IOD criminal investigators collaborate with the DHS OIG and the FBI-led Border Corruption Task Force (BCTF)/Public Corruption Task Force (PCTF) to safeguard the integrity of the CBP workforce.

RAC BELLINGHAM

VANCOUVER PRE-CLEARANCE
VICTORIA PRE-CLEARANCE
CALGARY PRE-CLEARANCE

WINNIPEG PRE-CLEARANCE
EDMONTON PRE-CLEARANCE

MONTREAL PRE-CLEARANCE
OTTAWA PRE-CLEARANCE
TORONTO PRE-CLEARANCE

HALIFAX PRE-CLEARANCE

SAC SEATTLE

WA
MT
ND
MN
OR
ID
WY
SD

ME
RA CHAMPLAIN
VT
NY
NH
RA BANGOR
MA
RAC BUFFALO
CT
SAC NEW YORK
PA
NJ
RA NEWARK

SAC DETROIT
MN
WI
MI
IA
IN
OH
NB
IL
RA INDIANAPOLIS
KY
KS
MO

RAC SAN FRANCISCO
NV
CA
UT
CO

SAC LOS ANGELES

SAC SAN DIEGO
AZ
RAC YUMA
RAC EL CENTRO
SAC TUCSON

NM
OK
RA DALLAS
TX

SAC EL PASO

RAC DEL RIO
RAC LAREDO
RA BROWNSVILLE
RAC RIO GRANDE VALLEY

TX
SAC HOUSTON

MD
DE
SAC WASHINGTON
(Special Invest. Unit)
WV
VA
NC
SC

DUBLIN PRE-CLEARANCE
SHANNON PRE-CLEARANCE
BERMUDA PRE-CLEARANCE

TN
AR
MS
AL
GA
LA
FL

RA ORLANDO
FREEPORT PRE-CLEARANCE
NASSAU PRE-CLEARANCE

SAC MIAMI

AK
GUAM
HI

PR RA PUERTO RICO
CARIBBEAN ISLANDS
ARUBA PRE-CLEARANCE

SAC Special Agent in Charge
RAC Resident Agent in Charge
RA Resident Agent

Specialized Units

Seven specialized units support investigations: Technical Operations Unit, Cyber Investigations Unit, Use of Force Incident Team Program, Administrative Inquiry Program, Investigative Review Team, Operations Team, and the Integrity Assurance Program.

Technical Operations Unit

The Technical Operations Unit (Tech Ops) strengthens and supports IOD's capability in preventing, detecting, and investigating allegations of corruption and misconduct with new technology and techniques for successfully gathering electronic information and evidence. Tech Ops remains agile by developing and implementing innovative electronic surveillance strategies and initiatives aimed at ensuring optimal performance in an evolving environment.

Cyber Investigations Unit

CBP employees utilize computer workstations on CBP's network, which contain sensitive law enforcement and intelligence data. Specially trained Special Agents and analysts in the Cyber Investigations Unit (CIU) provide support to IOD investigators with the seizure and forensic analysis of computers, mobile, and other digital devices.

Use of Force Incident Team Program

Each year, the CBP Law Enforcement Safety and Compliance Directorate (LESC) documents and reviews incidents in which CBP law enforcement personnel use force. The Use of Force Incident Team (UFIT) Program opens cases for review on those incidents that involve 1) the use of a firearm, 2) deadly force or result in serious injury or death, and 3) use of less lethal devices. In cases involving the discharge of firearms, deadly force, serious injury, or death, CBP deploys a UFIT. UFITs are comprised of specially trained personnel from across CBP who rapidly respond to use of force incidents wherever CBP operates. Under the direction of an OPR Incident Commander (IC) (typically the Special Agent in Charge for the Area of Responsibility), UFIT responds to incidents to gather facts and evidence related to the incident and to prepare investigative reports. The IC coordinates with local, state, and federal authorities with investigative jurisdiction to ensure the investigation is thorough and complete. In cases of less lethal use of force, the UFIT Program delegates the investigation to the CBP component under the guidance of an OPR Special Agent. Upon completion of the investigation, the UFIT IC or a designee, presents the facts of the case to a Use of Force Review Board (UFRB). The UFRBs are charged with determining 1) whether the use of force was consistent with the CBP Use of Force Policy, 2) whether the incident should be referred for further investigation of potential misconduct or administrative violation, and 3) whether there are any observations or recommendations regarding tactics, training, equipment, operational deficiencies, safety issues, or compliance matters. All such recommendations are referred to the CBP LESC for evaluation and feasibility assessment in conjunction with CBP operational components[2].

Administrative Inquiry Program

The Administrative Inquiry Program coordinates the assignment and completion of administrative inquiries into allegations of non-criminal employee misconduct. These cases are typically referred to CBP program offices as management referrals, and subsequently program office management requests that a designated agency fact finder conduct the inquiry. Specially trained agency fact finders are assigned to an OPR point of contact who provides advice, guidance, and direction regarding the inquiry. The role of the fact finder is to collect and retain evidence, conduct an objective review of the relevant facts, and accurately report the facts in an administrative inquiry report. With the exception of most U.S. Border Patrol (USBP) inquiries, which are handled by Management Inquiry Teams, cases assigned to designated agency fact finders are processed through this program.

Investigative Review Team

The Investigative Review Team (IRT) ensures consistency in administrative investigations by supporting Special Agents with drafting thorough and complete Reports of Investigation (ROI) and providing training on investigative findings. Additionally, IRT collaborates with the Office of Human Resources Management (HRM) Labor and Employee Relations (LER) division and the Office of Chief Counsel (OCC) to ensure that final ROIs meet investigative standards. IRT reviews the final ROI and all exhibits to ensure investigative standards are met.

