

1300 Pennsylvania Avenue, NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

AUG 01 2024

The Honorable Hampton Dellinger
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

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

Dear Mr. Dellinger:

Please find enclosed an unredacted and redacted Second Supplemental Report to a previously provided Investigation Report and First Supplemental Report regarding allegations that officials at the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Air and Marine Operations (AMO), El Paso Air Branch engaged in conduct constituting a violation of law, rule, or regulation; gross mismanagement; an abuse of authority; and a substantial and specific danger to public safety. We provide the Second Supplemental Report to answer additional questions asked by your office after receiving the First Supplement Report.

If you require further information regarding this matter, please contact Philip Carpio in the Office of Chief Counsel at [REDACTED] or [REDACTED]

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Flores".

Pete R. Flores
Acting Deputy Commissioner
U.S. Customs and Border Protection

Enclosures

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

CASE CLOSING REPORT

**DI-20-001009
SUPPLEMENTAL REPORT**



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Second Supplemental Report

On April 23, 2024, the Office of Special Counsel (OSC) requested a supplemental report from U.S. Customs and Border Protection (CBP) answering five (5) questions about allegations of wrongdoing by officials at the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), Air and Marine Operations (AMO), El Paso Air Branch. OSC also requested CBP produce the investigation report exhibits with redactions, which have been separately made available to OSC on May 16, 2024. CBP's Office of Professional Responsibility (OPR) conducted additional interviews and reviewed transcripts, reports, and evidence to provide the additional information in this supplemental report. OSC's questions and CBP's answers are provided below.

OSC QUESTION 1

The agency did not substantiate the allegation that Director of Air Operations (DAO) [REDACTED] deliberately minimized or "effectively idled" the Deming Air Unit (DAU) on multiple specified dates between June and August of 2020, as former Supervisory Air Interdiction Agent (SAIA) [REDACTED] alleged. In reaching this conclusion, the agency interviewed [REDACTED] and the assigned El Paso Air Branch (EPAB) Command Duty Officer (CDO) for each of the specified dates, SAIA [REDACTED] as well as DAO [REDACTED] who oversaw all of the EPAB.

Documents contained in Exhibit 4, Mr. [REDACTED] Power Point, however, indicate that there were additional CBP employees working at DAU who witnessed events leading up to the denial of DAU's requests for air support on the specified dates. Based on our review of daily operations reports from Exhibit 4, we note that the following CBP employees were on shift on each of the respective dates and may have additional information relevant to the investigation:

- 1) July 10, 202 [sic] (death of [REDACTED]): First Shift: Agent [REDACTED], Agent [REDACTED], Agent [REDACTED], Second Shift: Agent [REDACTED], Agent [REDACTED]***
- 2) July 14, 2020 (death of [REDACTED]): First Shift: Agent [REDACTED], Agent [REDACTED], Agent [REDACTED], Second Shift: Agent [REDACTED], Agent [REDACTED]***
- 3) July 15, 2020 (death of [REDACTED]): First Shift: Agent [REDACTED], Agent [REDACTED], Second Shift: Agent [REDACTED], Agent [REDACTED]***
- 4) August 17, 2020 (death of [REDACTED]): Maintenance Supervisor [REDACTED] may have information concerning why, in this instance, DAU did not have an aircraft available. Also, Agents [REDACTED], [REDACTED], and [REDACTED] may have information related to Mr. [REDACTED] alleged refusal to provide DAU with an aircraft at that time.***

It appears that some or all the above-named individuals took calls, created records, and relayed and received information in connection with these incidents. Please interview these employees and provide the investigative results, including whether the employees provided additional information that alters OPR's findings.

OPR RESPONSE

Investigative Findings: CBP OPR conducted multiple interviews and did not obtain any additional information that alters OPR's original findings. CBP OPR does not substantiate the allegation that DAO [REDACTED] deliberately minimized or "effectively idled" DAU on multiple specified dates between June and August 2020, as former SAIA [REDACTED] alleged. Multiple CBP employees recalled incidents involving DAO [REDACTED] that they described as hostile and unprofessional, but the additional interviews did not result in any new information that DAO [REDACTED] deliberately minimized Mr. [REDACTED] or DAU. CBP OPR conducted a thorough and comprehensive review of the allegations and did not find any evidence that DAO [REDACTED] made any decisions, or instructed anyone else, to purposefully minimize or retaliate against Mr. [REDACTED] or DAU.

Investigative Steps: On April 23, 2024, OSC requested additional interviews of the following nine CBP employees related to their possible knowledge of additional information in this investigation: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

Resident Agent in Charge (RAC) [REDACTED], CBP OPR, Buffalo Resident Agency, Buffalo, NY, contacted retired Air Interdiction Agent (AIA) [REDACTED] who declined to be interviewed for this investigation. Supervisory AIA (SAIA) [REDACTED] informed RAC Gunnarson that Maintenance Officer (MO) [REDACTED] is on extended medical leave and is unavailable to be interviewed. RAC [REDACTED] interviewed the remaining seven (7) CBP employees requested by OSC.

On April 30, 2024, RAC [REDACTED] and Special Agent (SA) [REDACTED] interviewed Aviation Enforcement Agent (AEA) [REDACTED], Deming Air Unit (DAU), Deming, NM (Exhibit 1). RAC [REDACTED] explained to AEA [REDACTED] that CBP OPR had received allegations that Director of Air Operations (DAO) [REDACTED] purposefully retaliated against former SAIA [REDACTED] and DAU as punishment.

RAC [REDACTED] then showed AEA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed AEA [REDACTED] as "Flight Crew" for a request to launch that was ultimately denied by SAIA [REDACTED] (Attachment 1). AEA [REDACTED] stated that he recognized the report as one that DAU filled out daily but explained that he did not recall the specifics of this request to launch. AEA [REDACTED] then added, "We do this report, it's just for our unit so that everyone at DAU knows what took place on that specific day," and explained that he did not know who filled out this specific daily report (Time Stamp: 6:10).

RAC [REDACTED] then showed AEA [REDACTED] a copy of the corresponding Tasking Operations Management Information System (TOMIS) record which listed him (AEA [REDACTED]) as "Crew Member" for the same Mission 202000307 (Attachment 2). AEA [REDACTED] stated that he was familiar with the TOMIS record system but explained that the TOMIS reports were "filled out" by the pilots. AEA [REDACTED] stated that the TOMIS records were the "official" records and

superseded DAU Daily Operations Reports because the Daily Operations Reports were “internal” to DAU. RAC [REDACTED] then asked AEA [REDACTED] what the TOMIS record meant when it listed the “justification” for denying this specific launch as “No Flight Hours,” and AEA [REDACTED] responded that he did not know the answer to that question because he did not do TOMIS entries (Time Stamp: 8:45). AEA [REDACTED] stated that he was not part of the decision-making process on whether to launch for this specific mission and added that he was just a crew member.

AEA [REDACTED] stated that he started at DAU in 2014, had worked there ever since, and that he “loves” his detail at DAU. AEA [REDACTED] then explained that there was a lot of “turmoil” between DAO [REDACTED] and Mr. [REDACTED] during that time frame and added that it was “awkward” to work at DAU because of that (Time Stamp 10:40). AEA [REDACTED] opined that there was a lot of “hate” going on between DAO [REDACTED] and Mr. [REDACTED] which made it “weird” to come to work.

RAC [REDACTED] asked AEA [REDACTED] if he heard or saw anything that would make him believe that DAU was being purposefully minimized by DAO [REDACTED]. AEA [REDACTED] recounted a time when DAU was ordered to fly missions in Arizona. AEA [REDACTED] explained that DAU had to fly into the Arizona area of responsibility, which required them to fly over areas that had “workable traffic” on the way to Arizona, which had no “traffic,” and then fly back to DAU over areas that had “workable traffic.” AEA [REDACTED] stated that based on his own observations, those Arizona flights were being forced on DAU by DAO [REDACTED] as “kind of a punishment” for whatever was going on between DAO [REDACTED] and Mr. [REDACTED]. AEA [REDACTED] stated that he did not know the complete story of “what all was taking place between [REDACTED] and [REDACTED],” so he did what he was told and just did his job.

RAC [REDACTED] then asked AEA [REDACTED] if he remembered the reason that DAU was without an aircraft for approximately 15 days in August 2020, and he responded that he did not recall that specific instance when DAU was without an aircraft. AEA [REDACTED] then explained that DAU was without an aircraft on a regular basis because of maintenance work on the aircrafts (Time Stamp 14:25).

On April 30, 2024, RAC [REDACTED] and SA [REDACTED] interviewed Branch Manager [REDACTED] Borrego, El Paso Air Unit (EPAU), El Paso, TX (Exhibit 2). Mr. [REDACTED] stated that he is currently a contract employee with CBP and that his official duties include overseeing the maintenance officers and other employees on the “contract side” of CBP. Mr. [REDACTED] stated that he is currently stationed at EPAU but added that DAU falls under EPAU.

RAC [REDACTED] explained to Mr. [REDACTED] that in August 2020, an aircraft with tail number 854BP was transported to EPAU from DAU for maintenance issues. RAC [REDACTED] then showed Mr. [REDACTED] a screenshot from a TOMIS record (Attachment 1) that documented this specific mission. Mr. [REDACTED] stated that he knows the name of the database (TOMIS) but explained that he does not go into that database and is not familiar with the screen shot.

Mr. [REDACTED] stated that he did not remember the specific mission where aircraft 854BP was transported to EPAU from DAU but explained that they (EPAU) “constantly rotate” aircrafts between stations for maintenance reasons. Mr. [REDACTED] further explained that all maintenance

for their aircraft was usually conducted at EPAU, so aircraft were flown into EPAU from other branches and left there to be worked on. RAC [REDACTED] then asked Mr. [REDACTED] to explain his definition of “constantly,” and he responded that every aircraft was inspected every 150 flight hours, so an aircraft usually came into EPAU at least every other month. Mr. [REDACTED] opined that it was a “common occurrence” for an aircraft to be transported to EPAU for maintenance.

Mr. [REDACTED] stated that sometimes DAU was without an aircraft for an extended period of time and that depended on the type of maintenance that the aircraft needed. Mr. [REDACTED] then gave an example that if an aircraft needed a part that was not available or needed extensive work, like engine maintenance, that prolonged the maintenance work. Mr. [REDACTED] then stated that there were times in the past when DAU was without an aircraft for a couple of weeks while that aircraft was being worked on.

RAC [REDACTED] then asked Mr. [REDACTED] if he ever heard DAO [REDACTED] state that he was not going to send DAU a replacement aircraft as punishment or retaliation against DAU and Mr. [REDACTED] responded, “No, not at all. I’ve never heard him say anything like that.” Mr. [REDACTED] stated that he had never seen or heard anything that would make him believe that DAO [REDACTED] was purposefully doing anything to punish or retaliate against DAU. Mr. [REDACTED] then added, “As far as not sending that aircraft as retaliation, I don’t believe that was the case.”

On April 30, 2024, RAC [REDACTED] and SA [REDACTED] interviewed AIA [REDACTED], DAU, Deming, NM (Exhibit 3). RAC [REDACTED] explained to AIA [REDACTED] the allegations, specifically, that DAO [REDACTED] purposefully retaliated against Mr. [REDACTED] and DAU as punishment. RAC [REDACTED] then showed AIA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed him (AIA [REDACTED]) as “Flight Crew” for a request to launch that was ultimately denied under Mission 202000308 (Attachment 1). AIA [REDACTED] stated that he was not sure who filled out the daily report, dated July 14, 2020, but added that it varied, sometimes the AEA’s filled them out and sometimes the pilots did. AIA [REDACTED] stated that he did not know who the author of the notes, “No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]” was.

RAC [REDACTED] then showed AIA [REDACTED] a copy of the corresponding TOMIS record which listed him (AIA [REDACTED]) as pilot in command (PIC) for Mission 202000308 (Attachment 2). RAC [REDACTED] then directed AIA [REDACTED] to the section on the TOMIS report listed as “justification” for the launch being denied and asked him (AIA [REDACTED]) what the justification of “No Flight Hours” meant. AIA [REDACTED] responded that he could not specifically say what that meant for this specific request, but explained that in the past, if they (AMO) were trying to save flight hours for an aircraft, then they would list, “No Flight Hours” as the justification for a launch being denied (Time Stamp 5:50).

AIA [REDACTED] then opined that if a justification was listed as “No Flight Hours,” then that could have meant that the mission was not important enough to use flight hours. AIA [REDACTED] added, “I’m not saying that’s exactly what happened here,” but that it has happened in the past and was decided on a case-by-case basis. AIA [REDACTED] then added that “No Flight Hours” could have also meant that there was “no budget,” or it was for “maintenance purposes” (Time Stamp 6:20). AIA [REDACTED] stated that the Command Duty Officer (CDO) had final authority on whether to

launch but explained that the CDO could get “trickle down” instructions from DAO [REDACTED]. AIA [REDACTED] then reiterated that the CDO had the final authority for the day (Time Stamp: 7:10).

AIA [REDACTED] stated that he had been assigned to DAU since 2019 and that when he first arrived there, he was the “new guy,” so he tried to just keep his nose down, work hard, and do his job. AIA [REDACTED] explained that he did notice that there was an “odd” relationship between DAU and EPAU. AIA [REDACTED] likened that relationship to DAU being the “red-headed stepchild” of that branch. AIA [REDACTED] stated that, looking back, DAU did not have the best working relationship with EPAU and added that he did not feel like DAU was a “priority.”

RAC [REDACTED] asked AIA [REDACTED] if he had any information to share pertaining to the four additional migrant deaths that occurred during the summer of 2020. AIA [REDACTED] responded that he did not remember any of those specific situations involving the deaths of migrants in their area.

RAC [REDACTED] then asked AIA [REDACTED] if he heard or saw anything that would make him believe that DAU was being minimized or punished by DAO [REDACTED]. AIA [REDACTED] responded that he did notice that training opportunities began to become more available to DAU after Mr. [REDACTED] made allegations against DAO [REDACTED]. AIA [REDACTED] explained that when he first arrived at DAU, training opportunities did not seem to be as available for DAU as they were for EPAU. AIA [REDACTED] further explained that after Mr. [REDACTED] made allegations against EPAU, suddenly the opportunities and “extra stuff” were offered to DAU (Time Stamp: 10:30).

AIA [REDACTED] stated that his initial operating experience seemed to be much longer than his classmate, who was stationed at EPAU. AIA [REDACTED] also stated that EPAU pilots only had to fly to DAU for a day, but DAU pilots had to TDY for several days to EPAU. AIA [REDACTED] stated that in his opinion, by doing this, he felt that EPAU was “shoving it” to DAU (Time Stamp: 12:10).

RAC [REDACTED] then explained to AIA [REDACTED] that in August 2020, DAU was without an aircraft for approximately 15 days, and it was alleged that DAO [REDACTED] was punishing DAU by not giving them a replacement aircraft. AIA [REDACTED] then asked if he could check his personal logbook. AIA [REDACTED] stated that his logbook showed he had a flight on August 1, 2020, and his next flight was on August 22, 2020. AIA [REDACTED] stated that he remembered a scenario where an aircraft may or may not have been airworthy and that EPAU “pilot shopped” to find a pilot who would fly that aircraft from DAU to EPAU. AIA [REDACTED] then stated that he did not remember if the scenario he just recalled was the same scenario from this investigation or not.

AIA [REDACTED] stated that he could not recall any specific incidents that would lead him to believe DAU was being retaliated against but explained that the relationship between DAU and EPAU “felt off.” AIA [REDACTED] then stated that he did notice that prior to all of the “stuff” that went down between DAO [REDACTED] and Mr. [REDACTED] DAU usually had two aircrafts available, but since then DAU has only had one aircraft available.

AIA [REDACTED] then recalled an incident when DAO [REDACTED] came to DAU and had a meeting with Mr. [REDACTED]. AIA [REDACTED] described the incident as a “hostile situation.” AIA [REDACTED]

explained that he was not in this specific meeting, but that he heard a lot of “shouting” coming from that room and added that it did not seem to be a “professional situation” (Time Stamp: 18:50). AIA [REDACTED] stated that he did not remember the specifics of what was being discussed during this meeting between DAO [REDACTED] and Mr. [REDACTED] but he did recall that DAO [REDACTED] repeatedly yelled, “I’m the Director,” to show Mr. [REDACTED] that he was in charge.

