

This is a rebuttal letter in response to the U.S. Customs and Border Protection (CBP) Office of Internal Affairs report dated October 31, 2006 concerning allegations of misconduct at the Sanford International Airport.

4A (3)-Page 6:

- I never observed CBPOs being utilized as “rovers” in the baggage belt area. All passengers were referred from either primary passport control or the secondary baggage control point.

4A (4); Page 6:

- TECS is an information system used by CBP Officers and CBP Agriculture Specialists.

4A (4b); Page 6:

- Although the IO25 function may have been originally designed for statistical information related to U.S. Customs Service (USCS) and “not intended to capture United States Department of Agriculture (USDA) inspectional information,” there are specific function codes for agriculture in the program. Since CBP’s concept is **ONE FACE AT THE BORDER**, it stands to reason that the statistical information should not exclude agriculture.

4B (1); Page 7:

- I did acknowledge to CBP IA that I had seen Directive 3340-023A and knew of the provisions contained therein.
- All information gathered for statistical purposes is dependent on the accuracy of that information. If passengers are referred for an agriculture inspection, then it should be recorded as such. It appears that CBP Sanford used the “ENF” function code to boost enforcement statistics, which incorrectly depicted an enhanced enforcement risk assessment versus agriculture.

4B (3); Page 8:

- Although passengers had undergone questioning by a supervisor at the secondary baggage control point, crewmembers were handled differently. Numerous (~50) crewmembers passed through the secondary inspection area all at once, which left little to no time for each interview to take place. Very few (~1%) crewmembers were subjected to questioning beyond the primary passport control interview.
- Inspection times were falsified simply to “satisfy a daily quota” of secondary inspections. There was no possible way to conduct numerous secondary interviews within one minute, but the quantity of inspections was apparently more important than the quality.

In closing, it is apparent from the CBP IA report that CBP views these allegations as malicious and unwarranted. In fact, the Internal Affairs Office was extremely disconcerted that the Office of Special Counsel got involved with this “in-house” situation. I agree that CBP Agriculture Specialists are not USDA Officers, but we are not CBP Officers either. I fully embrace the “One Face at the Border” concept and CBP mission, but the Officer and Agriculture Specialist legal authorities are clearly distinct.

The aforementioned Sanford CBP inspectional processes depicted excessive defiance of legal and integrity issues. The blatant disregard for the lawful and moral implications of this situation is inexcusable. CBP officials are supposed to be guided by the highest ethical and moral principles. In the agency's own words, "CBP, as a law enforcement agency, must lead by example."

Our nation depends on CBP to uphold and observe the laws of the United States and all employees are required to conduct themselves in a professional manner. These actions have brought dishonor to the agency, the Department of Homeland Security and our government. I have served this nation with great honor and pride, but these incidents have disgraced all who wear the CBP uniform. We must all be responsible for our actions and never sacrifice our moral character. These allegations must be taken seriously if this agency is to preserve a high level of integrity and professionalism. No one should be above the law and all responsible officials should be dealt with accordingly.

CBP Agriculture Specialist

US  
SPECIAL AGENT  
WASHINGTON, DC

December 27, 2006

2007 JAN -3 PM 4:02

Karen P. Gorman  
Attorney, Disclosure unit  
US Office of Special Counsel  
1730 M. Street, NW suite 218  
Washington, DC 20036-4505

Re: OSC File No. DI -06-1236

Dear Mrs. Gorman

Thank you for allowing me to provide you with my comments regarding OSC File no. DI 06-1236. Please find attached my comments. I will also mail you a hard copy of my comments and the consent to public release or written comments on agency report form.

I can not tell you how disappointed I was when I read the results of the investigation. In my opinion the investigators did not give the necessary importance to the main complaint in this investigation and most of the arguments and justifications for the wrong doing were weak and contradictory.

Thank you one more time for assisting us in this matter. If you have any questions or need more information, please do not hesitate to contact me.

Happy New Year,

Selma Ocasio  
CBP Agriculture Specialist  
Port of Orlando  
Orlando, Florida



In response to the OSC file DI-06-1236 report, I would like to comment on the following results.