Operations Team

The Operations Team (Ops Team) is responsible for investigative operations policy, the IOD Office Inspection Program, and training programs. It reviews, updates, and develops CBP directives and OPR policies, the IOD Special Agent Internal Operating Procedures (IOP), and guidance memoranda that affect OPR investigative operations. The Ops Team identifies needs, develops specialized training, and coordinates training for all IOD employees. The Ops Team also administers the OPR Special Agent Training Program (OPRSAT), which educates Special Agents in customs and immigration law, operating procedures, policies and methodologies for conducting investigations.

Integrity Assurance Program

Behavioral science researchers and operations analysis specialists in the Integrity Assurance Program (IAP) conduct strategic assessments of employee off-duty misconduct and corruption to establish prevalence and identify trends and

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2 Beginning in FY 2017, the LESC chairs all UFRBs involving deadly force resulting in serious injury or death and OPR oversees the UFRBs involving less lethal force.

vulnerabilities in systems, processes, and personnel that may have implications for the integrity of CBP. IAP reports findings to senior leadership and other stakeholders, presents integrity awareness briefings, and shares results with CBP program offices for use in mitigation efforts.

Threat Mitigation and Analysis

The Threat Mitigation and Analysis Division (TMAD) performs research and analysis of complex data and information surrounding individuals and allegations related to suspected or identified CBP administrative or criminal misconduct using a variety of sources within DHS and other federal and state law enforcement partners and private sector tools. TMAD identifies, collects, analyzes and recommends appropriate actions for internal and external threats to CBP's mission, information and personnel, as well as develops and implements program initiatives to mitigate identified or potential threats including analytical awareness initiatives, policy recommendations, investigative support, proactive investigative and trend analysis, investigative referrals to the Joint Intake Center and investigative initiations.

TMAD supports three functions of OPR analysis, Investigative Analysis (reactive actions), Threat Mitigation (proactive actions), and Tactical Analysis (field-initiated actions).

Investigative Analysis Branch (IAB) receives, researches, collaborates with appropriate partners, and analyzes identified internal and external threats to the CBP mission, information, and people in order to provide appropriate investigative analysis and processes to mitigate identified or suspected threats.

Threat Mitigation Branch (TMB) identifies patterns and researches trends and common variables related to known or suspected threats to the CBP mission, information, and people in order to analyze multi-layered critical information or process needs.

Field Analytic Operations Branch (FAOB) receives, researches, collaborates, and analyzes information related to identified or suspected threats within designated geographic regions and in support of IOD investigations of employee misconduct and corruption.

Personnel Security

The Personnel Security Division (PSD) is responsible for the development of policy and procedures, implementation and administration of all aspects of the Personnel Security program at CBP to include background investigations, periodic reinvestigations, security clearances, employment suitability determinations and continuous evaluation of employees to ensure eligibility for employment. CBP has been delegated authority by the Office of Personnel Management (OPM) to perform its own background investigations of applicants, employees and contractors employed by or seeking employment with the agency. PSD directs, coordinates, and ensures compliance with all required standards of background investigations conducted by our contracted Investigative Service Providers.

PSD consists of five units performing distinct yet interdependent tasks:

Intake Unit receives reviews and processes all security forms and performs initial vetting checks, as well as schedules all cases for field investigation.

Applicant Operations Unit performs all adjudicative reviews of applicant and contractor cases and provides on-call adjudicative support to the Credibility Assessment Division.

Employee Operations Unit performs all adjudicative reviews of reinvestigations, continuous evaluation cases and security clearances.

Personnel Security Investigations Unit has responsibility for conducting inspections and quality assurance reviews of the Investigative Service Provider field investigative products and all PSD adjudications, as well as issuance, tracking, and revocation of Investigative Service Provider credentials.

Records, Systems and Freedom of Information Act (FOIA) Unit has oversight of all records management and privacy issues within PSD, FOIA requests for all of OPR, as well as systems use and development within PSD, including the Integrated Security Management System (ISMS) and Cornerstone.

Credibility Assessment

The Credibility Assessment Division (CAD) enhances the integrity of the CBP workforce and deters insider threats by providing OPR Divisions with essential information through administration of polygraph examinations that advance or resolve pre-employment background, administrative, criminal and counterintelligence investigations.

The Anti-Border Corruption Act of 2010 (ABCA) mandates that all applicants for CBP law enforcement positions[3] undergo a pre-employment polygraph examination as part of the screening process. CAD administers all of CBP's pre-employment polygraph exams from 26 OPR offices across the continental United States in compliance with the ABCA.

CAD polygraph examiners complete 14 weeks of basic forensic psychophysiology training at the National Center for Credibility Assessment (NCCA). To be accepted to NCCA, a prospective examiner must have a minimum of two years investigative experience, have earned a bachelor's degree from an accredited institution, and pass a counterintelligence scope polygraph exam. Following completion of NCCA, new examiners must successfully complete a structured agency internship prior to earning federal polygraph certification. To maintain federal certification, the examiner must then complete 80 hours of continuing education credits bi-annually.

Security Management

As the Security Office for CBP, OPR safeguards the CBP workforce and operations. The Security Management Division (SMD) identifies and reduces risks, threats, and vulnerabilities in the security of CBP's personnel and assets, while working to support its mission of protecting the Nation's borders. SMD is comprised of three branches: Physical Security Operations Branch, Information Security Branch, and Security Services Branch as well as the Executive Security Group, which mitigates threat to CBP Executives and federal, state, local, and international Leaders visiting CBP facilities.

Physical Security Branch (PSOB) develops, coordinates, and monitors implementation of agency-wide physical security policies, procedures, and standards for the protection of CBP personnel, facilities and assets. Through the application of design-basis threat methodology for market survey and construction review, along with conducting risk assessments and strong rooms certification activities, OPR ensures implementation of security requirements.

Information Security Branch (ISB) has program oversight of CBP's Information Security Program, which protects classified and sensitive information from unauthorized access, use, disclosure, or destruction.

