

Whistleblower Comments:

The Agency report and investigation was not objective and clearly written to defend the actions of Air and Marine Operations, and CBP Senior Leaders. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] he [REDACTED], [REDACTED], [REDACTED], and [REDACTED] the w [REDACTED] ements provided. OPR essentially asks the suspects if they are guilty and they would answer absolutely no, no, I would never, or make some non related statement about "the budget, weather, make a joke....etc, etc. OPR would accept those answers and move on. OPR failed conduct expanded questioning when it would have been appropriate to do so in order to expose the truth. Most of the questioning was very general, closed, or rhetorical to make a point rather than to fact find. There was no emphasis on recall, process questions, probing, or expanded questioning. The witnesses were allowed to answer a question with information that was not germane to the investigation. They were allowed to go on without any type of follow up to guide the questioning back on track.

Many summary conclusions are made without adequate investigation of key witnesses and subject matter experts. The findings are neither thorough or objective. This investigation intent was to gather evidence and statements only from individuals that would clear the accused. Key witness were not interviewed and CBP purposely avoiding interviewing those that would have factual information that contradicted CBP leaders statements. CBP failed to fully disclose all the exhibits collected during the investigation purposely not being transparent in their actions.

The investigation and report tried to prove that a response from the Deming Air Unit would not have been timely and would not have prevented loss of life on many incidents. This was a spin technique in that there was never a claim that the down agent could have been saved by Deming responding, the point was that all efforts were not taken to attempt to save this Agents life. This was a defective technique from the fact that the Deming Unit was not called for the Agent down thereby preventing any type of response. The only reason Deming was not activated to respond to the down Agent was out of unprofessional response from [REDACTED] and [REDACTED] because their feeling were hurt for being accused of gross [REDACTED] misman [REDACTED] ch they proved in their own actions that day. The El Paso (A) Director of Air Operations in collusion with the onboarding El Paso Director of Air [REDACTED] along with Supervisory Air Interdiction Agent's [REDACTED] [REDACTED] ding to [REDACTED] emergency response requests resulting many cases of loss of life.

The report dismisses and minimizes the near miss air to air collision that would have certainly resulted in a fatality if it had struck the tether. CBP claims it as inadvertent and brief incursion into restricted airspace. CBP fails to address that the (A) [REDACTED] was operating the aircraft without approval for a change in mis [REDACTED] cy policy. Also CBP made false statements that the flight was for a pilot in training conducting Initial Operating Experience. The (A)DAO [REDACTED] was not familiar with the area of flight as demonstrated by his nearly catas [REDACTED] sion and not designated on the AIA's IOE plan as a mentor pilot, thereby preventing the flight to be an IOE flight. Also, there are statement that the AIA was conducting an IOE flight for the (A)DAO, which would not have been possible because the AIA was not a designated PIC and was also unfamiliar, it was the blind leading the blind leading the blind. Simply the flight was for travel purposes only in violation of federal law. The flight crew did not have permission to go operational and it would have been irresponsible to approve such a flight due to the crew mix. The incursion was a violation and not brief, the aircraft traveled far enough into the restricted airspace to cause ground crews to run for cover.

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The helicopter was mere seconds from impacting the cable as reported by ground crew. This allegation of inadvertent and brief once again is coming from non aviators without an understanding of the consequences of flying a 4000 lbs helicopter at 130 mph into cable at 9000 MSL.

The report claims that CBP's administrative inquiry did not contain false statements. This is misleading and not true. CBP used a back channel to contact the FAA to check and see if they had been caught entering the restricted airspace. CBP did not report the incursion so there was no investigation by the FAA. CBP spun that as the FAA was not taking action, the fact is they didn't get caught or report the incursion to the FAA. So, the fact is FAA did not clear the offending pilot or decide not to take action. AMO made false statements in the administrative inquiry.

The report claims aircraft are never used for questionable purposes, all flights were related to required training, proficiency and currency flights, or initial operator experience. CBP claims that the flights had been classified as training/or familiarization, which is within policy. This is a fabrication, the risk assessment on file identifies flights to the shooting range in El Paso as ADMIN and for travel purpose only, which means the flight crews were being ordered to violate regulations by the El Paso DAO. Statements made by CBP leadership is that these travel flights to the range were in conjunction with a patrol flight. This is a lie, the risk assessment states for admin/travel only and the aircraft was so heavily weighed down with personnel, gear, ammo, and fuel that maneuvering for an interdiction would not have been possible without putting all the aircrew and ground personnel at risk. This fabrication of patrol/admin flight once again is coming from a non aviator without an understanding of aircraft performance.

The investigation claims that [REDACTED] operates at a management level above the CDO/CA in the normal chain of command. [REDACTED] is not routinely consulted with or involved in the immediate decision-making determinations by the CDO/CA regarding requests for air support (emergency or otherwise). This is not a true statement and the investigators could have found that this to be a lie with little effort. Fact and point during the sworn statement with OPR investigators the interview was interrupted as documented in the transcript by the the Command Duty Officer asking the the DAO to make a decision in regards to an air support request that was a normal mission and there should have no reason to gain concurrence from the DAO. The CDO interrupted the interview to ask permission just after the DAO had made a sworn statement that CDO's don't ask his permission for regular operations.

The statement given by South West Regional Director [REDACTED] to OPR contains false and misleading statements. SWRD claims to have had 2 (A) [REDACTED] between the transfer of the previous DAO which is not true there were 3 (A)DAOs during that period until a permanent was appointed summer of 2019. SWRD stated that I falsely accused the DAO [REDACTED] of trying to place his personal friend [REDACTED] as the Deming Air Unit Supervisor. SWRD [REDACTED] states that was not true [REDACTED] had no intention of making the Supervisor [REDACTED] the Supervisor in Deming, He claimed it was "just downright fabrications". Once again [REDACTED] lied during his sworn statement. An announcement was made for my position after I retire [REDACTED] did indeed place [REDACTED] as supervisor in Deming proving my allegation [REDACTED] and further demonstrated nepotism within the agency.

During OPR's December 1, 2020 transcribed interview of SWRD [REDACTED] he violated a signed NDA with OSC. OPR did not have a need to know the details [REDACTED] closed. He also minimized the whistleblower complaint and it was evident in his statement and did not believe that employees should be able to report wrong doing of senior level management.

RE: Office of Special Counsel File No. DI-20-001009

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[REDACTED] made unreasonable management decisions that hindered the Deming Air [REDACTED] its mission. Creating a specific danger to public safety, gross mismanagement, and abuse of authority.

/s/ Deming Air Unit Director
Supervisory Air Interdiction Agent [REDACTED]
Department of Homeland Security
U.S. Customs and Border Protection
Air and Marine Operations