I disagree with the following findings:

1. Page 2 #2- *Conduct of the investigation-*

Out of the list of CBP employees interviewed and written statements received from during this investigation there were no Baggage Control CBP Officers from Sanford International Airport included in this investigation. Some of these officers were mention during my interview as either witness and/or employees receiving orders to input IO 25 records in TECS.

2. Page 2 #3- *Summary of the evidence obtained during the investigation-*

In this summary I disagree that the following allegations were found unfounded.

A. *Incorrect use of the ENF code rather than PPQ code to record secondary inspections documented through the IO 25 function-*

first and foremost this issue was the least important of all the allegations that initiated this investigation, although its seems for the way this report was created that this issue was maximize to be more important that the main complaint brought to be investigated that was the fraudulent creation of IO 25 records of passengers that were never interviewed or their baggage were never inspected.

- a. In reference to the use of ENF (enforcement code) rather than PPQ (Agriculture Specialist Referral) - This issue is rather confusing even at this point for CBP Agriculture Specialist and CBP Officers. It was determine back in march 2003 when Customs and Border Protection was created that Plant Protection and Quarantine Officers could not be classified as Customs and Border Protection Officers. I was further determined that Customs and Border Protection will have CBP Agriculture Specialists and CBP Officers. Both of these positions have distinctive job descriptions. Even in the attempt to unify the baggage secondary inspection when passengers are referred to an Agriculture Specialist for a secondary inspection, passengers are mostly inspected and process for agriculture issues and passenger with other issues non-agriculture related are referred to a CBP Officers for inspection. Moreover, CBP Agriculture Specialist training and authority is very limited in relation to many of the CBP Officer functions and vice versa.
- b. Page 7 B Unfounded allegations (1) –Although it may be true that most of the CBP Agriculture Specialist has never received copies or seen Directive 3340-023A nor has received formal classroom training on how to create an IO 25 in TECS it is also true that this directive dated April 27, 2002, is dated 11 months before CBP was created and back them it was solely an US Customs Directive not contemplating

that CBP will execute many functions including agriculture functions. It is unknown to me if this directive has been updated ever since.

- c. Page 6- *Finding of the Investigations –Background-# (4) a and b-* Here it is specified the use and the reason for capturing information in the form of IO 25 in TECS. It is clear in this statement that the proper use of the code ENF and PPQ should be used if management wants to have a real knowledge of the needs of the port to make the appropriate decisions when developing risk assessments and changes in passenger processing operations. The code PPQ existed in the TECS system. Before it was define as Plant Protection and Quarantine Referral and now it has been amended to read PPQ (Agriculture Specialist Referral). If the PPQ code exist, why not to use it? Statistical information will be better classified and more accurate using the right code.
- d. Page 6 –b- states that “*the IO 25 function was originally designed to capture statistical information as related to secondary inspection activities of the US Customs Services and not to Capture USDA information*”. This statement was true back when the directive was published but this directive does not address the issue now (after March 2003) when CBP is also performing agriculture functions.
- e. It is Further confusing the use of ENF when in the Customs Directive 1440-011A revised in March 2002 is define as “*Enforcement Examination*” –The physical examination of any person, accompanying luggage or conveyance, an enforcement exam goes beyond routine Customs questioning which includes but is not limited to a seven point vehicle inspection, a canine search and IBIS query, a baggage search or a personal search.” Referring back to the above definition and the main issue to this investigation that was the creation of IO 25 records of passengers that their luggage was never physically inspected nor they were properly interviewed to gather all the necessary data to enter in the IO 25 record, the use of ENF was inappropriately used.

3. Page 8 Finding of the investigations (B) Unfounded allegations (3)- “*It was determine that the stacks of baggage declaration forms from which Agriculture Specialist were directed to create IO 25 records and purportedly no inspection had taken place, where from passengers that had undergoes additional questioning at SBC (secondary baggage control point)*”

A. The “stacks” of customs declarations handed to me and to the other AG Specialists were given without further notation in the back of each form as of the detailed information needed to input in the IO 25 record.

This necessary information is outlined on page 6 (4) b of the report in reference - *The IO 25 entry screen contains the following mandatory data input fields*-. In addition, in the remark area of the IO 25 it is necessary to input further information as the purpose of the passenger trip, how long he or she is staying in the US or stayed abroad the US and any other information relevant to their referral to a secondary inspection. This information was not annotated in the back of the customs declaration forms either.