Security Services Branch (SSB) ensures the physical protection of CBP employees, visitors, information, and assets at CBP headquarters in the Ronald Reagan building and other facilities in the National Capital Region. In accordance with the Homeland Security Presidential Directive (HSPD-12), SSB issues and controls Personal Identity Verification (PIV) cards.

Mission Support

The Mission Support Division (MSD) develops and executes administrative support strategies that enable OPR to perform its function by improving effectiveness, efficiency, customer service, and communication in the following areas: financial and administrative support services; facilities, fleet, and property management; and coordination of training and work/life programs.

Financial Management Group (FMG) provides the formulation and execution support of OPR's financial resources and works closely with all OPR divisions to ensure sound fiscal management of OPR resources through participation in program, project, and budget reviews.

Human Capital Group (HCG) supports OPR supervisors and managers with recruitment, hiring, and retention needs; and provides advisory services to OPR management regarding various human resources topics and issues. HCG assists OPR employees, helping them navigate through personal and personnel concerns, as well as providing on-board assistance to new hires. HCG identifies, develops, and provides training opportunities for OPR and CBP employees that enable them to enhance their job performance and career objectives.

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3   Law enforcement positions include Customs and Border Protection Officers, Border Patrol Agents, Air and Marine Interdiction Agents, and OPR Special Agents.

Logistics Operations Group (LOG) supports the OPR mission through fleet management, facility planning and management, and logistical readiness and planning.

Technology Management Group (TMG) provides OPR with management and oversight of the Personal Property Program in accordance with CBP and DHS rules and regulations; directly supports the National Capital Region with personal property accountability and management; provides OPR with necessary Technology Support services, accounts and access management.

Investigations

OPR-IOD investigators completed a total of **2,287** investigations in FY 2016 (1,103) and FY 2017 (1,184). In FY 2017, investigators increased case completion totals by 7%.

In an effort to reduce case processing time, beginning in June 2016, all non-criminal cases investigated by OPR-IOD investigators had a targeted completion 60 days after the determination not to pursue criminally.

Over the course of FY 2016, OPR-IOD successfully reduced timelines for case completion from an average of 100 days at the beginning of the fiscal year to an average of 59 days at the end of the year.

Completed Investigations
FY 2016 – FY 2017

This reduction in case processing time was accomplished by identifying and targeting of aging cases, triaging cases to maximize investigative resources, employing best practices to maximize efficiencies, and developing strategies to properly document case milestones.

OPR-IOD investigators continued to reduce case processing times in FY 2017, averaging 46 days to complete administrative investigations.
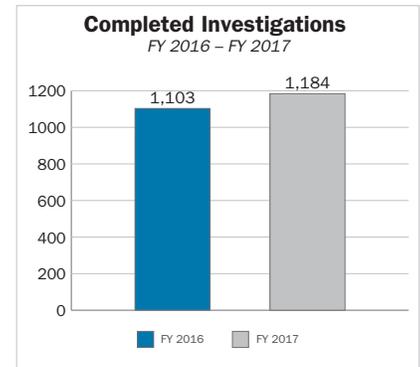
Use of Force Incident Team Response

CBP use of force incidents involving the discharge of firearms have steadily decreased since FY 2012[4].

In March of 2015, OPR established the UFIT Program and began the process of opening UFIT cases on those incidents that involved the discharge of a firearm, deadly force, serious injury and/or death as well as cases involving the use of less lethal devices.

In FY 2016, the UFIT Program opened and assigned 338 UFIT cases involving 373 individual applications of force[5].

CBP Use of Force Incidents Involving Discharge of a Firearm
*FY 2012 – FY 2017*

- 23 of the 338 UFIT cases opened by the UFIT Program in FY 2016 involved the use of deadly force or resulted in serious injury or death. These incidents occurred in five states; however, the majority were in Texas, Arizona, and California.

- 315 of the 338 UFIT cases opened by the UFIT Program in FY 2016 involved less lethal use of force and did not result in serious injury or death. These incidents took place in 12 states and the majority occurred in Texas, Arizona, and California.

During FY 2017, the UFIT Program opened 252 UFIT cases involving 271 individual applications of force.

- 12 of the 252 UFIT cases involved the use of deadly force or resulted in serious injury or death. These incidents occurred in six states and a U.S. territory, the majority were in Arizona.

- 240 of the 252 UFIT cases involved less lethal use of force and did not result in serious injury or death. The incidents took place in 11 states and one U.S. territory. Most occurred in Texas, Arizona, and California.

UFIT Cases by Component
FY 2016

UFIT Cases by Component
FY 2017

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4   https://www.cbp.gov/newsroom/stats/cbp-use-force.