AIA [REDACTED] stated that he only knew Mr. [REDACTED] for a short period of time but stated that Mr. [REDACTED] was “one of the best supervisors” he ever had in CBP. AIA [REDACTED] stated that Mr. [REDACTED] “never did any of us wrong” at DAU (Time Stamp: 20:05).

On May 1, 2024, RAC [REDACTED] and SA [REDACTED] interviewed Border Patrol Agent (BPA) [REDACTED] (Exhibit 4). RAC [REDACTED] explained to BPA [REDACTED] that there were allegations that DAO [REDACTED] purposefully retaliated against Mr. [REDACTED] and DAU as punishment. RAC [REDACTED] then showed BPA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 11, 2020 (Attachment 1). The report listed BPA [REDACTED] as a witness to a meeting that took place between DAO [REDACTED] and Mr. [REDACTED]. According to Mr. [REDACTED]’s notes, DAO [REDACTED] denied Mr. [REDACTED]’s leave at this meeting and made the comment, “[REDACTED] wants to make accusations then ask for leave . . . it’s not going to happen.”

BPA [REDACTED] stated that the meeting mentioned in Mr. [REDACTED]’s notes sounded familiar, but he (BPA [REDACTED]) does not recall the specifics of that meeting. BPA [REDACTED] remembered that Mr. [REDACTED] asked him to go with him to this meeting “just in case something happened . . . like a witness type thing” (Time Stamp 7:15). BPA [REDACTED] stated that he drove Mr. [REDACTED] to EPAU for this meeting and was then just “hanging out” at EPAU while Mr. [REDACTED] and DAO [REDACTED] had their meeting. BPA [REDACTED] added that he was not inside the meeting room but explained that he overheard a lot of “yelling” coming from that room. BPA [REDACTED] stated that he could not remember who said what or what words were spoken in that meeting.

RAC [REDACTED] then showed BPA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020 (Attachment 2). The report listed BPA [REDACTED] as being on shift when a request to launch was denied. BPA [REDACTED] stated that he did not remember this specific event but explained that he did remember “multiple occasions” that involved the deaths of migrants during that time frame. BPA [REDACTED] stated that he felt some of the requests to launch that were made by DAU were being denied because of the “beef” that was going on between EPAU and DAU.

BPA [REDACTED] explained that DAU was getting requests for air support during that time, and as he understood it, those requests to launch were denied because EPAU had a certain set of hours allotted to DAU that could not be exceeded. BPA [REDACTED] stated that these denials to launch were “upsetting” because he could not do his job. BPA [REDACTED] stated that he did feel that if they (DAU) were able to launch then they could have saved lives but added that he did not know if they had launched, whether it would have made a difference or not.

BPA [REDACTED] stated that his role at DAU was to monitor radio traffic on Big Pipe and then relay any requests from the field for air support to his supervisors who would then call the CDO and

request clearance to launch. BPA [REDACTED] stated that it was usually the PIC who would call the CDO after the pilots did their risk assessment to either get clearance to launch or not (Time stamp 10:40).

RAC [REDACTED] then asked BPA [REDACTED] if he was the author of the notes under the "Results" section of the Deming Air Unit Daily Operation Report, which read, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]," and he responded, "It could have been." BPA [REDACTED] then explained that usually the agent who would "stay back" from a mission would fill out the Daily Operations Reports to "spread the work around." BPA [REDACTED] stated that he did not know for sure if he was the author of those notes or if someone else authored them. BPA [REDACTED] then stated that he remembered that Mr. [REDACTED] had previously told him that every time a flight request was denied, to make sure he logged that into the report.

BPA [REDACTED] stated that he felt a lot of the denials to launch during this time frame were probably caused by the "tension" between EPAU and DAU. BPA [REDACTED] explained that there was a lack of communication between EPAU and DAU and felt that it was one branch not wanting to deal with the other branch (Time Stamp 13:55). BPA [REDACTED] stated that there could have been "something behind the scenes" that he was not aware of, such as "no flight hours," or "multiple reasons," but he did not know for sure why those requests to launch were denied. BPA [REDACTED] added that, "nine times out of ten," the pilots would call the CDO and request permission to launch, so he was not privy to the reasons why a denial would occur (Time stamp 14:20).

RAC [REDACTED] then showed BPA [REDACTED] the corresponding TOMIS record which listed the "justification" for the launch being denied as, "No Flight Hours" and asked him (BPA [REDACTED]) what "No Flight Hours" meant (Attachment 3). BPA [REDACTED] responded that he believed that at that time, DAU was only allotted three hours a day to fly, and that they (DAU) were limited to a certain number of flights, so when he saw the "No Flight Hours" as the justification, he assumed that there was "no budget" for those flights.

BPA [REDACTED] stated that he was not sure if the limited flight hours issue was a nationwide Office of Air and Marine decision or if it just applied to DAU but opined that if DAU had limited flight hours, then so did everyone else (Time Stamp 15:50). BPA [REDACTED] stated that his best guess for the "justification" of "No Flight Hours" was that it was related to budget issues but added that the "lack of communication" between EPAU and DAU could have also been the reason for that denial to launch.

BPA [REDACTED] stated that he remembered being "upset" about the decisions not to launch because DAU had to call EPAU for permission to fly and that when there was an emergency situation, the CDOs at EPAU were not always up to speed on what was going on at DAU. BPA [REDACTED] then explained that, in his opinion, EPAU and DAU should have their own CDO instead of relying on a CDO from a different branch to make the decision because a local CDO would know the crew better, the terrain better, and the weather conditions better (Time Stamp 20:05).

BPA [REDACTED] stated that he had been assigned to the Lordsburg BP Station his whole career and opined that the Lordsburg area “never gets air support.” BPA [REDACTED] then stated that while he was detailed to DAU, he “saw more dead bodies” than he had in his entire Border Patrol career. BPA [REDACTED] stated that sometimes they (DAU) got there in time to save someone and sometimes they got there too late. BPA [REDACTED] then estimated that he took part in approximately two to three rescues, but unfortunately saw approximately four to five “dead bodies” during his detail to DAU.

RAC [REDACTED] asked BPA [REDACTED] if he heard or saw anything that would make him believe that DAO [REDACTED] minimized or punished Mr. [REDACTED] or DAU. BPA [REDACTED] responded, “If you were there, you could feel it.” BPA [REDACTED] then stated that he would hear Mr. [REDACTED] arguing with DAO [REDACTED] over the phone and added that he got the impression that there was a lot of “backstabbing” going on between EPAU and DAU. BPA [REDACTED] explained that he did not recall any of the specifics but added that his overall sense was that there were a lot of “pissing matches” going on between EPAU and DAU during that time frame. BPA [REDACTED] then opined that Mr. [REDACTED] wanted to do certain things his way but that EPAU would say, “No, you’re gonna do it the way we want to do it.”

RAC [REDACTED] explained to BPA [REDACTED] that in August 2020, DAU was without an aircraft for approximately 15 days and that it was alleged DAO [REDACTED] was punishing DAU by not giving them a replacement aircraft. BPA [REDACTED] stated that he remembered that specific instance but added that he did not remember the specific reason the aircraft was transported from DAU. BPA [REDACTED] opined that the aircraft could have been transported to limit their (DAU) flight hours or for maintenance reasons but added that, in his opinion, the aircraft was transported from DAU because EPAU was trying to punish them (Time Stamp 28:55).

BPA [REDACTED] explained that to the best of his recollection, there were a few times when DAU was without an aircraft for an extended period of time. BPA [REDACTED] stated that the “birds” went down a lot for maintenance or inspections so there could have been multiple reasons why that aircraft was transported from DAU. BPA [REDACTED] opined that there were plenty of “birds” to go around and that there is always a “loaner” that DAU could have received while that aircraft was transported from DAU to EPAU.

BPA [REDACTED] recounted a time when DAU was mandated to fly missions in Arizona instead of flying in the Deming area and explained that these missions to Arizona “pissed” him off because he was told that DAU was trying to fly their (Arizona’s) hours for them. BPA [REDACTED] stated that he felt they (DAU) were “neglecting” their area in order to fly all the way to Arizona, which he felt did not need any air support. BPA [REDACTED] stated that he felt these missions to Arizona were a waste of time and money and that they were mandated as a way for EPAU to punish DAU and to get them (DAU) out of the El Paso area (Time Stamp 32:51).

BPA [REDACTED] stated that during the incidents that involved the deaths of the migrants, Border Patrol could have sent BPAs out on the ground to look for those distressed individuals, but he did not know for certain. BPA [REDACTED] opined that Border Patrol took those type of calls all the time and added, “I just did one the other day.” BPA [REDACTED] stated that typically, a call for help would come in, Border Patrol would look for which assets were available at the time, set up

search grids, and at the very least send a BPA out to that area to search for the distressed individual (Time Stamp 36:20).

BPA ██████ stated that there were a lot of times where DAU was allowed to launch and added, "We did a lot of rescues" that involved distressed individuals. BPA ██████ then recounted an incident that involved an "officer down" call where they (DAU) launched an aircraft without seeking permission from the CDO first but explained that the officer passed away before they (DAU) could reach him. BPA ██████ then stated that, in his opinion, "life and death" situations should not be "tied up" in not enough flight hours or any other reason not to launch (Time Stamp 41:35).

On May 1, 2024, RAC ██████ and SA ██████ interviewed BPA ██████ (Exhibit 5). BPA ██████ stated that he was assigned to DAU from 2018 through 2020 and added that he was still assigned there in July and August of 2020. RAC ██████ explained to BPA ██████ that there were allegations that DAO ██████ purposefully retaliated against Mr. ██████ and DAU as punishment. RAC ██████ then showed BPA ██████ a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed him (BPA ██████) as "Flight Crew" for a request to launch that was ultimately denied under Mission 202000308 (Attachment 1). BPA ██████ stated that he does not remember this specific incident but added that he does remember a "few times" when DAU had an aircraft and a crew available but their (DAU) requests to launch were denied. BPA ██████ stated that he does not know the specific dates of those denials to launch, nor does he know the specific reasons why their requests were denied.

BPA ██████ stated that he recognized the Daily Operations Reports and explained that he (BPA ██████) has filled those reports out in the past. BPA ██████ stated that he does not know who the author of the notes, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO ██████ per DAO ██████" was. BPA ██████ remembered that during this time frame, there was a sense of a "hostile work environment" between Mr. ██████ and DAO ██████ but added that he (BPA ██████) cannot remember the reasons why any of those specific requests to launch were denied.

RAC ██████ then showed BPA ██████ the corresponding TOMIS record (Attachment 2) which listed the "justification" for the launch being denied as, "No Flight Hours" and asked him (BPA ██████) what "No Flight Hours" meant. BPA ██████ responded that he has never entered anything into TOMIS, so he does not know what the "justification" of "No Flight Hours" means.

RAC ██████ asked BPA ██████ if he heard or saw anything that would make him believe that DAO ██████ minimized or punished DAU and he (BPA ██████) responded that there was a time when DAO ██████ would show up at DAU unannounced and then he (DAO ██████) and Mr. ██████ would get into a "screaming match." BPA ██████ also explained that members of EPAU management would come into DAU and try to get into Mr. ██████'s locked office door. BPA ██████ stated that he does not remember who specifically came, but explained that on one occasion, they (DAU) found an EPAU employee's PIV card on the ground that was left behind.

BPA ██████ stated that he felt like the decisions not to launch an aircraft on the specific occasions in the Daily Operations Reports did not make sense to him (BPA ██████) because they had a crew and an aircraft available, and they were being requested to help. BPA ██████ stated that he has flown on approximately two hundred (200) missions where the request to launch was granted and approximately ten to fifteen (10-15) missions where the request to launch was denied (Time Stamp: 13:55). BPA ██████ stated that he does not remember any of the specific reasons as to why any of those requests to launch were denied and added, "We were just told no."

RAC ██████ explained to BPA ██████ that in August 2020, DAU was without an aircraft for approximately 15 days and that it was alleged that DAO ██████ was punishing DAU by not giving them a replacement aircraft. BPA ██████ stated that he did not recall if DAU was without an aircraft during that time frame but explained that "most times," there was a helicopter to replace the one that was taken away. BPA ██████ then stated that he did not remember DAU being without a "bird" for an extended period of time.

RAC ██████ asked BPA ██████ if he heard or saw anything that make him believe that DAO ██████ was minimizing or retaliating against either him or DAU. BPA ██████ stated that while he was on temporary detail to DAU, he expressed interest to DAO ██████ in applying for the full-time position at DAU. BPA ██████ explained that he asked DAO ██████ if he would be able to transfer over to that full time position, DAO ██████ responded by asking BPA ██████ how old he was. When BPA ██████ told DAO ██████ his age, DAO ██████ told him that he was "too old" for the position. BPA ██████ stated that DAO ██████ informed him that he needed someone who could give him "at least fifteen" years in that position (Time Stamp 17:10).

BPA ██████ stated that sometime after that conversation with DAO ██████, he learned that another agent, who was around the same age as he was, got selected for that full time position. When RAC ██████ asked BPA ██████ if anyone else heard DAO ██████ make that comment about his age, BPA ██████ responded that there were pilots there, Mr. ██████ was there, and that "everybody heard" DAO ██████ tell him that he was "too old" for the position.

BPA ██████ then recalled an incident when he was a crew member on a flight that responded to an "alien in distress" call. BPA ██████ stated that they had visually located the individual and were "right there" to assist when they received a call from the CDO to "10-3" (stand down) and go back to DAU. BPA ██████ stated that he then informed the CDO that they had just located the individual in distress but were again given the order to return to DAU. BPA ██████ stated that he was not given any reasons as to why they had to return to DAU, and he did not know if this specific situation was one of the incidents involving a death of a migrant (Time Stamp 18:45).

BPA ██████ described the work environment at DAU as "dreadful." BPA ██████ explained that the director before DAO ██████ arrived was good, but when DAO ██████ took over, he felt like he didn't know what he was walking into every day at work.

BPA ██████ stated he heard that DAU could have saved BPA ██████'s life if they had launched an aircraft from DAU instead of EPAU. BPA ██████ explained that he heard a rumor that DAU had a crew and an aircraft ready to launch to assist BPA ██████ but DAU's request to launch was denied and that EPAU sent a pilot who recently transferred to EPAU instead. BPA ██████ stated that he heard that the pilot from EPAU did not know the area and mistakenly landed at the Garza Air Base instead of where BPA ██████ was located. BPA ██████ then stated that he was not on shift during that incident so that information was secondhand knowledge (Time Stamp 21:05).

On May 1, 2024, RAC ██████ and SA ██████ interviewed Aviation Maintenance Officer (MO) ██████ (Exhibit 6). MO ██████ stated that he is currently stationed at EPAU and has been stationed there since 2007. MO ██████ also stated that DAU and the Alpine Air Unit (AAU) both fall under EPAU, so he did maintenance for those branches as well.

RAC ██████ explained to MO ██████ that in August 2020, an aircraft with tail number 854BP was transported to EPAU from DAU and that according to official records, the aircraft was transported for maintenance issues. RAC ██████ then showed MO ██████ a screenshot from a TOMIS record that documented this specific mission. MO ██████ stated that he does recall this specific incident and explained that, to the best of his knowledge, the aircraft was transported from DAU to EPAU because it had an engine maintenance issue (Attachment 1). MO ██████ stated that aircrafts were brought to EPAU for maintenance because they (EPAU) had the tools, equipment, and expertise to troubleshoot and repair those aircraft.

RAC ██████ then asked MO ██████ how long it usually took to repair an aircraft with engine issues, and MO ██████ responded that it depended on what the specific issue was. MO ██████ then explained that although he did not remember what the engine issue was for this specific incident, generally, repairs could take from two days to a week. MO ██████ stated that maintenance could occasionally take longer if other aircraft were also in for their inspections at the same time. MO ██████ explained that inspections were required for aircraft when that aircraft reached a certain number of flight hours and that those aircraft were then brought to EPAU for routine inspections. MO ██████ stated that EPAU may not have had any available aircraft to replace the one transported from DAU, but he did not remember the specifics of DAU being without an aircraft (Time Stamp 6:10).