B. Referring to page 6 (3) "*at the secondary baggage control point*"... Once the declaration is scanned for completion the passenger is either released or sent to a secondary baggage inspection based any referral from primary passport control, rover or by a decision of the employee working at the baggage control point. If indeed the passengers were further interviewed at the secondary baggage control point it is unknown to me and the person or supervisor working at this control point failed to annotate the mandatory information to properly create an IO 25 record. As I have witnessed how the baggage control point operates, passengers are not intensively interview at this control point because if the passengers needs further inspection or interview they are referred to agriculture secondary inspection or baggage control CBP Officer for further processing. The mandatory information to input on the IO 25 record is not normally obtained and recorded at the baggage control point it is gather during the secondary inspection.

C. On page 9 C (1) *Substantiated allegations* (1) - Officers including myself did not received verbal instructions as to the missing information (the real information). We received "stacks" of customs declarations. When we refer to "a stack" we are referring to many declarations forms. As you can see from the Mandatory Data it is a long list of mandatory data items and the information needed is specific to each passenger. It is humanly impossible to remember each mandatory data of each declaration and verbally and correctly transmit this information to another employee to create the IO 25 records. Furthermore we did received verbal instructions as to use generic information such as white for race, 4 bags, and 2 weeks to the length of stay. This information was to be used on all the IO 25 records created and this information was never confirmed or gathered from passengers that the IO 25 records were created.

3. In response to Page 12 C. *Actions recommended-*

- The main complaint that initiated this investigation was the facts that IO25 records (many of them) were ordered to be created in the TECS System without the proper mandatory information and utilizing false information. The bottom line is that this action constitutes a violation to passenger's privacy, a violation to the use of government systems with false information and to the integrity of the Department of Homeland Security Customs and Border Protection. Integrity is one of the core values, and it should be practice at all levels of the agency.

- The comments or recommendations on this paragraph also underestimate the value and knowledge of the Agriculture Specialists that are employees with a higher education level required to perform the job duties. Furthermore, generalizing that “the complainants still viewed themselves as USDA Officers rather than CBP officers is another inappropriate argument or justification because I know for a fact that some of the complainants were never USDA former employees, this employees were hired by CBP and they have been instructed as CBP.
- The concept of “One face at the Border “ still a confusing and contradictory within CBP when a distention was made between defining a Agriculture Specialist and a CBP Officer and having Agriculture Specialists with limited authority to perform CBP Officers duties and vice-versa.

Selma Ocasio  
CBP Agriculture Specialist  
Port of Orlando  
Orlando, Florida

A handwritten signature in cursive script that reads "Selma Ocasio". The signature is written in black ink and is positioned to the right of the typed name.

December 4, 2006

SPECIAL DELIVERY  
WASHINGTON, DC  
2006 DEC -8 PM 2:17

Karen P. Gorman  
Attorney, Disclosure Unit  
US OSC  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505

Re: OSC File No. DI-06-1237

Dear Ms. Gorman:

I received copy of the report submitted to you by the Deputy Secretary's office and as I read it I remained speechless. I could go point by point of the sustained and unfounded determination of the allegations.

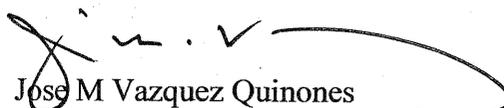
- It was determined unfounded the use of ENF code instead of PPQ for agriculture inspections conducted. Truth is that No matter what code is used, all inspections under PPQ code are captured under enforcement (ENF). This is the least important of the issues in this investigation.
- In the page 9, C. (1) (b) it's implied that there was some kind of interview with the passenger and the truth is that there was NO interview. The only words that the passenger heard from agriculture specialist were; "Please place all bags and cases flat on the belt". The declaration forms given to the agriculture specialist to enter were taken from the stack that piles up as these are being collected; no information is being gathered on these any way.

The action recommended on page 12 (1); management portrays the agriculture specialists as a group of uncooperative employees in pursuit of minimizing the source of the information. I believe this is a projection of the CBP management's real stance on how they view agriculture specialist.

In conclusion, I do not agree with this investigation conducted by Customs and Border Protection's Internal Affairs, it seemed biased and self-serving.

I greatly appreciate all your attention in this matter.

Sincerely,

  
Jose M Vazquez Quinones