5   Types of Force are as follows: Electronic Control Weapon (ECW; aka Taser), Collapsible Straight Baton (CSB), Oleoresin Capsicum (OC; aka pepper spray), Pepper ball Launching System (PLS), FN-303 (less lethal projectiles), K-9 bites (use of a CBP patrol canine to physically apprehend a subject), Warning shots (only authorized for AMO), Firearm discharges (any intentional discharge of a CBP owned firearm), and Other (includes Controlled Tire Deflation Device, Unintentional Discharge of a CBP firearm, Animal Euthanasia, CS Gas, and flashlight used as a weapon).
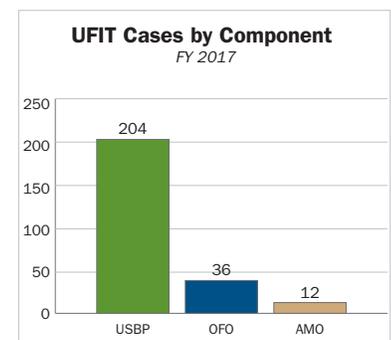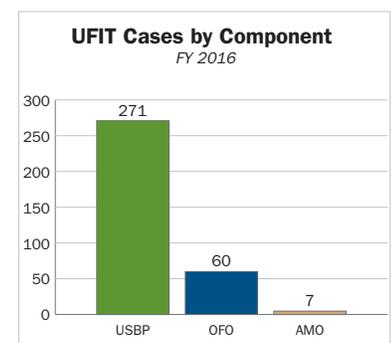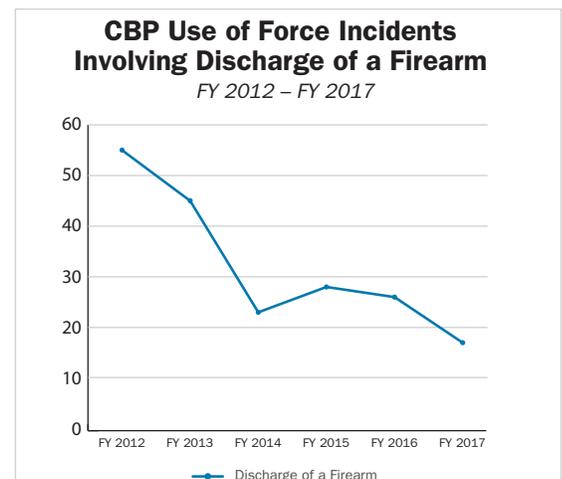
Analysis

In FY 2016 and FY 2017, OPR-TMAD implemented several initiatives to enhance OPR's analysis functions including:

- Developing and executing policy and guidance related to OPR analytical standards, tradecraft, processes, collaboration, products, and dissemination.

- Realigning analysts from OPR-IOD who support investigations to TMAD to centralize OPR's investigative analytical functions in one division.

- Redefining the mission and structuring operations to support the three primary functions of Investigative Analysis (reactive), Threat Mitigation (proactive), and Tactical Analysis (field-initiated actions).

OPR-TMAD's reactive and proactive analysis regarding suspected or identified administrative and criminal misconduct resulted in 405 investigative referrals to the Joint Intake Center over the course of FY 2016 and FY 2017. With the addition of the analysts in the Field Analytic Operations Branch, OPR-TMAD also provided ongoing analytic support to OPR-IOD investigations across the country.

Personnel Security

Throughout FY 2016 and FY 2017, OPR-PSD developed and implemented programs to increase efficiency and effectiveness of applicant vetting including:

- Continued involvement with CBP's efforts to re-engineer its hiring process, serving in the CBP Frontline Hiring Program Management Office where they shaped policy and worked to determine areas for continued improvement toward reducing time-to-hire for law enforcement applicants.
- Leveraging existing CBP technology to more efficiently vet applicants, employees, and contractors during the background investigation process.
- Using the National Security Adjudicative Guidelines to adjudicate CBP's law enforcement positions, expanding criteria from the eight Suitability factors to the 13 Eligibility guidelines.

Activity	FY 2016	FY 2017
Cases processed through Intake	36,041 cases including: ■ 21,842 background investigations ■ 14,199 periodic investigations	39,977 cases including: ■ 27,197 background investigations ■ 12,780 periodic reinvestigations
Adjudicative determinations on the suitability and fitness for employment and/or eligibility to occupy a national security position	19,436 adjudicative determinations	30,567 adjudicative determinations
Security clearance reviews for eligibility for access to classified information and	2,109 security clearance reviews	2,016 security clearance reviews
Reviews of investigations and adjudications and site inspections as part of the Quality Assurance Program	6,661 quality assurance reviews: Eight site inspections of Investigative Service Providers	5,435 quality assurance reviews: Eight site inspections of Investigative Service Providers
Responses to FOIA requests	1,598 responses to FOIA requests related to OPR activities	894 responses to FOIA requests related to OPR activities

Credibility Assessment

In FY 2016 and FY 2017, OPR-CAD polygraph examiners conducted over 17,000 applicant pre-employment screening assessments, marking a 17% increase in FY 2017.

Activity	FY 2016	FY 2017
Pre-employment polygraph assessments	7,937	9,265

As part of the effort to develop greater efficiencies in the vetting process, OPR-CAD, in conjunction with the NCCA worked to develop an alternative polygraph testing format that focused on areas directly related to candidate suitability for employment, which were not adequately covered by other investigative methods already employed as part of the screening process. OPR-CAD and NCCA created the Test for Espionage, Sabotage, and Corruption (TES-C) pre-employment polygraph testing format based on the current TES format already in use by other federal agency polygraph programs. The TES-C reduced testing time by 31%.

Security Management

In FY 2016 and FY 2017, OPR-SMD implemented a number of key initiatives to improve the security of CBP's personnel, information, facilities, and operations including:

- 300 Physical Security Vulnerability Assessments of CBP facilities;

- 120 Information Sharing Inquiries into security violations and infractions related to mishandling of classified and sensitive information;

- Expansion of the Security Liaison Program with component personnel who provide increased awareness of pertinent or evolving risks, threats, and security deficiencies; and to identify any concerns for, or changes to the security posture of CBP facilities;

- Issuance of the *Information Security Handbook* which provides policy guidance for all personnel on the proper handling, dissemination, storage, and destruction of both Classified National Security Information (CNSI) and sensitive but unclassified information (SBU) and the *CBP Badge and Credential Policy and Process Guide* which establishes standards, assigns responsibilities, and directs the integration of information; and

- Development of new procedures and guidelines for storage and handling of electronic evidence.

Mission Support

Over FY 2016 and FY 2017, OPR-MSD provided key administrative support to OPR's operational divisions and nearly 600 on-board employees in 26 locations nationwide.