RAC ██████ asked MO ██████ if he ever heard or saw DAO ██████ state that he was not going to send DAU a replacement aircraft as punishment or retaliation against Mr. ██████ or DAU and MO ██████ responded, "No sir, not to my knowledge."

RAC ██████ then showed MO ██████ notes written by Mr. ██████ that stated he may have been a witness on a phone call in which DAO ██████ allegedly stated, "Since Deming doesn't want to fly, he would not send an aircraft." MO ██████ stated that he did not recall that phone conversation and that he did not hear DAO ██████ say those words (Time Stamp 9:00).

On May 1, 2024, SAIA [REDACTED], EPAU, emailed RAC [REDACTED] the maintenance records associated with tail number 854BP (Exhibit 7). RAC [REDACTED] reviewed the maintenance records and discovered that the aircraft was transported from DAU to EPAU on August 4, 2020, for maintenance and the maintenance was completed on August 28, 2020. The records showed that during this maintenance, multiple components and parts were removed from aircraft 854BP and replaced.

On May 10, 2024, RAC [REDACTED] contacted former CBP employee [REDACTED] who advised that he is retired from CBP and declined to be interviewed for this investigation. Investigative Analyst (IA) [REDACTED] sent RAC [REDACTED] Mr. [REDACTED]'s federal SF-50 form which confirmed that Mr. [REDACTED] retired from federal service on February 27, 2021 (Exhibit 8).

On June 4, 2024, RAC [REDACTED] and SA [REDACTED] interviewed AIA [REDACTED] (Exhibit 9). AIA [REDACTED] stated that he started his career as a pilot with CBP in 2017 in Laredo, TX. AIA [REDACTED] explained that he transferred to DAU in 2019 and remained there until 2023, when he then transferred to Bellingham, WA. AIA [REDACTED] stated that prior to joining CBP, he had been a commercial airline pilot and that he has been a pilot for approximately 17 years.

AIA [REDACTED] explained the process that pilots went through to determine whether to launch an aircraft and stated that pilots would know ahead of time which pilot would be responsible for a launch based on shift hours and availability. AIA [REDACTED] stated that if a pilot had already been on shift for a while, then that pilot would pass off an operation to another pilot due to "crew rest" reasons.

AIA [REDACTED] explained that every pilot had to go through a "risk management" process where the pilot would fill out a form that addresses questions about the crew combination, crew experience, the nature of the mission, weather, and the condition of the aircraft. AIA [REDACTED] stated that the information was then discussed between the PIC and the CDO to come up with a "go, or no go" decision to launch the aircraft. AIA [REDACTED] added that many times, the CDO would already have the same information that the pilot would have before their discussion.

AIA [REDACTED] stated that the PIC made the ultimate decision whether to launch an aircraft, but the PIC would usually make the more "conservative" decision. AIA [REDACTED] explained that he had never been in a situation where the CDO said "No" to a launch and the PIC said "Yes." AIA [REDACTED] stated that if the PIC, a crew member, or the CDO did not like any of the given circumstances surrounding a launch decision, then they would take the "more conservative route" and not launch. AIA [REDACTED] explained that DAU did not have their own CDO, and they relied on the CDO from EPAU to make decisions. AIA [REDACTED] stated that the CDO physically being at DAU was "challenging" because sometimes the CDO at EPAU did not "have the pulse" on what the conditions were at DAU.

RAC [REDACTED] asked AIA [REDACTED] if the weather played a role in every decision that was made to regarding whether to launch an aircraft. AIA [REDACTED] responded, "100 percent. Absolutely." AIA [REDACTED] added that multiple factors are all considered before a decision to launch or not launch is made.

AIA [REDACTED] stated that he had never flown an aircraft that was determined to be “unairworthy” and added, “I’m not going to risk myself or my crew or the people on the ground if the aircraft, I don’t think, is fit to fly.” RAC [REDACTED] then asked AIA [REDACTED] if anyone has ever forced him to fly an aircraft that he determined was unairworthy and he responded, “Forced? No.”

RAC [REDACTED] showed AIA [REDACTED] a copy of a Deming Air Unit Daily Operations Report dated August 4, 2020 (Attachment 1). AIA [REDACTED] stated that these daily operations reports were specific to DAU. AIA [REDACTED] explained that each branch of AMO typically had their own “local way” of recording missions and added that outside of TOMIS, there was no standard way to document flights, so the daily reports were DAU’s way of documenting missions.

RAC [REDACTED] noted that the report listed AIA [REDACTED] as the “Flight Crew” for a maintenance relocation of an aircraft from DAU to EPAU and asked him if he recalled this specific flight. AIA [REDACTED] stated that relocations of aircraft for maintenance occurred “fairly often,” so he did not recall the reason for this specific relocation mission.

RAC [REDACTED] showed AIA [REDACTED] a document that was provided by Mr. [REDACTED] that alleged “Director [REDACTED] ordered the employee to relocate the aircraft” that was deemed unairworthy and asked AIA [REDACTED] if DAO [REDACTED] ordered him to fly that aircraft (Attachment 2). AIA [REDACTED] responded, “I do remember it being contentious, um, if we should fly it or not,” and he recalled that this specific aircraft was having issues passing the “power assurance checks” which determine if the engine was producing the amount of power that it was “certified” for. AIA [REDACTED] stated that when an aircraft was deemed unairworthy, that meant that the aircraft would be flown “outside of the manual.”

AIA [REDACTED] explained that in the “civilian world,” the Federal Aviation Administration (FAA) would have to issue a “special permit” in order for that civilian company to fly the aircraft. AIA [REDACTED] stated that because AMO is a government agency, the FAA allows the agency to make those decisions on their own instead of having to contact the FAA. AIA [REDACTED] stated that he did not believe that AMO contacted the FAA for this specific flight but added, “When you do one of those flights, it’s not done in the dark.” AIA [REDACTED] further explained that there would be a discussion between the PIC, management, the aircraft crew, the director, and even with the engine manufacturing company to determine if the flight was a “go” or not.

RAC [REDACTED] asked AIA [REDACTED] if he was ever forced to fly an unairworthy aircraft, as alleged by Mr. [REDACTED]. AIA [REDACTED] responded, “No, I haven’t been forced.” AIA [REDACTED] added that sometimes in situations like that, there could be “persuasions” from management though (Timestamp 17:45). AIA [REDACTED] explained that for this specific relocation flight, he only had to fly the aircraft from DAU to EPAU, so he did not need the “full power” of the engine (Timestamp 18:50).

AIA [REDACTED] stated that based on the information he had at the time, he felt safe flying this aircraft, but he remembered being not “too happy” that AMO did not go through the FAA to obtain a “special permit” for this flight. AIA [REDACTED] stated that he thought it would have been a good idea to get the FAA’s approval to fly this mission because they (the FAA) are the ultimate

authority on aviation. AIA [REDACTED] added, "Safety wise, I felt like we ticked all the boxes" for this flight.

RAC [REDACTED] informed AIA [REDACTED] that Mr. [REDACTED] alleged that DAO [REDACTED] had a history of threatening employees with adverse action if they did not fly when they voiced concerns about aircraft airworthiness issues. RAC [REDACTED] asked AIA [REDACTED] if DAO [REDACTED] ever threatened him with adverse action if he did not follow DAO [REDACTED]'s directions and AIA [REDACTED] responded, "I haven't been threatened directly, no, but you definitely are persuaded." AIA [REDACTED] added that he sometimes felt "pressured."

RAC [REDACTED] then explained to AIA [REDACTED] that after he flew this aircraft from DAU to EPAU for engine maintenance issues, DAU was without an aircraft for approximately 15 days. RAC [REDACTED] then explained that Mr. [REDACTED] alleged that DAO [REDACTED] was upset that DAU made the maintenance write up on this aircraft and said, "Since Deming doesn't want to fly, he would not send another aircraft." RAC [REDACTED] asked AIA [REDACTED] if he heard DAO [REDACTED] make that comment, or something similar to that affect, and AIA [REDACTED] responded, "As far as that exact quote, I can't say for sure." AIA [REDACTED] stated that it was not uncommon for DAU to be "down" an aircraft due to maintenance issues.

RAC [REDACTED] asked AIA [REDACTED] if he heard or saw anything that would lead him to believe that DAO [REDACTED] was punishing DAU by not giving them a replacement aircraft. AIA [REDACTED] responded, "I don't know about punishing, but there was definitely a feeling of resentment" (Timestamp 26:05).

RAC [REDACTED] showed AIA [REDACTED] an email to Mr. [REDACTED] dated October 7, 2020, in which AIA [REDACTED] explained the weather restrictions that occurred on June 11, 2020 (Attachment 3). AIA [REDACTED] stated that Mr. [REDACTED] asked him to write up some "clarity" on aircraft limitations and to summarize the limits of a helicopter as it related to weather, so he "dug into" the details and provided this email explanation to Mr. [REDACTED].

AIA [REDACTED] stated that he was not on shift on the evening of June 11, 2020, but he believed the decision to fly an aircraft out of EPAU instead of DAU was made because EPAU already had a crew and an aircraft available, whereas DAU would have had to "wake up" another crew to come into DAU. AIA [REDACTED] stated that for the CDO to use EPAU instead of DAU was "probably the easier thing to do." AIA [REDACTED] opined that looking back, it might have been better to try to call DAU and "assemble a crew" to have them (DAU) launch (Timestamp 29:15).

RAC [REDACTED] showed AIA [REDACTED] multiple Deming Air Unit Daily Operations Reports that listed the reason not to launch as, "No launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]" (Attachment 4). AIA [REDACTED] stated that he did not know who the author of those notes was, but usually whoever was not flying on that mission would stay back and complete those reports. AIA [REDACTED] stated that the author of those notes could have been anyone on shift at that time.

RAC [REDACTED] showed AIA [REDACTED] a copy of the TOMIS records that corresponded with the mission numbers listed on the Deming Air Unit Daily Operations Reports and directed AIA

██████ to the section on the TOMIS report listed as, “justification” for the launch being denied (Attachment 5). RAC ██████ asked AIA ██████ what the justification of “No Flight Hours” meant and he responded that DAU was only “budgeted” a certain amount of flight hours per fiscal year, so if DAU was short on those hours, management would use their discretion as to when DAU would launch an aircraft or not (Timestamp 33:50).

RAC ██████ asked AIA ██████ if he had been denied launches during his career in Laredo, TX, and in Bellingham, WA, due to “No flight hours.” AIA ██████ responded, “Yeah, that wasn’t uncommon” (Timestamp 38:20). AIA ██████ stated he thought that those specific missions at DAU were emergencies, so he felt that those denials to launch were unique.

AIA ██████ stated that to get authorization to launch, the PIC would call the CDO to get approval, but the Clearance Authority (CA) was also allowed to dispatch a flight, so the PIC could have a discussion with the CA and launch an aircraft per AMO policy. AIA ██████ stated that in reference to the incidents presented in the Deming Air Unit Daily Operations Reports, “We could have launched locally,” but due to the “No flight hours” reasons listed in TOMIS, DAU had to call the CDO for approval. AIA ██████ stated that decisions to launch or not launch were pretty “transparent,” so in his opinion, whoever authored the notes, “No launch. Request to launch on search and rescue of alien in distress denied by CDO Gayle, per DAO ██████” would not have “assumed” that information and that it was probably passed down by the CDO (Timestamp: 45:50).

AIA ██████ stated that typically, the CDO would not contact the DAO for every mission and explained that the purpose of having a CDO was to allow operations to function without the director having to get involved with every decision.

RAC ██████ asked AIA ██████ if he heard or saw anything that would make him believe that DAO ██████ minimized or punished DAU, and he recalled an incident when DAO ██████ came to DAU and had a meeting with Mr. ██████ that was “unprofessional.” AIA ██████ stated that he did not remember the details of this meeting, but DAO ██████ “lost his composure” during this meeting and described it as again as “unprofessional” (Timestamp 49:10).

AIA ██████ then provided another example where Mr. ██████ was trying to be “certified” to fly an A-Star helicopter, but during Mr. ██████’s “check ride,” the instructor chose a scenario that involved a simulated engine failure, and that Mr. ██████ did not pass that “check ride.” AIA ██████ opined that by selecting that specific scenario (engine failure) he believed that Mr. ██████ seemed to be “set up” to fail. AIA ██████ stated that he was also an instructor pilot and explained that he would not have chosen that scenario for a “check ride.”

AIA ██████ stated that there was also some concern about Mr. ██████’s size and explained that Mr. ██████ was a “pretty large guy.” AIA ██████ relayed that he had a discussion with DAO ██████ to try to “objectively” determine if it was safe for Mr. ██████ to fly an A-Star helicopter, but DAO ██████ ultimately decided that Mr. ██████ was “too big” and that it was not safe for him to fly. AIA ██████ stated that he felt this decision by DAO ██████ was not objective and added that it “seemed personal” to him.

AIA ██████ stated that in the four years that he was assigned to DAU, he was able to launch frequently and added, "I've got a lot of good experiences in my time there and a lot of them revolved around those call outs." AIA ██████ explained that, "As a whole, the percentage is going to be really high for launching us to not launching" and added that the decisions to not launch usually occurred towards the end of the fiscal year when they would be low on "flight hours."

OSC QUESTION 2

Exhibit 4, which Mr. ██████ provided to OPR, contains operations documents from the DAU pertaining to the dates in which he alleged SAIA ██████, at DAO ██████'s direction, purposefully denied air support requests from the DAU. Notes from these dates include the following information:

- a. DAU operations report from July 14, 2020, corresponding to the death of ██████ ██████, record the following pertaining to DAU request to launch: "No launch. Request to launch on search and rescue of alien in distress denied by CDO ██████, per DAO ██████." (emphasis added) (See Exhibit 4, slide 77).***
- b. DAU operations notes from July 15, 2020, corresponding to the death of ██████ ██████, record the following pertaining to DAU request to launch: "Denied launch clearance by CDO ██████ per DAO ██████." (emphasis added) (See Exhibit 4, slide 83).***

Did the investigative team attempt to interview the author of the notes? If not, please explain.

OPR RESPONSE

Investigative Findings: CBP OPR was unable to determine who the author of the notes, "No launch. Request to launch on search and rescue of alien in distress denied by CDO ██████, per DAO ██████" was. None of the CBP employees who were interviewed knew who the author of the notes was, but BPA ██████ stated that it "might have" been him and offered a possible explanation of those notes.

Investigative Steps: On April 30, 2024, RAC ██████ and SA ██████ interviewed AEA ██████. RAC ██████ showed AEA ██████ a copy of the Deming Air Unit Daily Operations Report (Exhibit 1, Attachment 2) dated July 14, 2020, which listed him (AEA ██████) as "Flight Crew" for a request to launch that was ultimately denied under Mission 202000307. AEA ██████ stated that he recognized the daily report as one that DAU fills out daily but explained that he does not recall the specifics of this mission request. AEA ██████ then added, "We do this report, it's just for our unit so that everyone at DAU knows what took place on that specific day," and explained that he does not know who filled out this specific daily report.

On April 30, 2024, RAC [REDACTED] and SA [REDACTED] interviewed AIA [REDACTED] (Exhibit 3). AIA [REDACTED] stated that he wasn't sure who filled this specific daily report out but added that it varies (Exhibit 3, Attachment 1). AIA [REDACTED] explained that sometimes the AEA's fill these daily reports out and sometimes the pilots do. AIA [REDACTED] stated that he did not know who the author of the notes, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" was.