Activity	FY 2016	FY 2017
Budget execution	$160 million	$180 million
Contract management	29 service, supply, and equipment contracts	55 service, supply, and equipment contracts

Integrity and Security Awareness and Capacity Building

Reflecting our mission to promote integrity and security of the CBP workforce, OPR regularly engages with CBP employees to ensure they are aware of their responsibilities to support the mission of CBP, adhere to the Standards of Conduct, report suspected violations, and to safeguard sensitive information.

OPR participates in integrity related working groups and committees, together with our colleagues in Customs and Border Security agencies worldwide. OPR also shares best practices in personnel security, credibility assessment, analysis, and investigations to assist in capacity building of World Customs Organization member nations and as part of the Department of Labor's Commercial Law Development Program.

INTEGRITY AWARENESS

- New employee orientation
- Musters and pre-deployment briefings
- On-line Integrity Awareness training
- Supervisory and Management training
- Video messages

SECURITY AWARENESS

- Derivative classification and marking
- Safeguarding classified National Security information and Sensitive Unclassified information

CAPACITY BUILDING

- World Customs Organization (WCO) Integrity Sub-committee
- Border Five and G-20 Best Practices for Integrity Programs
- Capacity building training in Ukraine, Vietnam

Intake: Allegations of Misconduct and Other Reported Matters

The investigative process is initiated upon receipt of an allegation of misconduct involving a CBP employee. Allegations may be reported to the DHS OIG, IOD Field Offices, or to the Joint Intake Center (JIC).

Situated in the OPR-IOD headquarters office, the JIC serves as the centralized clearinghouse for receiving, documenting and processing misconduct allegations involving CBP employees and contractors as well as other reported matters. "Other reported matters" includes a wide range of issues including, but not limited to, seizure discrepancies with no sign of tampering, arrests involving a CBP employee's family member with no nexus to the employee's position or job, lost or missing government property with no indication of employee negligence or carelessness, lost or missing personal property or effects reported pursuant to inspections or other interactions with CBP, etc.. The JIC provides the CBP workforce with a centralized and uniform system for reporting and processing allegations of misconduct. The JIC staff documents, classifies, and refers allegations of misconduct to the DHS OIG for independent review and assessment. Cases that are declined by DHS OIG for investigative interest are retained for investigation by either CBP OPR or assigned back to the program office for investigation, fact-finding, or immediate management action.

Processing Allegations of Misconduct and Other Reported Matters
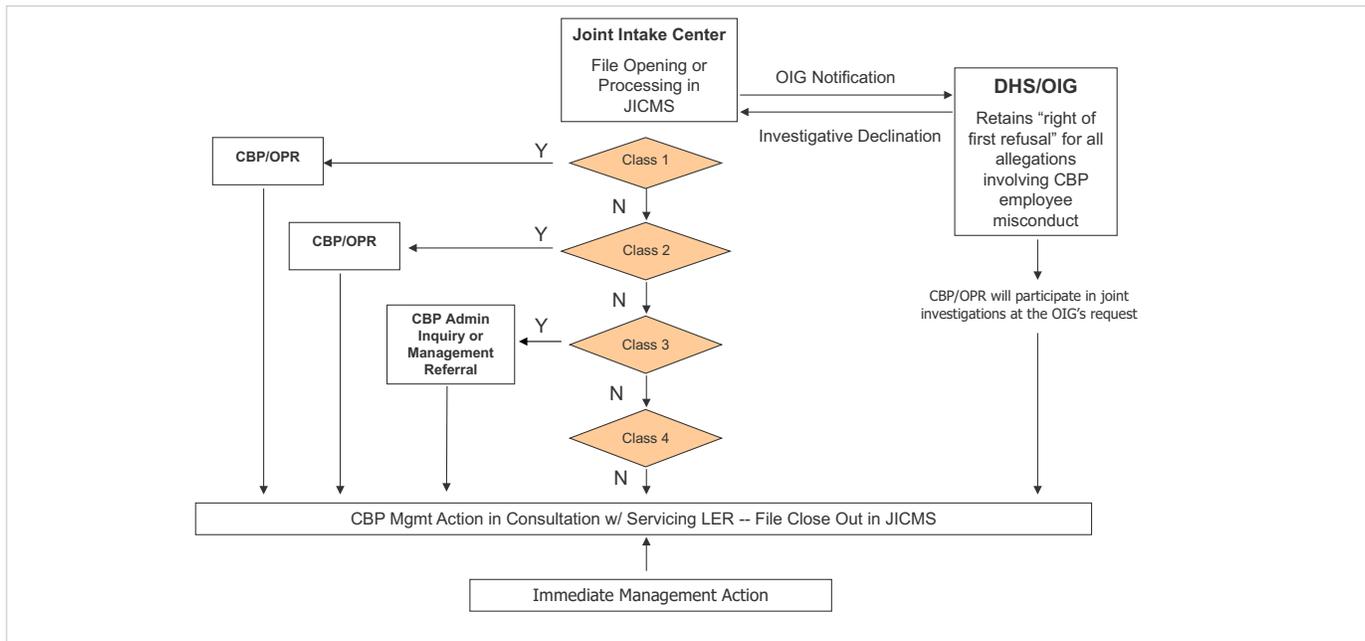
Once a report is received, an Intake Specialist creates a file in the Joint Integrity Case Management System (JICMS) database, classifies it according to the following criteria, and transmits it to DHS OIG for investigative interest:

- **Class 1** – Criminal activity; conduct that would violate federal laws.
- **Class 2** – Serious misconduct; substantive misconduct and/or arrests by state/local law enforcement that could jeopardize the agency's mission including conduct that could result in a suspension of more than 14 days to removal on the first offense if substantiated.
- **Class 3** – Lesser administrative misconduct: allegations of misconduct referred to CBP management, as Administrative Inquiries or Management Referrals.
- **Class 4** – Information received, indexed, and referred as warranted.

When OPR-IOD has completed an investigation, the case is transferred to the HRM-LER for adjudication.