On May 1, 2024, RAC [REDACTED] interviewed BPA [REDACTED] (Exhibit 4). RAC [REDACTED] asked BPA [REDACTED] if he was the author of the notes under the "Results" section of the Deming Air Unit Daily Operation Report, which read, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" and he responded, "It could have been" (Exhibit 4, Attachment 2). BPA [REDACTED] then explained that usually the agent who "stays back" from a mission would typically fill out the Daily Operations Reports to "spread the work around" BPA [REDACTED] stated that he did not know for sure if he was the author of those notes or if someone else authored them. BPA [REDACTED] then stated that he remembered that Mr. [REDACTED] told him that every time a flight request was denied, to make sure that he (BPA [REDACTED]) logged that denial into the Deming Air Unit Daily Operations Report.

RAC [REDACTED] then showed BPA [REDACTED] the corresponding Tasking Operations Management Information System (TOMIS) record which listed the "justification" for the same launch being denied as, "No Flight Hours" and asked him (BPA [REDACTED]) what "No Flight Hours" meant (Exhibit 4, Attachment 4). BPA [REDACTED] responded that he believed that at that time, DAU was only allotted three (3) hours a day to fly, and that they (DAU) were limited to a certain number of flights, so when he sees the "No Flight Hours" as the justification in TOMIS, he assumed that there was "no budget" for those flights.

BPA [REDACTED] stated that he was not sure if the limited flight hours issue was a nationwide Office of Air and Marine decision or if it just applied to DAU but opined that if DAU had limited flight hours, then so did everyone else. BPA [REDACTED] stated that his best guess for the "justification" of "No Flight Hours" was that it was related to budget issues but added that the "lack of communication" between EPAU and DAU could have also been the reason for that denial to launch.

On May 1, 2024, RAC [REDACTED] and SA [REDACTED] interviewed BPA [REDACTED] (Exhibit 5). BPA [REDACTED] stated that he recognized the Daily Operations Reports and explained that he has filled those reports out in the past (Exhibit 5, Attachment 1). BPA [REDACTED] stated that he did not know who the author of the notes, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" was.

On May 30, 2024, RAC [REDACTED] and SA [REDACTED] interviewed AIA [REDACTED] (Exhibit 9). AIA [REDACTED] stated that he did not know who the author of the notes on the Daily Operations Reports "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" was (Exhibit 10, Attachment 4). AIA [REDACTED] explained that usually whoever was not flying on that mission would stay back and complete those reports. AIA [REDACTED] stated that the author of those notes could have been anyone on shift at that time.

AIA ██████ stated that decisions to launch or not launch were pretty “transparent,” so in his opinion, whoever authored the notes “No launch. Request to launch on search and rescue of alien in distress denied by CDO ██████, per DAO ██████” would not have “assumed” that information and that it was probably passed down by the CDO. AIA ██████ added that typically, the CDO would not contact the DAO for every mission and explained that the purpose of having a CDO was to allow operations to function without the director having to get involved with every decision.

On July 17, 2024, RAC ██████ sent the PowerPoint presentation that was provided by Mr. ██████ to SA ██████, CBP OPR Cyber Investigations, to attempt to identify the author of the notes “No launch. Request to launch on search and rescue of alien in distress denied by CDO ██████, per DAO ██████” through the metadata from those documents. SA ██████ stated that the files located in the PowerPoint appear to be in an image format, so the metadata was not available to search. SA ██████ indicated that the author of the notes “No launch. Request to launch on search and rescue of alien in distress denied by CDO ██████, per DAO ██████” could not be determined through the metadata contained in those documents.

OSC QUESTION 3

On page 3 of the report, the agency indicates that “although DAO ██████ operates on a management level above the CDO/CA in the normal chain-of-command, he is not routinely consulted with or involved in the immediate decision-making determinations by the CDO/CA regarding requests for air support.”

Based on the operations report notes in question 2 above, which appear to conflict with this finding, is it still OPR’s conclusion that the ultimate decision to deny air support to the DAU on the dates in question was solely that of SAIA ██████?

OPR RESPONSE

Investigative Findings: CBP OPR determined that the ultimate decision to deny air support to DAU on the dates in question was solely that of SAIA ██████. CBP OPR reviewed the official transcripts related to those events and discovered that DAO ██████ stated he does not get involved in decisions that are made by the CDOs. CBP OPR reviewed the official transcripts and discovered that both SAIA ██████ and SAIA ██████ both stated that they do not confer with DAO ██████ when they make decisions to launch or not launch. Based on the totality of the circumstances of each incident at the time the decisions were made, CBP OPR did not find anything about those decision-making processes that indicated anything other than valid factors were considered.

Investigative Steps: On May 28, 2024, RAC ██████ reviewed the official transcripts from SA ██████ and SA ██████’s interview of DAO ██████ dated February 5, 2021

(Exhibit 10). SA [REDACTED] asked DAO [REDACTED] if the notes listed on the Deming Air Unit Daily Operations Report, which stated, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" were accurate and DAO [REDACTED] responded that those reports provided by Mr. [REDACTED] are not official reports, that he (DAO [REDACTED]) had never seen those reports before, and that he did not know they were "in existence." DAO [REDACTED] added that those reports "look very official," but they were not (Exhibit 10, page 149).

DAO [REDACTED] stated that the notes listed on several of the Deming Air Unit Daily Operation Reports, which stated that requests to launch were denied by CDO [REDACTED] Per DAO [REDACTED] were "bullshit." DAO [REDACTED] added, "I don't make those decisions" and explained that every request for air support was "very unique" (Exhibit 10, page 157).

DAO [REDACTED] explained that those notes on the Deming Air Unit Daily Operations Reports make a lot of "assumptions." DAO [REDACTED] added, "That's making an assumption that Mr. [REDACTED] came to me and goes, hey, Deming wants to launch and I'm going, No. I don't get in those conversations, and, and I'm going to throw bullshit on that. That's, that is not the truth." (Exhibit 10, page 158). SA [REDACTED] then asked DAO [REDACTED] if he ever gave SAIA [REDACTED] a standing order that he (SAIA [REDACTED]) will not launch DAU and DAO [REDACTED] responded, "No sir" (Exhibit 10, page 161). DAO [REDACTED] added, "I do not recall [REDACTED] ever coming to me and go, [REDACTED] can we support this."

On May 28, 2024, RAC [REDACTED] reviewed the official transcripts for SA [REDACTED] and SA [REDACTED]'s interview of SAIA [REDACTED] dated February 11, 2021 (Exhibit 11). SA [REDACTED] asked SAIA [REDACTED] if he recalled ever being ordered by DAO [REDACTED] to not allow D to break from their missions in Arizona and SAIA [REDACTED] responded, "I would have made that decision alone." SAIA [REDACTED] then added, "I don't typically confer with my director on launching flights. He's got enough work on his table and that's one of my responsibilities is to manage this" (Exhibit 11, page 33).

SA [REDACTED] asked SAIA [REDACTED] if he would report DAO [REDACTED] if DAO [REDACTED] had denied a launch to rescue a life that he believed was a legitimate emergency and SAIA [REDACTED] responded, "Absolutely" (Exhibit 11, page 41).

On June 3, 2024, RAC [REDACTED] reviewed the additional materials that SAIA [REDACTED] provided to SA [REDACTED] and SA [REDACTED] dated February 19, 2021 (Exhibit 12). SAIA [REDACTED] stated, "As a supervisor, clearance authority and command duty officer I have to make decisions taking into account aircraft, maintenance, capability, aircrew, aircrew capability, limitations, qualifications, weather, environment, other external factors, budget, Border Patrol priorities and sustainability. I CAN NOT launch on every request that comes into my office." SAIA [REDACTED] continued, "Therefore, I must manage what I do have and that means that I have to determine to the best of my ability given the information available at the time of the decision, when to launch and when not to launch" (Exhibit 12, page 6).

OSC QUESTION 4

Mr. ██████'s allegations concerning the intentional minimization of the DAU focused on multiple specific dates between June and August of 2020. Regarding the June 11, 2020, incident involving the death of CBP Agent ██████, OPR conducted an independent review and produced a report of the incident, including simulations of rescue timing. (see Report Exhibit 3) Please explain why the investigative team did not conduct similar independent reviews of the remaining July-August 2020 incidents, each of which also involved fatalities?

OPR RESPONSE

Investigative Findings: CBP OPR did not conduct independent reviews of the remaining July through August 2020 incidents, to include simulation of rescue timing, because in all four incidents, DAU did not launch an aircraft for multiple reasons that are individually discussed below. During the June 11, 2020, incident, an aircraft was launched from EPAU and Tucson, AZ, so CBP OPR had a comparison to investigate. CBP OPR did not conduct an independent investigation of the below four incidents as those investigations would have relied on hypothetical assumptions because an aircraft was not launched. Additionally, because there were no allegations of wrongdoing by any CBP employees involving these deaths, CBP OPR did not conduct an independent review.

Investigative Steps: On June 3, 2024, RAC ██████ reviewed the additional materials (Exhibit 12) that SAIA ██████ provided to SA ██████ and SA ██████ dated February 19, 2021. RAC ██████ noted the information provided by SAIA ██████ for the specific events listed below.

July 10, 2020 (██████████):

SAIA ██████ stated that he did not deny any DAU requests for air support because no request for air support was received on July 10, 2020. SAIA ██████ stated that on July 9, 2020, the Deming Border Patrol Station reported the incident but explained that there was no indication that ██████ was in need of medical assistance and that he was not “bleeding, broken, he did not indicate that he was out of water, food or medicine.” On July 10, 2020, the Las Cruces Border Patrol Station was able to “ping” ██████ cell phone and dispatched Border Patrol units who were already in the area (Exhibit 13, page 5). Those border patrol agents discovered ██████ deceased.

On June 3, 2024, RAC ██████ reviewed the Big Pipe radio communications provided by Mr. ██████ (Exhibit 13) and discovered that there was not a request for air support for this event. Supervisory BPA (SBPA) ██████ reported that ██████ called 911 and reported that he was lost. SBPA ██████ stated that he notified the Las Cruces Station and that that they (Las Cruces) were going to dispatch ATVs to the area. According to the Big Pipe log, SBPA ██████ did not request air support for this event involving the death of

██████████ (Exhibit 13, page 1). Because there was no air support response involved in this incident, investigators did not conduct a review of rescue timing.

July 14, 2020 (██████████):

SAIA ██████ stated that he did not deny any request for air support by DAU on July 14, 2020, as alleged by Mr. ██████. SAIA ██████ stated that on July 14, 2020, a request for air support came in, but the sole pilot on duty during that shift was already responding to a competing call for an “alien in distress” in the opposite direction near Sierra Blanca, TX.

On June 3, 2024, RAC ██████ reviewed the Big Pipe radio communications provided by Mr. ██████ (Exhibit 13, page 2) and discovered that BPA ██████ requested air support for this event, but that request was for help in locating a distressed/deceased subject. BPA ██████ stated that he did not have any geographical or other location descriptions of ██████' location. Because AMO did not have any available pilots during this call and did not respond, CBP OPR investigators did not conduct a review of rescue timing.

July 15, 2020 (██████████):

SAIA ██████ stated that on July 15, 2020, ██████'s family alerted the Border Patrol that they had not heard from ██████ since July 12, 2020. SAIA ██████ stated that when the request for air support came in on July 15, 2020, the information AMO had was three days old and AMO did not have any information on the specific location to search for ██████. Because AMO did not have specific locations to search and the information was three days old, AMO did not launch air support.

On June 3, 2024, RAC ██████ reviewed the Big Pipe radio communications provided by Mr. ██████ (Exhibit 13, page 3) and discovered that on July 15, 2020, SBPA ██████ reported that the last known contact of ██████ occurred on July 12, 2020, and that he did not have any information on ██████'s current location. SBPA ██████ requested air support at approximately 8:23 AM on July 15, 2020, but since the information was three days old and did not include a search location, that request for air support was denied at 8:31 AM, on July 15, 2020. Because there was no air support response involved in this incident, investigators did not conduct a review of rescue timing.

August 17, 2020 (██████████):

SAIA ██████ stated that he did not launch air support on August 17, 2020, because the aircraft stationed at DAU was previously removed from DAU for maintenance issues. SAIA ██████ refuted Mr. ██████'s claim that the first request for air support came in through Big Pipe at 3:26 PM, on July 17, 2020, and stated that a request for air support did come in at 3:26 PM, but that call came on July 18, 2020, not July 17, 2020. SAIA ██████ further explained that the request for air support that came in at 3:26 PM on July 18, 2020, was for a completely different event than the death of ██████. SAIA ██████ stated that on the morning of July 17, 2020, DAU did have an aircraft available, but explained that later that day, the

aircraft was “written up” for a “serious hydraulic issue” (Exhibit 12, page 3). At the time of the request for air support, DAU did not have an aircraft available.

On June 3, 2024, RAC [REDACTED] reviewed the Big Pipe radio communications provided by Mr. [REDACTED] (Exhibit 13, page 4) and discovered that BPA [REDACTED] requested air support for an alien in distress at 7:53 PM on July 17, 2020. DAU was without an aircraft because earlier that day (July 17, 2020) the aircraft was “written up” for a “serious hydraulic issue” and taken out of commission. BPA [REDACTED] responded to BPA [REDACTED]’ request for air support at 8:20 PM on July 17, 2020, and stated that DAU was unable to support the request for air support due to mechanical issues (Exhibit 13, page 4).

RAC [REDACTED] also discovered that through Big Pipe radio communications, BPA [REDACTED] asked for air support out of DAU at 3:26 PM on July 18, 2020, not July 17, 2020, as reported by Mr. [REDACTED]. BPA [REDACTED]’s request for air support on July 18, 2020, appears to be completely separate and a day later from the air support request event involving [REDACTED] (Exhibit 13, page 4) provided by Mr. [REDACTED]. Because air support was not utilized in this incident, and DAU was without an aircraft on this date, CBP OPR investigators did not conduct a review of rescue timing.

OSC QUESTION 5

With respect to SAIA [REDACTED]’ decision not to call the El Paso Air Unit (EPAU) in lieu of the DAU notwithstanding DAU’s closer proximity to the scene of Agent [REDACTED]’s distress call on June 11, 2020, OPR makes the following findings (See report Exhibit 3):

- a. DAU’s projected ETA at the scene “would have been within 5-20 minutes of the actual arrival of the [El Paso Air Unit] (EPAU) and [Tucson Air Unit] Aircraft.”*

Is it the agency’s position that the variance in arrival time of the El Paso and Tucson Air Units is dispositive of Mr. [REDACTED]’s and Mr. [REDACTED]’s intent to minimize the DAU? Is it the agency’s position that a difference of 5-20 minutes related to an agent in cardiac distress is negligible?

- b. Weather restrictions outside the DAU played a role in SAIA [REDACTED]’ decision to request air support from the El Paso Air Unit even though the DAU was closer to the scene.*

OSC received information indicating that in order to fly to the scene of the distress call, the EPAU had to fly directly through the bad weather in the DAU area. Accordingly, what is the agency’s basis for citing weather as a factor in declining to call the DAU?

c. The agency's findings state that SAIA [REDACTED] alone made the decision to call the EPAU in lieu of the closer DAU on June 11, 2020.

OSC received information indicating that while SAIA [REDACTED] denied speaking with DAO [REDACTED] on the evening of June 11, 2020, he admits that DAO [REDACTED] generally directed him to only have DAU fly daily missions to Arizona and not fly response missions. Can the agency reconcile these two contradictory statements.

OPR RESPONSE

Question 5a Response:

Is it the agency's position that the variance in arrival time of the El Paso and Tucson Air Units is dispositive of Mr. [REDACTED]'s and Mr. [REDACTED]'s intent to minimize the DAU? Is it the agency's position that a difference of 5-20 minutes related to an agent in cardiac distress is negligible?

Investigative Findings: CBP OPR does not have a position on cardiac distress situations. CBP OPR conducted a thorough and comprehensive review of this incident and evaluated the overall response as part of a separate critical incident investigation. CBP OPR determined that the operational decisions made by AMO appeared to be appropriate given both the complexities and uncertainties of the situation. At the time the decision was made to launch an aircraft from EPAU, the crew at DAU was not physically present at DAU and would have had to have been called in from wherever they were on their time off. CBP OPR determined that if SAIA [REDACTED] opted to look further into a launch from DAU, numerous variables would have had to have been considered that could have caused further delays. SAIA [REDACTED] made his decision to launch from EPAU because he had a crew and an aircraft that were physically at EPAU in standby.