The JIC received 6,499 reports of alleged misconduct and other matters in FY 2016 and 6,269 reports in FY 2017.

Intake decreased 3.5% overall from FY 2016 to FY 2017.

Intake in three class types decreased in FY 2017:

- Class 2 Criminal Non-Federal: ↓ 5%
- Class 3 Administrative: ↓ 8%
- Class 4 Information: ↓ 17%
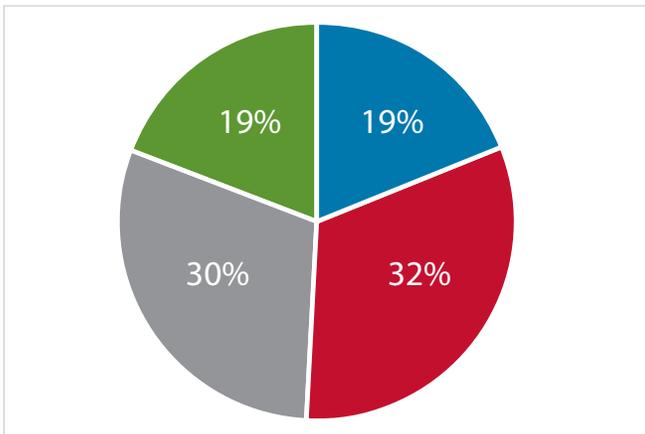
Intake in two class types increased in FY 2017:

- Class 1 Criminal: ↑ 8%
- Class 2 Non-Criminal Serious Misconduct: ↑ 4%

Intake by Class Type FY 2016 and FY 2017

Class Type	FY 2016	FY 2017
Class 1 Criminal Misconduct	1026	1109
Class 2 Criminal Non-Federal Misconduct	222	211
Class 2 Non-Criminal Serious Misconduct	2083	2162
Class 3 Administrative Misconduct	1909	1748
Class 4 Information Received	1259	1039
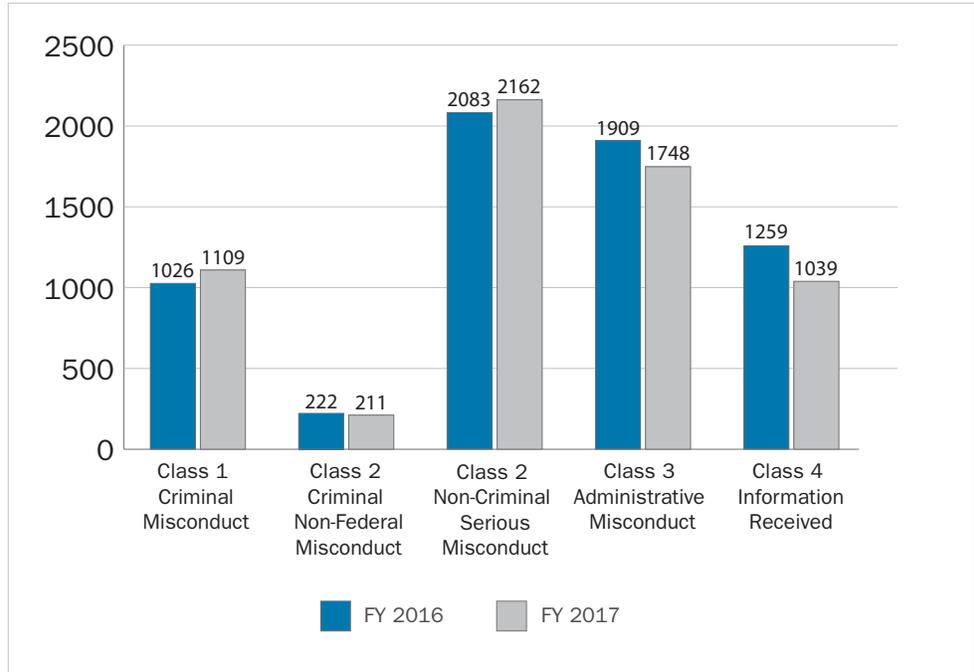
Class 2 Non-Criminal Serious Misconduct accounted for over 1/3 of all intake in both FY 2016 and FY 2017.

FY 2016 Intake

Category	Percent
Criminal Activity (Class 1 and Class 2)	19%
Non-Criminal Serious Misconduct (Class 2)	32%
Administrative Misconduct (Class 3)	30%
Information Received (Class 4)	19%

FY 2017 Intake

Category	Percent
Criminal Activity (Class 1 and Class 2)	21%
Non-Criminal Serious Misconduct (Class 2)	34%
Administrative Misconduct (Class 3)	28%
Information Received (Class 4)	17%

Legend:
- Criminal Activity (Class 1 and Class 2)
- Non-Criminal Serious Misconduct (Class 2)
- Administrative Misconduct (Class 3)
- Information Received (Class 4)

Intake by CBP Component Office

Component Office	FY 2016	FY 2017
Office of Field Operations	3,124	3,070
U.S. Border Patrol	2,621	2,445
Office of Information Technology	188	190
Air and Marine Operations	140	110
Office of Administration	61	53
Office of Training and Development	56	53
Office of Professional Responsibility	45	49
Office of Human Resources Management	38	37
Office of Trade	36	30
Office of Intelligence	33	31
Office of the Commissioner	27	18
Office of International Affairs	23	22
Office of Public Affairs	10	4
Office of Technology Innovation and Acquisition	6	5
Office of Chief Counsel	5	10
Office of Congressional Affairs	2	2
Unknown	84	140
Total Intake	**6,499**	**6,269**

For both FY 2016 and FY 2017, 88% of the intake involved employees from the Office of Field Operations and the U.S. Border Patrol.