As part of that comprehensive review, CBP OPR conducted a hypothetical simulation to determine the amount of time that it could have possibly taken for a crew to be called into DAU, prepared an aircraft, been briefed, launched, and landed at the scene of BPA [REDACTED]. When the hypothetical simulation was conducted, CBP OPR made assumptions that the crew would have responded to a phone call at approximately 11:30 PM and that those crew members would have been able to respond, ready an aircraft for launch, and land at the scene of BPA [REDACTED]'s death in a timely manner. Since this simulation was hypothetical, CBP OPR cannot definitively say that if an aircraft would have launched from DAU, that it would have arrived on scene faster than the aircraft that was launched from EPAU.

CBP OPR determined that, given BPA [REDACTED]'s condition, the arrival of the aircraft was likely not a relevant factor in his death. CBP OPR did not find any evidence about the decision-making process for this incident that indicated anything other than the valid factors were considered. CBP OPR did not discover any evidence that indicated the decision not to launch an aircraft from DAU was made to retaliate or minimize DAU as alleged by Mr. [REDACTED]. CBP OPR determined that SAIA [REDACTED] did not consider DAU to launch an aircraft based on his contemporaneous belief at the time the decision was made that the crew at DAU had not met their crew rest standards and were unavailable to launch.

Investigative Steps: On May 15, 2024, RAC [REDACTED] reviewed the medical examiner's report and discovered that [REDACTED], MD, ruled that BPA [REDACTED]'s cause of death was "hyperthermia and dehydration" (Exhibit 14).

On May 28, 2024, RAC Gunnarson reviewed BPA [REDACTED]'s Patient Care Report, dated June 12, 2020 (Exhibit 15). According to the report, on June 11, 2020, at approximately 11:22 PM, BPA [REDACTED] located BPA Mordan and noted that he (BPA [REDACTED]) was unresponsive and did not have a pulse. The Lordsburg Border Patrol Station (LOB) requested air support at 11:24 PM. BPA [REDACTED] immediately began CPR life saving measures. BPA [REDACTED] arrived at BPA [REDACTED]'s location at approximately 12:45 AM, approximately 1 hour and 23 minutes after BPA [REDACTED] was located unresponsive and with no pulse. BPA [REDACTED] stated that he could not find a pulse and that BPA [REDACTED]'s skin was cold to the touch. BPA [REDACTED] stated that he then placed an AED on BPA [REDACTED], but the AED advised "no shock." BPA [REDACTED] also noted that when he assessed BPA [REDACTED] at approximately 12:45 AM, his (BPA [REDACTED]'s) "jaw had some stiffness as Rigor Mortis was setting in."

BPA Allen stated that Hildago County EMS arrived at BPA [REDACTED]'s location at approximately 12:53 AM, approximately 1 hour and 31 minutes after BPA [REDACTED] was found unresponsive and with no pulse. Hildago County EMS technician [REDACTED] terminated life saving measures at approximately 12:56 AM.

SA [REDACTED] and SA [REDACTED] conducted a simulated response for the timing involved in hypothetically launching a helicopter from DAU during this incident instead of EPAU. SA [REDACTED] and SA [REDACTED] determined that the helicopter that was launched from EPAU arrived at Camp Garza at 12:54 AM, approximately 1 hour after the call for support came in. SA [REDACTED] and SA [REDACTED] conducted an independent review of the amount of time that it would have taken a crew to prepare and launch a helicopter from DAU and determined that a helicopter launched from DAU could have landed at camp Garza from approximately 12:34 AM to 12:49 AM (5-20 minutes within EPAU's arrival).

SA [REDACTED] and SA [REDACTED]'s investigation determined that, unfortunately, BPA [REDACTED] was deceased well before a helicopter from either DAU or EPAU would have arrived. If a helicopter from DAU could have arrived at approximately 12:34 AM, that would have been approximately 1 hour and 12 minutes after BPA [REDACTED] was located unresponsive and with no pulse. In this specific event, the timing (5-20 minutes within EPAU's arrival) that an aircraft would have arrived from DAU instead of EPAU would not have made a difference.

SA [REDACTED] and SA [REDACTED] determined that the aircraft that was launched on June 11, 2020, from the Tucson, AZ, branch, ultimately made three (3) attempts to land their helicopter at BPA [REDACTED]'s location but they were unable to land because of the ruggedness of the terrain and weather.

On May 28, 2024, RAC [REDACTED] reviewed the official transcripts for SA [REDACTED] and SA [REDACTED]'s interview of SAIA [REDACTED] dated December 11, 2020 (Exhibit 16). SAIA [REDACTED] stated that he cleared a flight out of DAU earlier that day (June 11, 2020), so he believed

the time he made the decision that the crew from DAU was not available to launch due to crew rest reasons. SAIA [REDACTED] added, "In the back of my mind I already knew that they (DAU) had flown early morning and that they were on crew rest right now and that they weren't available now" (Exhibit 16, page 17).

SA [REDACTED] stated that his belief at the time he made the decision was that he would have had to call the crew at DAU, wake them up, have them get dressed, drive to the DAU, prepare the aircraft, and launch the aircraft, which could have created significant delays. SAIA [REDACTED] opined that it would have taken longer to get a crew into DAU, brief that crew, and prepare their aircraft then if he launched the crew that he already had available and ready to go at EPAU.

OPR Response to Question 5b

OSC received information indicating that in order to fly to the scene of the distress call, the EPAU had to fly directly through the bad weather in the DAU area. Accordingly, what is the agency's basis for citing weather as a factor in declining to call the DAU?

Investigative Findings: CBP OPR determined that the weather on June 11, 2020, is moot because SAIA [REDACTED] did not consider launching an aircraft from DAU because of his contemporaneous belief that the crew at DAU had not met their crew rest requirements. Because of this, although weather is only one of the factors used in every decision to launch an aircraft, it is not the sole determining factor, nor was it the main deciding factor in SAIA [REDACTED] decision to launch an aircraft from EPAU instead of DAU on June 11, 2020. CBP OPR determined that the main factor cited in SAIA [REDACTED] decision to launch an aircraft from EPAU instead of DAU was SAIA [REDACTED] belief at the time he made the decision that DAU did not have a crew available due to mandatory crew rest period. CBP OPR determined that based on his contemporaneous belief that he did not have an available crew at DAU, SAIA [REDACTED] did not consider the weather in Deming when he made the decision to launch from EPAU instead of DAU.

Investigative Steps: On May 15, 2024, RAC [REDACTED] reviewed the official transcripts for SA [REDACTED] and SA [REDACTED]'s interview of SAIA [REDACTED] dated December 11, 2020 (Exhibit 16). SAIA [REDACTED] stated that at the time he made the decision to launch an aircraft out of EPAU instead of DAU, he believed that the only pilot on shift at DAU was AIA [REDACTED]. SAIA [REDACTED] explained that he cleared AIA [REDACTED] from a flight earlier that day and believed that AIA [REDACTED] was unable to launch out of DAU because he (AIA [REDACTED]) had not yet met the required "crew rest" hours (Exhibit 16, pages 7-8).

SAIA [REDACTED] explained that at the time he made the decision, he believed that it would have taken longer to call in an off-duty crew into DAU, brief them, and have their aircraft prepped than it would have taken to launch a crew from EPAU because the crew from EPAU was available ready to launch. SAIA [REDACTED] stated, "So in the back of my mind, I already knew that they (DAU) had flown early morning and that they were on crew rest right now and that they weren't available now" (Exhibit 16, page 17).

SAIA [REDACTED] stated that at the time he made the decision to launch from the EPAU, he believed the weather at DAU was worse than the weather at EPAU. When SA [REDACTED] asked SAIA [REDACTED] if he (SAIA [REDACTED]) had looked further into the weather in Deming, SAIA [REDACTED] responded that he did not look further into launching from DAU because he believed the DAU did not have a crew available. SAIA [REDACTED] added, "I made a decision based on the moment" (Exhibit 16, page 18).

On May 15, 2024, RAC [REDACTED] and SA [REDACTED] re-interviewed SAIA [REDACTED] (Exhibit 17) who stated that he made the decision to launch a rescue aircraft from EPAU instead of DAU because at that time, he already had a crew available at EPAU. SAIA [REDACTED] also stated he believed at that time, DAU had flown earlier that day and was on a "crew rest" period. SAIA [REDACTED] then explained that before he makes every decision to either launch or not launch an aircraft, the pilots have to fill out a checklist, that weather is included in that checklist, and that the weather conditions factor into every decision he makes to either launch or not launch an aircraft.

OPR Investigative Response to Question 5c

OSC received information indicating that while SAIA [REDACTED] denied speaking with DAO [REDACTED] on the evening of June 11, 2020, he admits that DAO [REDACTED] generally directed him to only have DAU fly daily missions to Arizona and not fly response missions. Can the agency reconcile these two contradictory statements.

Investigative Findings: CBP OPR was unable to find a statement from SAIA [REDACTED] in the Office of Special Counsel's interrogatories where SAIA [REDACTED] admitted that DAO [REDACTED] generally directed him to only have DAU fly daily missions to Arizona and not fly response missions (Exhibit 18). CBP OPR reviewed the transcripts from prior interviews and reinterviewed SAIA [REDACTED] who stated that the Arizona missions were completely separate from the mission on June 11, 2020. CBP OPR reviewed the transcripts from prior interviews and determined that DAO [REDACTED] did not find out about SAIA [REDACTED]' decision to launch an aircraft from EPAU on June 11, 2020, until after that decision was already made by SAIA [REDACTED]

Investigative Steps: On May 13, 2024, RAC [REDACTED] reviewed the Office of Special Counsel's interrogatories of SAIA [REDACTED] dated September 9, 2020. Question number twenty-three of the interrogatory reads; Did you assign the Deming Unit to fly patrol missions in Arizona in the last three months? SAIA [REDACTED] provided the following response on the interrogatory: "I have executed the assigned flight schedule per the AMAP which did have DAU operating and patrolling in AZ. Question number 24 reads: As CDO are you the final authority on what flights the Deming Unit will be assigned? SAIA [REDACTED] provided the following response: "Assigned mission are set by the operations supervisor. The CDO will approve missions per the AMAP."

RAC [REDACTED] reviewed the entire interrogatory and was unable to find any statement made by SAIA [REDACTED] where he (SAIA [REDACTED]) stated that DAO [REDACTED] generally directed him (SAIA [REDACTED]) to only have DAU fly daily missions to Arizona and not fly response missions.

On May 15, 2024, RAC [REDACTED] reviewed the official transcripts for SA [REDACTED] and SA [REDACTED]'s interview of SAIA [REDACTED] dated December 11, 2020 (Exhibit 16). SAIA [REDACTED] stated that at the time he made the decision to launch an aircraft out of EPAU instead of DAU, he believed that the only pilot on shift at DAU was AIA [REDACTED]. SAIA [REDACTED] explained that he cleared AIA [REDACTED] from a flight earlier that day and believed that AIA [REDACTED] was unable to launch out of DAU because he (AIA [REDACTED]) had not yet met the required "crew rest" hours. SAIA [REDACTED] stated that, at the time he made this decision, because he believed the pilot at DAU had not met the mandatory "crew rest" hours, he never considered launching an aircraft from DAU instead of EPAU (Exhibit 16, pages 7-8).

SAIA [REDACTED] stated that at the time he made the decision to launch from EPAU, he did not look any further into launching from the DAU because of his belief that DAU had not met their crew rest requirements (Exhibit 16, page 17-18).

On May 15, 2024, RAC [REDACTED] and SA [REDACTED] re-interviewed SAIA [REDACTED] (Exhibit 17). RAC [REDACTED] explained to SAIA [REDACTED] that Mr. [REDACTED] alleged that DAO [REDACTED] purposefully retaliated against Mr. [REDACTED] and DAU as punishment. RAC [REDACTED] then explained to SAIA [REDACTED] that during his previous interview with OPR dated December 11, 2020, he made a statement that he alone made the decision as the CDO to launch an aircraft out of EPAU instead of DAU during the June 11, 2020, incident involving the death of BPA [REDACTED]. RAC [REDACTED] then asked SAIA [REDACTED] if the statement that he alone made the decision to not launch an aircraft out of DAU was correct, and SAIA [REDACTED] responded, "Yes sir."

SAIA [REDACTED] stated that he believed that DAU had flown earlier that day and was on a "crew rest" period, so he made the decision to launch a rescue aircraft from EPAU instead of DAU.

RAC [REDACTED] explained to SAIA [REDACTED] that during his previous interrogatory with OSC, he was asked if he had assigned DAU to fly patrol missions in Arizona in the last three months and that his response was, "I have executed the assigned flight schedule per the AMAP which did have DAU operating and patrolling in AZ." SAIA [REDACTED] then explained that the AMAP was a spreadsheet that the southwest region used to assign where weekly flights were going to fly and that the AMAP was based on the Chief Border Patrol Agent's priorities (Time stamp 5:50).

SAIA [REDACTED] stated that the southwest region asked DAU to assist the Tucson, AZ, area with their flight hours. SAIA [REDACTED] stated that he vaguely remembered that Tucson was "falling behind" with their flight hours so DAU was tasked with helping Tucson use up those flight hours. SAIA [REDACTED] stated that each decision that he made as the CDO was completely separate from each other and that the missions that DAU flew in Arizona were completely separate from the decision he made not to launch an aircraft from DAU on June 11, 2020.

RAC [REDACTED] asked SAIA [REDACTED] if he saw or heard anything that would lead him to believe that the reason DAU had to fly missions in Arizona was because DAO [REDACTED] was trying to punish DAU or retaliate against Mr. [REDACTED] and SAIA [REDACTED] responded, "Absolutely not. No sir."

On May 28, 2024, RAC [REDACTED] reviewed the official transcripts for SA [REDACTED] and SA [REDACTED] interview of DAO [REDACTED] dated February 5, 2021 (Exhibit 10). DAO [REDACTED] stated that on the night of June 11, 2020, he was sleeping when he received a phone call from his boss, Executive Director (XD) Keith Jones that woke him up. DAO [REDACTED] stated that XD Jones told him that there was a BPA agent that needed medical assistance and that he was calling to make sure that AMO was launching an aircraft to support that mission.

DAO [REDACTED] stated that while he was on the phone with XD Jones, he looked at his cell phone and noticed that he had a prior text message from SAIA [REDACTED]. DAO [REDACTED] stated that SAIA [REDACTED] informed him in the text message that there was a BPA "down" and that he was launching an aircraft. DAO [REDACTED] stated that he informed XD Jones that he would find an answer and get back to him. DAO [REDACTED] stated that he then called SAIA [REDACTED] who stated that they were launching an aircraft out of EPAU. DAO [REDACTED] stated that he asked SAIA [REDACTED] if the weather was an issue and if he had considered launching a "Black Hawk." According to DAO [REDACTED], SAIA [REDACTED] responded that the weather was "marginal" and "good enough" to launch and explained that if they launched the "Black Hawk," there would be an additional one-hour delay to prepare that aircraft (Exhibit 10, pages 50-55).

DAO [REDACTED] stated because it was SAIA [REDACTED] making the decisions on the night of June 11, 2020, his (DAO [REDACTED]'s) confidence was "through the roof." DAO [REDACTED] stated that he knew that if he "interjected" in the process or attempted to help, that he would be "getting in the way" (Exhibit 10-, page 55).

RAC [REDACTED] requested the most recent SF-50 for DAO [REDACTED], which indicated that DAO [REDACTED] retired on March 23, 2024, and is no longer employed by CBP.

Supplemental Report

DI-20-001009

Exhibit 1



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|-------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of AEA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge [REDACTED] and Special Agent (SA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Aviation Enforcement Agent (AEA) [REDACTED] Deming Air Unit (DAU), Deming, NM. The interview took place via Microsoft Teams and AEA [REDACTED] was physically located at the DAU.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-me8ec-7kkey-nvdp8-bhvw-izdt4.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

RAC [REDACTED] explained to AEA [REDACTED] that CBP OPR had received allegations that DAO [REDACTED] was purposefully retaliating against Mr. [REDACTED] and the DAU as punishment. RAC [REDACTED] then showed AEA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed him (AEA [REDACTED] as "Flight Crew" for a request to launch that was ultimately denied under Mission 202000307. AEA [REDACTED] stated that he recognized the report as one that the DAU fills out daily but explained that he does not recall the specifics of this mission request. AEA [REDACTED] then added, "We do this report, it's just for our unit so that everyone at the DAU knows what took place on that specific day," and explained that he does not know who filled out this specific daily report (Time Stamp: 6:10).