Arrests for Off-Duty Misconduct and Corruption

Employees are required to report to the JIC instances in which they are arrested, cited, detained, or indicted for violations of law. For ease of discussion, these incidents are collectively referred to as *arrests*. Despite this requirement, employees sometimes delay reporting and/or fail to report such arrests. As a result, the numbers listed here represent all reported arrests as of the date the data was queried. As arrests are reported to the JIC or identified via research, they are added to the appropriate fiscal year.

The JIC received 256 reports of arrest in FY 2016 involving 251 employees. Five of these 251 employees had more than one arrest in FY 2016. In FY 2017, the JIC received 254 reports of arrest, involving 245 employees. Seven were arrested twice and one employee was arrested three times in FY 2017. This misconduct occurred primarily off-duty but also included illegal activity while on duty, in cases of corruption.

Reported Arrests by Office

	FY 2016	FY 2017
Reported arrests	**256**	**254**
OFO	98	125
USBP	135	113
All Other Offices	23	16
Average age	39	40
Average time with CBP	9.7	10.9

Nearly all of the arrests involved employees from OFO and USBP in FY2016 (91%) and FY2017 (94%) as compared to all other offices combined which comprised of just 9% and 6% in FY2016 and FY 2017 respectively.

All reported arrests of CBP employees are classified into one of 17 categories according to the nature of the offense. With the exception of corruption, the totals in each category reflect criminal activity and subsequent arrests that took place during the respective fiscal year. While the arrests and indictments in the corruption category took place in the fiscal year, they are typically the result of complex investigations of criminal activity that may span multiple fiscal years.

Drug and Alcohol Related Misconduct continues to be the most frequent offense reported, comprising 43% of all incidents in FY 2016 and 47% in FY 2017. It includes a range of violations but is marked by instances in which employees operated vehicles under the influence of alcohol (DUI/DWI) and public intoxication. Domestic and Family Misconduct (FY 2016: 17%; FY 2017: 20%) and Assault (FY 2016: 6%; FY 2017: 4%) are next highest categories of unlawful offenses.

Arrests Reported to the Joint Intake Center FY 2016 and FY 2017 (as of 7/26/2018)

Arrest Offense Category	FY 2016	FY 2017
Corruption Illegal activity for personal gain that involved the misuse or abuse of the knowledge, access, or authority granted by virtue of official position or that violated or facilitated the violation of the laws that CBP enforces.	15	15
Assault Any willful attempt or threat to inflict injury upon another person. Excludes domestic or sexual assault or adults and any assault of children.	16	9
Civil Rights Violations Actions that violate the rights afforded by the U.S. Constitution	0	0
Crimes Involving Children Any illicit activity involving a child under the age of 18 including sexual acts.	6	6
Domestic/Family Misconduct Physical violence inflicted upon or disturbances that involves an adult spouse, ex-spouse, co-habitant, domestic partner or date.	44	51
Drug/Alcohol Related Misconduct Range of violations involving drugs and alcohol, primarily operating a vehicle under the influence of alcohol, public intoxication and possession of controlled substances.	109	119
Impeding the Criminal Justice System Range of actions that inhibit the practices and institutions of government directed at upholding social control, deterring, and mitigating crime (e.g., resisting arrest, violating a court order).	13	14
Minor Offenses Nuisance offenses including disorderly conduct, public urination, and fighting.	8	2
Miscellaneous Misconduct Arrests not otherwise classified (e.g., animal cruelty, possession of improper hunting license, exceeding catch limits for fish and wildlife).	3	4
Mission Related Misconduct Arrests related to the execution of official duties or carried out under the guise of official authority as a federal law enforcement officer (e.g., deprivation of rights under color of law).	1	1
Property Crimes Array of criminal activity involving the destruction, damage, or theft of material property.	12	6
Sexual Misconduct Any type of illicit activity of a sexual nature committed by or upon an adult.	3	2
Threatening Behavior Threatening, harassing, and stalking others.	6	4
Traffic/Driving Misconduct Violations that do not involve alcohol.	12	6
Violent Crimes Any act which results in serious harm and/or injury to another person. Excludes all crimes against children and sexual violence against adults.	1	3
Weapons Violations Primarily relating to firearms.	4	5
White Collar Crime A variety of non-violent crimes typically committed for financial gain (e.g., selling of counterfeit merchandise, identity theft, insurance fraud).	3	7
TOTAL REPORTED ARRESTS	**256**	**254**

Corruption

CBP distinguishes arrests and indictments for illegal activity involving the misuse or abuse of official position for personal gain from those that involve conduct in an employee's personal life. Offenses involving misuse of official position are considered Corruption and represent the most serious threat to the integrity of CBP. OPR researchers conduct an in-depth assessment of each of these cases to understand the nature of the activity, how the employee used official position to engage in criminal activity, and the reasons for violating the public trust. The data collected from each incident are aggregated to identify trends and strategic implications for improving prevention, detection, and investigative efforts.

Fifteen CBP employees were indicted for corruption-related activity in FY 2016 and another 15 employees were indicted in FY 2017.

Many of the corruption cases involve criminal activity that took place over time and investigations that overlapped fiscal years. These employees engaged in criminal activity including drug and alien smuggling, fraud involving immigration documents, theft, weapons violations, and misuse of government databases. Just over half of these cases had implications for national security, as the employees engaged in criminal activity directly impacting border security.

To date, nine of the fifteen FY 2016 corruption cases resulted in convictions or guilty pleas:

Brownsville, TX: A 30-year-old Border Patrol Agent with six years on the job was arrested in November 2015 for using his position to help cartels send illegal weapons to Mexico and ship drugs to the United States. He was convicted of Engaging in Organized Criminal Activity and for Possession of a Controlled Substance and was sentenced to 20 years in prison.