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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INVESTIGATIVE OPERATIONS DIRECTORATE**



RAC [REDACTED] then showed AEA [REDACTED] a copy of the corresponding Tasking Operations Management Information System (TOMIS) record which listed him (AEA [REDACTED]) as “Crew Member” for the same mission (202000307). AEA [REDACTED] stated that he is familiar with the TOMIS record system but explained that the TOMIS reports are “filled out” by the pilots. AEA [REDACTED] stated that the TOMIS records are the “official” records and would supersede the DAU Daily Operations Reports because the Daily Operations Reports are “internal” to the DAU. RAC [REDACTED] then asked AEA [REDACTED] why the TOMIS record listed the “justification” for denying this specific launch as, “No Flight Hours,” and AEA [REDACTED] stated that he does not know the answer to that question because he does not do TOMIS entries (Time Stamp: 8:45). AEA [REDACTED] stated that he was not part of the decision-making process to either launch or not launch and added that he was just a crew member for this specific instance.

RAC [REDACTED] then asked AEA [REDACTED] to give his (AEA [REDACTED]) overall thoughts on the DAU. AEA [REDACTED] responded that he started at the DAU in 2014, has worked there ever since, and that he “loves” his detail at the DAU. AEA [REDACTED] then explained that during that period of time, there was a lot of “turmoil” between DAO [REDACTED] and Mr. [REDACTED] and added that it was “awkward” to work at the DAU (Time Stamp 10:40). AEA [REDACTED] opined that there was a lot of “hate” going on between DAO [REDACTED] and Mr. [REDACTED] which made it “weird” to come to work.

RAC [REDACTED] asked AEA [REDACTED] if he specifically heard or saw anything that would make him (AEA [REDACTED]) believe that the DAU was being purposefully minimized by DAO [REDACTED] and he (AEA [REDACTED]) recounted that the DAU was ordered to fly missions in Arizona.. AEA [REDACTED] then explained that the DAU had to fly into the Arizona area of responsibility (AOR), which required them to fly over areas that had “workable traffic” on the way to Arizona which had no “traffic,” then fly back to the DAU over areas that had “workable traffic.” AEA [REDACTED] stated that, based on his own observations, those Arizona flights were being forced on the DAU by DAO [REDACTED] as “kind of a punishment” for whatever was going on between him (DAO [REDACTED]) and Mr. [REDACTED]. AEA [REDACTED] stated that he does not know the complete story of “what all was taking place between [REDACTED] and [REDACTED]” so he (AEA [REDACTED]) did what he was told and just did his job.

RAC [REDACTED] then asked AEA [REDACTED] if he remembered the reason that the DAU was without an aircraft for approximately 15 days in August 2020, and he (AEA [REDACTED]) stated that he does not recall this specific instance where the DAU was without an aircraft. AEA [REDACTED] then explained that the DAU being without an aircraft happened on a regular basis because of maintenance work on those aircraft and added that the DAU being without an aircraft happens to this day (Time Stamp 14:25).

| ATTACHMENTS | DESCRIPTION |
|-------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |



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INVESTIGATIVE OPERATIONS DIRECTORATE**



| | |
|--|--|
| | |
|--|--|

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Supplemental Report

DI-20-001009

Exhibit 1

Attachment 1



DEMING AIR UNIT
DAILY OPERATIONS REPORT
July 14th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000307

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO
Gayle, per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000308

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO
[REDACTED] per DAO [REDACTED]

PASSDOWN:

SAFETY:

AS350-STATUS:

N847BP

100 HR 27.1

Supplemental Report

DI-20-001009

Exhibit 1

Attachment 2

MDMN202000307

Planning / (No Launch)

ASR Information

ADD ASR

Passenger Information

New Hold Mechanics Agreement

ADD PASSENGER

Crew Information

ADD CREW

Edit Delete Name

Role

Pending Designation

[Redacted]

PILOT IN COMMAND (PIC)

[Redacted]

CREWMEMBER

Launch/No Launch

LAUNCH NO RESOURCES AVAILABLE

Risk Assessment

LINK RISK ASSESSMENT

CREATE RISK ASSESSMENT

Delete Risk Assessment

Risk Assessment User Form ID

Coordinated Operation With

- [Redacted]
- [Redacted]

No Launch Reasons

ADD NO LAUNCH REASON

Edit Delete Primary Category

Sub-Category

Justification

[Redacted]

BRANCH

NO FLIGHT HOLD

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

Planning

Operation Details

Branch Unit* 1057501 2020 701 101 MDT (-6) Standby Flight

Unit* 2150

BP-07 STBY - EMERGENCY ONLY / CD [REDACTED] CA [REDACTED]

KDMN, Deming, NM, USA

Date (Local)* 07/14/2020 0700 1 0

KDMN, Deming, NM, USA

Date (Local)* 0800 NW001020P1040

Mission Details

ENFORCEMENT RECONNAISSANCE SURVEILLANCE TARGET LAND

DMN / LOB BP SUPPORT

AS350/H-125 - AIR 347BP (ELP)

Capabilities

EMT HRST HQIST HSL ACR ADF

Supplemental Report

DI-20-001009

Exhibit 2



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|------------------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower Retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of Branch Manager [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge [REDACTED] and Special Agent (SA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Branch Manager [REDACTED] (CTR), El Paso Air Unit (EPAU), El Paso, TX. The interview took place via Microsoft Teams and Mr. [REDACTED] was physically located at the EPAU.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-hhi79-ikdi8-n3vxv-t23en-6j4wb.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

Mr. [REDACTED] stated that he is currently a contract employee with CBP and that his official duties include overseeing the maintenance officers and other employees on the “contract side” of CBP. Mr. [REDACTED] stated that he is currently stationed at the EPAU and that the Deming Air Unit (DAU) falls under the El Paso branch.

RAC [REDACTED] explained to Mr. [REDACTED] that in August 2020, an aircraft with tail number 854BP was transported to the EPAU from the DAU and that according to official records, that aircraft was transported because of maintenance issues. RAC [REDACTED] then showed Mr. [REDACTED] a screenshot from a TOMIS record that documented this specific mission. Mr. [REDACTED] stated that he knows the name of the database (TOMIS) but explained that he does not go into that database and is not familiar with the screen shot.

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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Mr. [REDACTED] stated that he does not remember this specific mission where the aircraft (854BP) was transported to the EPAU from the DAU but explained that they (EPAU) “constantly rotate” aircraft between stations for maintenance reasons. Mr. [REDACTED] further explained that all maintenance for their aircraft is usually conducted at the EPAU, so aircraft from other branches are flown into the EPAU from other branches and left there (EPAU) to be worked on. RAC [REDACTED] then asked Mr. [REDACTED] to explain his definition of “constantly,” and he responded that every aircraft is inspected every 150 flight hours, so an aircraft usually comes into the EPAU at least every other month. Mr. [REDACTED] opined that it is a “common occurrence” for an aircraft to be transported to the EPAU for maintenance.

Mr. [REDACTED] stated that sometimes the DAU would be without an aircraft for a period of time and that the length of time would depend on the type of maintenance that aircraft would need. Mr. [REDACTED] then gave an example that if an aircraft needed a specific part that was not available or needed extensive work, like engine maintenance, then the aircraft would remain at the EPAU for an extended period of time. Mr. [REDACTED] then stated that there have been times in the past when the DAU was without an aircraft for a couple of weeks while that aircraft was being worked on.

RAC [REDACTED] then asked Mr. [REDACTED] if he ever heard or saw DAO [REDACTED] or any other managers at the EPAU state that he (DAO [REDACTED]) was not going to send the DAU a replacement aircraft as punishment or retaliation against the DAU and Mr. [REDACTED] responded, “No, not at all. I’ve never heard him (DAO [REDACTED]) say anything like that.” Mr. [REDACTED] stated that he has never seen or heard anything that would make him (Mr. [REDACTED]) believe that DAO [REDACTED] was purposefully doing anything to punish or retaliate against the DAU. Mr. [REDACTED] then added, “As far as not sending that aircraft as retaliation, I don’t believe that was the case.”

| ATTACHMENTS | DESCRIPTION |
|-------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 2

Attachment 1

Narrative(s) for MDMN202000337 and associated Segment(s)

SEGMENT NARRATIVE HISTORY

Narrative History

Maintenance relocation to KELP due to failing power checks. One time relocation approved by DAO, CDO, Safety, PIC, and maintenance.

MX relocation by: [redacted] on 08/04/2020 at 2.28pm

MDMN202000337 (APPROV
854BP
ADD New Asset Segm
MX relocation (Total
Log

MISSION Number: MDMN202000337

Segment Information

Actionable Intelligence Guidance

Is this mission based on Actionable Intelligence? *Intelligence Source *Intel Type
No *Other *Other

✓ Scheduled Flight Hours Fulfilled?

Unfulfilled Reasons

| Primary | *Reason | Reason Definition | Description | Delete |
|------------|---------|-------------------|-------------|--------|
| ADD REASON | | | | |

Segment Description
MX relocation

Named Operation

Actual Initiation Information

Local Time Zulu Time

| *Location | *Time Zone | *Local Date | *Local Time | *Zulu Date | *Zulu Time |
|-----------|-------------------------------------------|-------------|-------------|------------|------------|
| kdmn | Mountain Daylight Time North America (-6) | 08/04/2020 | 1146 | | |

Actual Conclusion Information

Local Time Zulu Time

| *Location | Time Zone | Local Date | Local Time | Zulu Date | Zulu Time |
|------------------------|-------------------------------------------|------------|------------|-----------|-----------|
| KELP, El Paso, TX, USA | Mountain Daylight Time North America (-6) | 08/04/2020 | 1239 | | |

Scheduled Flight Hours Fulfilled:

Review All Segment Dates/Times

Asset Hours Summary

| Tail/Fleet Number | Asset Hours |
|-------------------|-------------|
| 854BP | 0.9 |

Total Hours: 0.9

*Mission Category
MAINTENANCE

*Mission Type
RELOCATION

*Sub Type
AIRCRAFT

Were there any Enforcement Activity Results during this segment of time?

*Asset Segment Narrative (Do not enter suspect PII to the asset segment narrative. See links for information.)

MDMN202000337 (APPROV
854BP

[ADD New Asset Segm](#)

MX relocation (Total)

[Log](#)

Asset Segment Narrative (Do not enter suspect PII to the asset segment narrative. See links for information.)

Coordinated Operation With

Mission Initiated by AMO? Coordinated With Other Agency Group Agency Name
Yes No
Other Agency Name SAC Name Office Name Office Agency Description

Crew Information

| *Role | *Name | Pending Designation | Delete |
|--------------------------|-------|---------------------|--------|
| PILOT IN COMMAND (PIC) | | | X |
| ADD CREW | | | |

| AOR TYPE | AOR | HOURS | Delete |
|-------------------------------|------------|-------|--------|
| STATE | NEW MEXICO | 0.9 | X |
| ADD AOR HOURS | | | |

| Sensor | Employment | Time | Delete |
|---------------------------------|------------|------|--------|
| ADD Sensor Info | | | |

Encounters

| Encounter Date (Local) | Vessel/Aircraft # | Vessel Name | PIC/Operator Name | *Place of Encounter | Encounter Form | *Narrative | D |
|----------------------------------------|-------------------|-------------|-------------------|--------------------------------------|----------------|------------|---|
| ADD AIRCRAFT ENCOUNTER | | | | ADD VESSEL ENCOUNTER | | | |

Scheduled Flight Hours Fulfilled

Asset Hours Summary

| Tail/Fleet Number | Asset Hours |
|-------------------|-------------|
| 854BP | 0.9 |

Total Hours: 0.9

Passenger Information

[New Hold Harmless Agreement](#)

Supplemental Report

DI-20-001009

Exhibit 3



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|-------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of AIA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge (RAC) [REDACTED] and Special Agent (SA) [REDACTED], U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Air Interdiction Agent (AIA) [REDACTED] Deming Air Unit (DAU), Deming, NM. The interview took place via Microsoft Teams and AIA [REDACTED] was physically located at the DAU.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-mieb0-pye13-q3vz7-8yomh-4lmha.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

RAC [REDACTED] explained to AIA [REDACTED] that CBP OPR had received allegations that DAO [REDACTED] was purposefully retaliating against Mr. [REDACTED] and the DAU as punishment. RAC [REDACTED] then showed AIA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed him (AIA Wilson) as "Flight Crew" for a request to launch that was ultimately denied under Mission 202000308. AIA [REDACTED] stated that he wasn't sure who filled this daily report out but added that it varies, sometimes the AEA's fill them out and sometimes the pilots do. AIA [REDACTED] stated that he does not know who the author of the notes, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]" was.

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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RAC [REDACTED] then showed AIA [REDACTED] a copy of the corresponding Tasking Operations Management Information System (TOMIS) record which listed him (AIA [REDACTED]) as “Pilot in Command” for the same mission (202000308). RAC [REDACTED] then directed AIA [REDACTED] to the section on the TOMIS report listed as, “Justification” for the launch being denied and asked him (AIA [REDACTED]) what the justification of “No Flight Hours” meant. AIA [REDACTED] responded that he can’t specifically say what that means for this specific request, but explained that in the past, if they (AMO) are trying to save flight hours for an aircraft, then they would list, “No Flight Hours” as the justification for a launch being denied (Time Stamp 5:50).

AIA [REDACTED] then opined that if a justification was listed as “No Flight Hours,” then that could mean that the mission was not important enough to use flight hours but added, “I’m not saying that’s exactly what happened here,” but that it has happened in the past and is decided on a case-by-case basis. AIA [REDACTED] then added that “No Flight Hours” could also mean that there is “no budget,” or it could mean for “maintenance purposes” (Time Stamp 6:20). AIA [REDACTED] stated that the Command Duty Officer (CDO) has final authority on whether to launch or deny a launch but explained that the CDO could get “trickle down” instructions from DAO [REDACTED]. AIA [REDACTED] then reiterated that the CDO has the final authority for the day (Time Stamp: 7:10).

AIA [REDACTED] stated that he has been assigned to the DAU since 2019 and that when he first arrived there (DAU), he was the “new guy,” so he tried to just keep his nose down, work hard, and do his job. However, AIA [REDACTED] explained that he did notice that there was an “odd” relationship between the DAU and the EPAU and likened that relationship to the DAU being the “red-headed stepchild” of that branch. AIA [REDACTED] stated that, looking back, the DAU did not have the best working relationship with the EPAU and added that he (AIA [REDACTED]) did not feel like the DAU was a “priority.”

RAC [REDACTED] asked AIA [REDACTED] if he had any information to share pertaining to the four additional migrant deaths that occurred during the summer of 2020, and he (AIA [REDACTED]) responded that he does not remember any of those specific situations involving the deaths of migrants in their area.

RAC [REDACTED] then asked AIA [REDACTED] if he heard or saw anything that would make him believe that the DAU was being minimized or punished by DAO [REDACTED] or the EPAU and he (AIA [REDACTED]) stated he did notice that training opportunities began to become more available to the DAU after Mr. [REDACTED] had made allegations against DAO [REDACTED]. AIA [REDACTED] explained that when he first arrived at the DAU, training opportunities did not seem to be as available for the DAU as they were for the EPAU. AIA [REDACTED] further explained that after the allegations were made against the EPAU, then suddenly the opportunities and “extra stuff” were offered to the DAU (Time Stamp: 10:30).

AIA [REDACTED] then related that his Initial Operating Experience (IOE) seemed to be much longer than his classmate, who was stationed at the EPAU. AIA [REDACTED] also stated that the EPAU guys would only have to fly to the DAU for a day, but the DAU guys would have to TDY for several



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INVESTIGATIVE OPERATIONS DIRECTORATE**



days to the EPAU. AIA [REDACTED] stated that in his opinion, by doing this, he felt that the EPAU was “shoving it” to the DAU (Time Stamp: 12:10).

RAC [REDACTED] then explained to AIA [REDACTED] that in August 2020, the DAU was without an aircraft for approximately 15 days and that there was an allegation that this occurred because DAO [REDACTED] was punishing the DAU by not giving them a replacement aircraft. AIA [REDACTED] then asked if he could check his personal logbook, and related that his logbook stated he (AIA [REDACTED]) had a flight on August 1, 2020, and then his next flight was on August 22, 2020. AIA [REDACTED] stated that he does remember a scenario where an aircraft may or may not have been airworthy and that the EPAU “pilot shopped” to find a pilot who would fly that aircraft from the DAU to the EPAU. AIA [REDACTED] then stated that he does not remember if the scenario he just recalled was the same scenario from this investigation or not.

AIA [REDACTED] stated that he could not recall any specific incidents that would lead him to believe the DAU was being retaliated against but explained that the relationship between the DAU and the EPAU “felt off.” AIA [REDACTED] then stated that he did notice that the DAU usually had two aircrafts available, but since all that “stuff” went down between DAO [REDACTED] and Mr. [REDACTED] the DAU has only had one aircraft available.

AIA [REDACTED] then recalled an incident when DAO [REDACTED] came to the DAU and had a meeting with Mr. [REDACTED] that he (AIA [REDACTED]) believed turned into a “hostile situation.” AIA [REDACTED] explained that he was not in this specific meeting, but that he heard a lot of “shouting” coming from that room and added that it did not seem to be a “professional situation” (Time Stamp: 18:50). AIA [REDACTED] stated that he does not remember the specifics of what was being discussed during this meeting between DAO [REDACTED] and Mr. [REDACTED] but he does recall DAO [REDACTED] repeatedly yelling, “I’m the Director,” kind of to show Mr. [REDACTED] that he (DAO [REDACTED]) was in charge.

AIA [REDACTED] stated that he only knew Mr. [REDACTED] for a short period of time, but opined that Mr. [REDACTED] was “one of the best supervisors” he’s ever had in CBP. AIA [REDACTED] stated that Mr. [REDACTED] “never did any of us wrong” at the DAU (Time Stamp: 20:05).

| ATTACHMENTS | DESCRIPTION |
|-------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 3

Attachment 1



DEMING AIR UNIT
DAILY OPERATIONS REPORT
July 15th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000309

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Denied launch clearance by CDO [REDACTED] Per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000310

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch.

PASSDOWN:

SAFETY:

AS350-STATUS:

N847BP
100 HR 271
150 HR 271

Supplemental Report

DI-20-001009

Exhibit 3

Attachment 2

MDMN20200309

Operation MDMN20200309 - Approved

Ops Calendar

Planning / (No Launch)

Planning

Operation Details

Branch/Unit *
MDMN20200309 / 407 / 407 / 407

Flight Status: Standby Flight

Flight Name: MDT (-6)

Remarks:
BP-07 STBY - EMERGENCY ONLY / CDO-GAYLE / CA-CHANDLER

Location:
KDMN, Deming, NM USA

Date (Local) *
07/15/2020 0700

Planned Flight Time:
1 - 0

Time Zone:
0800

Planned Operation:

Mission Details

Program:
ENFORCEMENT

Target:
RECONNAISSANCE SURVEILLANCE TARGET

Altitude:
LAND

Remarks:
DMN / LOB BP SUPPORT

AS390/H125 AIR:
47BP (ELP)

Capabilities

EMT HRST HOIST HSL ACR ADF

ASR Information ADD ASR

Passenger Information New Hold Harmless Agreement ADD PASSENGER

MDMN202000309

Operation MDMN202000309 - Approved

Ops Calendar

Planning / (No Launch)

Passenger Information New Hold Harness Agreement ADD PASSENGER

Crew Information ADD CREW

| Sort | Delete | Name* | Role* | Pending Designation |
|------|--------|------------|-----------------------------------|--------------------------|
| | | [REDACTED] | PILOT IN COMMAND (PIC) | <input type="checkbox"/> |
| | | [REDACTED] | SUPPLEMENTAL AIRCREW MEMBER (SAM) | <input type="checkbox"/> |

Launch/No Launch NO RESOURCES AVAILABLE

Risk Assessment LINK RISK ASSESSMENT CREATE RISK ASSESSMENT

Coordinated Operation With

No Launch Reasons ADD NO LAUNCH REASON

| Edit | Delete | Priority* | Category* | Sub Category | Justification* |
|------|--------|-------------------------------------|-----------|--------------|-----------------|
| | | <input checked="" type="checkbox"/> | | BRANCH | NO FLIGHT WORTH |

Supplemental Report

DI-20-001009

Exhibit 4



**U.S. CUSTOMS AND BORDER PROTECTION
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INVESTIGATIVE OPERATIONS DIRECTORATE**



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|-------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of BPA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge [REDACTED] and Special Agent (SA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Border Patrol Agent (BPA) [REDACTED] Lordsburg BP Station, Lordsburg, NM. The interview took place via Microsoft Teams and BPA [REDACTED] was physically located at the Lordsburg BP Station.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-e4rzw-gos73-7qjun-ansfh-gay92.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

RAC [REDACTED] explained to BPA [REDACTED] that CBP OPR had received allegations that DAO [REDACTED] was purposefully retaliating against Mr. [REDACTED] and the DAU as punishment. RAC [REDACTED] then showed BPA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 11, 2020, which Mr. [REDACTED] listed him (BPA [REDACTED]) as a witness to a meeting that took place between DAO [REDACTED] and Mr. [REDACTED]. According to Mr. [REDACTED]'s notes, DAO [REDACTED] denied Mr. [REDACTED]'s leave and stated, "[REDACTED] wants to make accusations then ask for leave, said it's not going to happen." According to Mr. [REDACTED]'s notes, DAO [REDACTED]'s anger and hostility towards the DAU may have been a reason that he (DAO [REDACTED]) refused to activate the DAU when BPA [REDACTED] needed medical air evacuation.

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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BPA [REDACTED] stated that the meeting mentioned in Mr. [REDACTED]'s notes does sound familiar, but he (BPA [REDACTED]) does not recall the specifics of that meeting. BPA [REDACTED] explained that Mr. [REDACTED] asked him to go with him (Mr. [REDACTED]) to this meeting "just in case something happened...like a witness type thing" (Time Stamp 7:15). BPA [REDACTED] stated that he drove Mr. [REDACTED] to the EPAU for this meeting and was then just "hanging out" at the EPAU while Mr. [REDACTED] and DAO [REDACTED] had their meeting. BPA [REDACTED] added that he was not in the meeting, explained that he overheard a lot of "yelling" coming from that room, but he could not remember who said what or what words were spoken.

RAC [REDACTED] then showed BPA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, where he (BPA [REDACTED]) was listed as being on shift when a request to launch was denied to which BPA [REDACTED] stated that he does not remember this specific event. RAC [REDACTED] then asked BPA [REDACTED] if he remembered any of the details surrounding any of the listed deaths of migrants that occurred during the summer of 2020, and BPA [REDACTED] responded that he does remember "multiple occasions" involving the deaths of migrants. BPA [REDACTED] stated that he felt some of the requests to launch that were made by the DAU were being denied because of the "beef" that was going on between the EPAU and the DAU.

BPA [REDACTED] explained that the DAU was getting requests for air support during that time, and he understood the requests to launch were denied because the EPAU had a certain set of hours allotted to the DAU that they (DAU) could not exceed. BPA [REDACTED] stated that these denials to launch were "upsetting" because he could not do his job. BPA [REDACTED] stated that he does feel like if they (DAU) were able to launch then they could have saved lives but added that he does not know if them being able to launch would have made a difference or not.

BPA [REDACTED] stated that his role at the DAU was to monitor radio traffic on Big Pipe and then relay any requests from the field for air support to his supervisors who would then call the CDO and request clearance to launch. BPA [REDACTED] stated that it was usually the pilot in command who would call the CDO after they (the pilots) would do their risk assessment to either get clearance to launch or not (Time stamp 10:40).

RAC [REDACTED] then asked BPA [REDACTED] if he (BPA [REDACTED]) was the author of the notes under the "Results" section of the Deming Air Unit Daily Operation Report, which read, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]" and he responded, "It could have been." BPA [REDACTED] then explained that usually the agent who would "stay back" from a mission would fill out the Daily Operations Reports to "spread the work around." BPA [REDACTED] stated that he does not know for sure if he was the author of those notes or if someone else authored them. BPA [REDACTED] then stated that he remembered specifically that Mr. [REDACTED] told him that every time that a flight request is denied, to make sure he (BPA [REDACTED]) logs that into the report.

BPA [REDACTED] stated that he feels a lot of the denials to launch during this time period were probably caused by the "tension" between the EPAU and the DAU. BPA [REDACTED] explained



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that there was a lack of communication between the EPAU and the DAU and felt like it was one branch not wanting to deal with the other branch (Time Stamp 13:55). BPA [REDACTED] stated that there could have been “something behind the scenes” that he was not aware of, such as “no flight hours,” or “multiple reason,” but he does not know for sure why those requested to launch were denied. BPA [REDACTED] added that, “nine times out of ten,” the pilots would call the CDO and request permission to launch, so he (BPA [REDACTED]) was not privy to the reasons why a denial would occur (Time stamp 14:20).

RAC [REDACTED] then showed BPA [REDACTED] the corresponding Tasking Operations Management Information System (TOMIS) record which listed the “Justification” for the launch being denied as “No Flight Hours” and asked him (BPA [REDACTED]) what “No Flight Hours” meant. BPA [REDACTED] responded that he believes that at that time, the DAU was only allotted three (3) hours a day to fly, and that they (the DAU) were limited to a certain amount of flights, so when he sees the “No Flight Hours” as the justification, he assumed that there was “no budget” for those flights.

BPA [REDACTED] stated that he is not sure if the limited flight hours issue was a nationwide Air and Marine decision or if it just applied to the DAU but opined that if the DAU had limited flight hours, then so did everyone else (Time Stamp 15:50). BPA [REDACTED] stated that his best guess for the “Justification” of “No Flight Hours” was that it was related to budget issues but added that the “lack of communication” between the EPAU and the DAU could have also been the reason for that denial to launch.

BPA [REDACTED] stated that he remembered being “upset” about the decisions not to launch because the DAU had to call the EPAU for permission to fly and that when there is an emergency situation, the CDO’s at the EPAU were not always up to speed on what was going on at the DAU. BPA [REDACTED] then explained that, in his opinion, the EPAU and the DAU should have their own CDO instead of relying on a CDO from a different branch to make the decision because a local CDO would know the crew better, the terrain better, and the weather conditions better (Time Stamp 20:05).

BPA [REDACTED] stated that he has been assigned to the Lordsburg BP Station his whole career and explained that the Lordsburg area “never gets air support.” BPA [REDACTED] then stated that while he was detailed to the DAU, he “saw more dead bodies” than he did in his entire Border Patrol career. BPA [REDACTED] stated that sometimes they (the DAU) get there in time to save someone and sometimes they get there too late. BPA [REDACTED] then estimated that he took part in approximately two to three rescues, but unfortunately has seen approximately four to five “dead bodies” during his detail to the DAU.

RAC [REDACTED] then asked BPA [REDACTED] if he heard or saw anything that would make him believe that the DAU was being minimized or punished by DAO [REDACTED] or the EPAU and he (BPA [REDACTED]) responded, “If you were there, you could feel it.” BPA [REDACTED] then stated that he would hear Mr. [REDACTED] arguing with DAO [REDACTED] over the phone and added that he (BPA [REDACTED]) felt the impression that there was a lot of “backstabbing” going on



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between the EPAU and the DAU. BPA [REDACTED] explained that he does not recall any of the specifics, but his overall sense was that there were a lot of “pissing matches” going on between the EPAU and the DAU during that time frame. BPA [REDACTED] then opined that Mr. [REDACTED] wanted to do certain things his way but that the EPAU would say, “No, you’re gonna do it the way we want to do it.”

RAC [REDACTED] then explained to BPA [REDACTED] that in August 2020, the DAU was without an aircraft for approximately 15 days and that there was an allegation that this occurred because DAO [REDACTED] was punishing the DAU by not giving them a replacement aircraft. BPA [REDACTED] stated that he remembered that specific instance but added that he does not remember the specific reason the aircraft was taken from the DAU. BPA [REDACTED] opined that the aircraft could have been taken to limit their (the DAU) flight hours or for maintenance reasons but added that, in his opinion, the aircraft was taken from the DAU because the EPAU was trying to punish them (Time Stamp 28:55).

BPA [REDACTED] explained that, to the best of his recollection, there were a few times when the DAU was without an aircraft for a period of time. BPA [REDACTED] stated that the “birds” go down a lot for maintenance or inspections so there could have been multiple reasons why that aircraft was taken from the DAU. BPA [REDACTED] then opined that there are plenty of “birds” to go around and that there is always a “loaner” that the DAU could have received while that aircraft was taken from the DAU to the EPAU.

BPA [REDACTED] then recounted a time when the DAU was mandated to fly missions in Arizona instead of flying in the Deming area and explained that these missions to Arizona “pissed” him off because he was told that the DAU was trying to fly their (Arizona’s) hours for them. BPA [REDACTED] stated that he felt they (the DAU) was “neglecting” their area in order to fly all the way to Arizona, which he felt did not need any air support. BPA [REDACTED] stated that he felt these missions to Arizona were a waste of time and money and that they were mandated as a way for the EPAU to punish the DAU and to get them (the DAU) out of the El Paso area (Time Stamp 32:51).

BPA [REDACTED] stated that during the instances involving the deaths of the migrants, the Border Patrol could have sent BPA’s out to look for those distressed individuals, but he does not know for certain. BPA [REDACTED] opined that they (Border Patrol) get those type of calls all the time and added, “I just did one the other day.” BPA [REDACTED] stated that typically, a call for help would come in, the Border Patrol would look for which assets were available at the time, set up search grids, and at the very least send a BPA out to that area to search for the distressed individual (Time Stamp 36:20)

BPA [REDACTED] stated that there were a lot of times where the DAU was allowed to launch and added, “We did a lot of rescues” involving distressed individuals. BPA [REDACTED] then recounted an incident involving an “officer down” call where they (the DAU) launched an aircraft without seeking permission from the CDO first but explained that the officer passed away before they (the DAU) could reach him. BPA [REDACTED] then opined that “life and death” situations should



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not be "tied up" in not enough flight hours or any other reason not to launch (Time Stamp 41:35).

| ATTACHMENTS | DESCRIPTION |
|--------------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 4

Attachment 1



DEMING AIR UNIT
DAILY OPERATIONS REPORT
June 11th, 2020

Shift: 0500-1300

Agents: [REDACTED] ([REDACTED] - EPAB) ([REDACTED]
0700-1500)

CDO: [REDACTED]
CA: [REDACTED]
Flight Crew: [REDACTED] BP-07
Mission: MDMN202000272
Tail Number: N848BP
Launch Time: 0630
Land Time: 1140
Flight Hours: 5.3
Flight Hours Aircraft: 4.9
Results: 2 DMN assists 10-15X4

PASSDOWN:

SAFETY:

AS350-STATUS:

N848BP
100 HR 56.5
150 HR 106.5

FARP STATUS:

Garza: 1750 06/09/2020
Ramsey: 480 06/11/2020
Playas: 600 04/21/2020

On June 11, 2020 [REDACTED] and [REDACTED] traveled to El Paso for a meeting. [REDACTED], [REDACTED], and [REDACTED] met to discuss [REDACTED]'s request for FMLA. [REDACTED] denied [REDACTED]'s sick leave FMLA request. Furthermore yelled in rage and was upset that he was being accused of misdoing. He stated that [REDACTED] wants to make accusations then ask for leave, said "it's not going to happen". This anger and hostility towards the Deming Air Unit supervisor is possibly one of reasons he refused to activate the unit when Agent [REDACTED] needed medical air evacuation.