Port Clinton, OH: Over a nine-month period, a Border Patrol Agent parked his duty vehicle in his garage and he remained at his residence while on duty. The 31-year old had served six years with CBP when he was indicted in January 2016. The Agent entered a guilty plea to Theft and was ordered to complete a two-year period of Diversion under the following sanctions: serving 30 days in the Ottawa County Detention Facility, paying restitution to CBP in the amount of $5,000, paying a supervision fee of $300, and performing 100 hours of community service.

Sherman, TX: At the four-year mark of his service with CBP, a 35-year old CBP Officer was indicted in March 2016 for using his position to distribute cocaine. He pleaded guilty to one count of Conspiracy to Possess with the Intent to Distribute Cocaine. He was sentenced to 210 months incarceration, a five-year term of Supervised Release and was ordered to pay a $100 Assessment Fee.

Los Angeles, CA: A 55-year old CBP Officer who served eight years with CBP, was indicted in August 2016 for using his position to steal checks and money orders from international mail and depositing them into bank accounts. He was sentenced to 37 months in prison, and ordered to pay $19,229.45 restitution and a special assessment of $900 after being convicted of conspiracy to commit bank fraud, four counts of bank fraud and four counts of possession of stolen mail.

San Diego, CA: Arrested in September 2016, a CBP Officer of 15 years charged up to $15,000 per alien and at times received sexual favors for allowing vehicles with undocumented aliens through his inspection lane. The 50-year-old officer pleaded guilty to two counts of Bringing in Unlawful Aliens for Financial Gain and two counts of Receiving Bribery by Public Official. He was sentenced to 60 months of incarceration, a three-year term of Supervised Release and was also ordered to forfeit over $63,000 and two vehicles.

Tucson, AZ: In November 2015, a 47-year-old Border Patrol Agent with 14 years on the job was arrested on charges of possession with intent to distribute cocaine and accepting bribes by receiving cash in exchange for illegally distributing license plate information obtained from a law enforcement database. He pled guilty and was sentenced to 150 months in prison and ordered to serve five years supervised release.

McAllen, TX: After 10 years on the job, a 31-year-old CBPO was arrested in January 2016 and pleaded guilty to one count of bribery of a public official. He was accepting cash in exchange for an extension of another visa and misusing a government computer. He was sentenced to time served (593 days), two years supervised released and required to pay a $100 assessment.

Del Rio, TX: A 36-year-old CBPO with thirteen years of service was arrested in July 2016 for participating in a marriage fraud scheme. He pleaded guilty to false statements to a federal agent related to conspiracy to commit marriage fraud and was sentenced to five years probation and required to pay a $5,000 fine.

Miami, FL: A 52-year-old Supervisory CBP Officer with 14 years of service, was arrested in September 2016. He admitted to accessing government databases to obtain information on celebrities, family members and other prominent public figures. He pleaded guilty to two counts of Fraud and related activity in connection with computers and was sentenced to one year probation.

To date, ten of the fifteen FY 2017 corruption cases resulted in convictions or guilty pleas:

Alexandria, VA: A 39-year-old CBPO with eight years of service was arrested in February 2017 and pleaded guilty to making false statements in reference to his improper use of CBP and law enforcement databases. He was sending information from the databases to his person email account and also to foreign associates. He was sentenced in U.S. District Court to three months confinement, two years supervised probation and ordered to pay a $4,000 fine and $100.

Bellingham, WA: After 15 years of service, a 53-year old CBPO was arrested in March 2017. He used the access code of another employee and removed cash from a drawer in the cargo booth. He pleaded guilty to one count of theft and was sentenced to 56 hours of community service and required to pay a fine of $700 and $160 in restitution to CBP.

McAllen, TX: Arrested in November 2016, a 48-year-old SBPA with 24 years of service admitted to previously lying about taking bribes and assisting drug traffickers with a staged seizure. He pleaded guilty to one count of false statements and was sentenced to 24 months imprisonment, three years supervised release and $100 assessment fee.

Tucson, AZ: In December 2016, a 47-year-old CBPO with 13 years on the job was pleaded guilty to Theft of Government Property after using CBP fleet cards to fuel his personal vehicle. He was sentenced to 60 months probation, fined $10,000, ordered to pay restitution in the amount of $2,386.63 and a special assessment of $25.

Tucson, AZ: A 34-year-old Entry Specialist with eight years of service was arrested in December 2016 and pleaded guilty to False Statements to Government Officials related to falsifying documents for the leave donation program. She was sentenced to two years probation and was required to pay a special assessment of $100 and $7,790.04 in restitution to CBP.

San Diego, CA: After 10 years of service, a 36-year old BPA was arrested in December 2016 and pleaded guilty to Conspiracy for Attempted Distribution of Methamphetamine and Cocaine. He attempted to smuggle methamphetamine and cocaine in his Border Patrol vehicle while on duty in exchange for cash. He was sentenced to 70 months incarceration; five years supervised release and ordered to pay a $200 special assessment.

Tucson, AZ: In March 2017, a 38-year-old BPA with nine years on the job was arrested and pleaded guilty to conspiracy to Import and Possess with Intent to Distribute Marijuana by while in uniform and using a Border Patrol vehicle. He was sentenced to 20 months confinement, followed by three years of supervised release.

Port Huron, MI: A 43-year old CBPO with eight years of service was arrested in May 2017 and pleaded guilty to attempted felony misconduct in office arising from the performance of his official duties. He was sentenced to 90 days in jail, 18 months probation and ordered to pay $660 in restitution.

Romulus, MI: After 20 years of service, a 41-year old CBPO was arrested in May 2017 and pleaded guilty to Public Officer neglecting or refusing to execute process. He was sentenced to $1000 total in fines and $290 in court costs.

McAllen, TX: A 55-year-old CBPO with nine years of service was arrested in September 2017 and pleaded guilty to Conspiracy to transport and alien within the US. He was sentenced to two years in prison; three years supervised release and was required to pay a $100 special assessment.

U.S. Customs and
Border Protection