Supplemental Report

DI-20-001009

Exhibit 4

Attachment 2



DEMING AIR UNIT
 DAILY OPERATIONS REPORT
 July 14th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000307

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000308

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

PASSDOWN:

SAFETY:

AS350-STATUS:

NS47BP

100 HR 27.1

Supplemental Report

DI-20-001009

Exhibit 4

Attachment 3

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

ASR Information ADD ASR

Passenger Information New Hold Harbors Agreement ADD PASSENGER

Crew Information ADD CREW

| Edit | Delete | Name* | Role* | Pending Designation |
|------|--------|------------|------------------------|---------------------|
| | | [REDACTED] | PILOT IN COMMAND (PIC) | |
| | | [REDACTED] | CREWMEMBER | |

Launch/No Launch

From: [REDACTED] To: [REDACTED]

LAUNCH NO LAUNCH NO RESOURCES AVAILABLE

Risk Assessment LINK RISK ASSESSMENT CREATE RISK ASSESSMENT

Delete Risk Assessment Risk Assessment User Form ID

Coordinated Operation With

NO LAUNCH REASONS

| Edit | Delete | Primary* | Category* | Sub-Category | Justification* |
|------|--------|----------|-----------|--------------|-----------------|
| | | | | BRANCH | NO FLIGHT HOURS |

ADD NO LAUNCH REASON

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

Planning

Operation Details

Branch/Unit: 750TH AEWING (AW) (AW) Standby Flight

Unit: LOCAL 2000 MDT (-6)

Station: BP 07 STBY EMERGENCY ONLY / CDO [REDACTED] CA [REDACTED]

Location: KDMN, Deming, NM, USA

Date: 07/14/2020 Time: 0700 Standby Flight: 1 / 0

Location: KDMN, Deming, NM, USA

Date/Local: [REDACTED] Time: 0800 Named Operation: [REDACTED]

Mission Details

Role: ENFORCEMENT Type: RECONNAISSANCE SURVEILLANCE TARGET Action: LAND

Group/Description: DMN / LOB BP SUPPORT

Asset/Type: AS350/H-125 - AIR Tail No: 347BP (ELP)

Capabilities: EMT HRST HDIST HSL ACR ADF

Supplemental Report

DI-20-001009

Exhibit 5



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|-------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of BPA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge [REDACTED] and Special Agent (SA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Border Patrol Agent (BPA) [REDACTED] Deming Border Patrol Station, Deming, NM. The interview took place via Microsoft Teams and Mr. [REDACTED] was physically located at the Deming Border Patrol Station. Also present during this interview was National Border Patrol Council Steward [REDACTED]

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-peovo-c1hib-qco4u-cmqpb-j0d42.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

BPA [REDACTED] stated that he was assigned to the Deming Air Unit (DAU) from 2018 through 2020 and added that he was still assigned there in July and August of 2020. RAC [REDACTED] explained to BPA [REDACTED] that CBP OPR had received allegations that DAO [REDACTED] was purposefully retaliating against Mr. [REDACTED] and the DAU as punishment. RAC [REDACTED] then showed BPA [REDACTED] a copy of the Deming Air Unit Daily Operations Report dated July 14, 2020, which listed him (BPA [REDACTED] as "Flight Crew" for a request to launch that was ultimately denied under Mission 202000308. BPA [REDACTED] stated that he does not remember this specific incident but added that he does remember a "few times" when the DAU had an aircraft and a crew available but their (the DAU) requests to launch were denied. BPA [REDACTED]

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
|--------------|------------|-------|--|

| | | | |
|--------------|------------|-------|--|
| Approved by: | [REDACTED] | Date: | |
|--------------|------------|-------|--|

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stated that he does not know the specific dates of those denials to launch, nor does he know the specific reasons why their requests were denied.

BPA [REDACTED] stated that he does recognize the Daily Reports and explained that he (BPA [REDACTED]) has filled those reports out in the past. BPA [REDACTED] stated that he does not know who the author of the notes, "No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]" was. BPA [REDACTED] then explained that during this time frame, there was a sense of a "hostile work environment" between Mr. [REDACTED] and DAO [REDACTED] but added that he (BPA [REDACTED]) can not remember the reasons why any of those specific requests to launch were denied.

RAC [REDACTED] then showed BPA [REDACTED] the corresponding Tasking Operations Management Information System (TOMIS) record which listed the "Justification" for the launch being denied as "No Flight Hours" and asked him (BPA [REDACTED]) what "No Flight Hours" meant. BPA [REDACTED] responded that he has never entered anything into TOMIS, so he does not know what the "Justification" of "No Flight Hours" means.

RAC [REDACTED] then asked BPA [REDACTED] if he heard or saw anything that would make him believe that the DAU was being minimized or punished by DAO [REDACTED] or the EPAU and he (BPA [REDACTED]) responded that there was a time when DAO [REDACTED] would show up at the DAU unannounced and then he (DAO [REDACTED]) and Mr. [REDACTED] would get into a "screaming match." BPA [REDACTED] also explained that members of the EPAU management would come into the DAU and try to get into Mr. [REDACTED]'s locked office door. BPA [REDACTED] does not remember who specifically, but stated that on one occasion, they (the DAU) found an EPAU employee's PIV card on the ground that was left behind.

BPA [REDACTED] stated that he felt like the decisions not to launch an aircraft on the specific occasions that were mentioned did not make sense to him (BPA [REDACTED]) because they had a crew and an aircraft available, and they were being requested to help. BPA [REDACTED] stated that he has flown on approximately two hundred (200) missions where the request to launch was granted and approximately ten to fifteen (10-15) missions where the request to launch was denied (Time Stamp: 13:55). BPA [REDACTED] stated that he does not remember any of the specific reasons as to why any of those requests to launch were denied and added, "We were just told no."

RAC [REDACTED] then explained to BPA [REDACTED] that in August 2020, the DAU was without an aircraft for approximately 15 days and that there was an allegation that this occurred because DAO [REDACTED] was punishing the DAU by not giving them a replacement aircraft. BPA [REDACTED] stated that he does not recall if the DAU was without an aircraft during that time but explained that "most times," there would be a helicopter to replace the one that was taken away. BPA [REDACTED] then stated that he can not remember the DAU being without a "bird" for an extended period of time.



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RAC [REDACTED] then asked BPA [REDACTED] if he (BPA [REDACTED]) ever personally felt that DAO [REDACTED] was minimizing or retaliating against either him or the DAU and BPA [REDACTED] recounted an example where he (BPA [REDACTED]) was on detail to the DAU and had expressed interest in applying for the full-time position at the DAU. BPA [REDACTED] explained that he asked DAO [REDACTED] if he (BPA [REDACTED]) would be able to transfer over to that full time position, DAO [REDACTED] responded by asking BPA [REDACTED] how old he was, and when BPA [REDACTED] told DAO [REDACTED] his age, DAO [REDACTED] told him that he (BPA [REDACTED]) was “too old” for the position. BPA [REDACTED] stated that DAO [REDACTED] informed him that he (DAO [REDACTED]) needed someone who could give him “at least fifteen” years in that position (Time Stamp 17:10).

BPA [REDACTED] stated that sometime after that conversation with DAO [REDACTED], he (BPA [REDACTED]) learned that another agent who was around the same age, if not older, as him got selected for that full time position. When RAC [REDACTED] asked BPA [REDACTED] if anyone else heard DAO [REDACTED] make that comment about his age, BPA [REDACTED] responded that there were pilots there, Mr. [REDACTED] was there, and that “everybody heard” DAO [REDACTED] tell him (BPA [REDACTED]) that he was “too old” for the position. At the conclusion of the interview, RAC [REDACTED] encouraged BPA [REDACTED] to file an Equal Employment Opportunity (EEO) complaint if he (BPA [REDACTED]) felt that he was discriminated against because of his age.

BPA [REDACTED] then recalled a specific incident where he was a crew member on a flight that was responding to an “alien in distress” call. BPA [REDACTED] stated that they had visually located the individual and were “right there” to assist when they received a call from the CDO to “10-3” (stand down) and to head back to the DAU. BPA [REDACTED] stated that he then informed the CDO that they had just located the individual in distress, but were still given the order to return to the DAU. BPA [REDACTED] stated that he was not given any reasons as to why they had to return to the DAU and does not know if this specific situation was one of the incidents involving a death of a migrant or not (Time Stamp 18:45).

BPA [REDACTED] then described the work environment at the DAU as “dreadful” because he did not know what to expect coming into work. BPA [REDACTED] explained that the DAO before DAO [REDACTED] arrived was good, but when DAO [REDACTED] took over, he (BPA [REDACTED]) felt like he didn’t know what he was walking into every day at work.

BPA [REDACTED] then recalled an incident where he heard that the DAU could have saved BPA [REDACTED] life if they would have launched an aircraft from the DAU instead of the EPAU. BPA [REDACTED] explained that he heard a rumor that the DAU had a crew and an aircraft ready to launch to assist BPA [REDACTED] but that their (the DAU’s) request to launch was denied and that the EPAU sent a pilot who recently transferred to the EPAU instead. BPA [REDACTED] stated that he heard that the pilot from the EPAU did not know the area and mistakenly landed at the Garza Air Base instead of where BPA [REDACTED] was located. BPA [REDACTED] then stated that he was not on shift during that incident so that information was hearsay (Time Stamp 21:05)



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| ATTACHMENTS | DESCRIPTION |
|--------------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 5

Attachment 1



DEMING AIR UNIT
 DAILY OPERATIONS REPORT
 July 14th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000307

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000308

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

PASSDOWN:

SAFETY:

AS350-STATUS:

NS47BP

100 HR 271

Supplemental Report

DI-20-001009

Exhibit 5

Attachment 2

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

ASR Information **ADD ASR**

Passenger Information **New Hold Handling Agreement** **ADD PASSENGER**

Crew Information **ADD CREW**

| Edit | Delete | Name* | Role | Pending Designation |
|------|--------|------------|------------------------|---------------------|
| | | [REDACTED] | PILOT IN COMMAND (PIC) | |
| | | [REDACTED] | CREWMEMBER | |

Launch/No Launch

LAUNCH **NO RESOURCES AVAILABLE**

Risk Assessment **LINK RISK ASSESSMENT** **CREATE RISK ASSESSMENT**

Delete Risk Assessment Risk Assessment Use Form ID

Coordinated Operation With

No Launch Reasons **ADD NO LAUNCH REASON**

| Edit | Delete | Reason | Category | Sub-Category | Justification |
|------|--------|------------|----------|--------------|------------------|
| | | [REDACTED] | | BRAND | NO LAUNCH REASON |

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

Planning

Operation Details

Branch/Unit *
KDMN, Deming, NM, USA

Local Zone
LOCAL ZULU

Time Zone
MDT (-6)

Standby Flight

Remarks
BP 07 STBY EMERGENCY ONLY / CDO-GAYLE / CA-CHANDLER

Local Time Location
KDMN, Deming, NM, USA

Date (UTC)
07/14/2020

Time (UTC)
0700

Named Flight Time
1 0

Local Location
KDMN, Deming, NM, USA

Date (Local) *
0800

Named Operation

Mission Details

Category
ENFORCEMENT

Type
RECONNAISSANCE SURVEILLANCE TARGET

Effect
LAND

Remarks
DMN / LOB BP SUPPORT

Asset Type
AS350/H-125 - AIR

Asset
347BP (ELP)

Capabilities
 EMT HRST HDIST HSL ACR ADF

Supplemental Report

DI-20-001009

Exhibit 6



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|---------------------------------|----------------------|-------------------------|
| CASE NUMBER: | | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge [REDACTED] and Special Agent (SA) [REDACTED] U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Aviation Maintenance Officer (AMO) [REDACTED] El Paso Air Unit (EPAU), El Paso, TX. The interview took place via Microsoft Teams and Officer [REDACTED] was physically located at the EPAU.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-cdeuk-wbs98-kclbp-pb30k-r5m11.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

AMO [REDACTED] stated that he is currently stationed at the EPAU and that he has been stationed there since 2007. AMO [REDACTED] also stated that the DAU and the Alpine Air Unit (AAU) also fall under the EPAU, so he does maintenance for those branches as well.

RAC [REDACTED] explained to AMO [REDACTED] that in August 2020, an aircraft with tail number 854BP was transported to the EPAU from the DAU and that according to official records, that aircraft was transported because of maintenance issues. RAC [REDACTED] then showed AMO [REDACTED] a screenshot from a TOMIS record that documented this specific mission. AMO [REDACTED] stated that he does recall this specific incident and explained that, to the best of his knowledge, that aircraft was transported from the DAU to the EPAU because the aircraft had an engine maintenance issue. AMO [REDACTED] stated that aircrafts are brought to the EPAU for maintenance. I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
|--------------|------------|-------|--|

| | | | |
|--------------|------------|-------|--|
| Approved by: | [REDACTED] | Date: | |
|--------------|------------|-------|--|

WARNING: This document, along with any attachment(s), is loaned to you for official use only and remains the property of U.S. Customs and Border Protection Office of Professional Responsibility Investigative Operations Directorate (IOD). You are prohibited from copying, releasing, retransmitting, disseminating, disclosing, or otherwise sharing the document or its attachments within or outside CBP without prior, written approval from IOD. The contents of this document and its attachment(s) may contain information, which is unclassified, law enforcement sensitive, proprietary, privileged, or confidential, and may be legally protected or otherwise exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. § 552 and Privacy Act of 1974.



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



because they (the EPAU) have the tools, equipment, and expertise to troubleshoot and repair those aircraft.

RAC [REDACTED] then asked AMO [REDACTED] how long it usually takes to repair an aircraft with engine issues, and he (AMO [REDACTED]) responded that it depends on what the specific issue is. AMO [REDACTED] then explained that although he does not remember what the engine issue was for this specific incident, generally, repairs can take anywhere from two days to a week. AMO [REDACTED] stated that maintenance can occasionally take longer if other aircraft are also in for maintenance or for their inspections. AMO [REDACTED] explained that inspections are required for aircraft when that aircraft reaches a certain amount of flight hours and that those aircraft are then brought to the EPAU for routine inspections. AMO [REDACTED] stated that the EPAU may not have had any available aircraft to replace the one transported from the DAU but added that he does not remember the specifics of the DAU being without an aircraft (Time Stamp 6:10).

RAC [REDACTED] then asked AMO [REDACTED] if he ever heard or saw DAO [REDACTED] or any other managers at the EPAU state that he (DAO [REDACTED]) was not going to send the DAU a replacement aircraft as punishment or retaliation against the DAU and AMO [REDACTED] responded, "No sir, not to my knowledge."

RAC [REDACTED] then showed AMO [REDACTED] notes written by Mr. [REDACTED] that stated he (AMO [REDACTED]) may have been a witness on a phone call in which DAO [REDACTED] allegedly stated, "Since Deming doesn't want to fly, he would not send an aircraft." AMO [REDACTED] stated that he does not recall that phone conversations and that he has not heard DAO [REDACTED] ever say those words (Time Stamp 9:00).

| ATTACHMENTS | DESCRIPTION |
|--------------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 6

Attachment 1

Narrative(s) for MDMN202000337 and associated Segment(s)

SEGMENT NARRATIVE HISTORY

Narrative History

Maintenance relocation to KELP due to failing power checks. One time relocation approved by DAO, CDO, Safety, PIC, and maintenance.

DDC certification by: [redacted] on 08/04/2020 at 2:28pm

MDMN202000337 (APPROV
854BP
ADD New Asset Segm
MX relocation (Total
Log

MISSION Number: MDMN202000337

Segment Information

Actionable Intelligence Guidance

Is this mission based on Actionable Intelligence? *Intelligence Source *Intel Type
No *Other *Other

Scheduled Flight Hours Fulfilled?

Unfulfilled Reasons

| Primary | *Reason | Reason Definition | Description | Delete |
|------------|---------|-------------------|-------------|--------|
| ADD REASON | | | | |

Segment Description
MX relocation

Named Operation

Actual Initiation Information

Local Time Zulu Time

| | | | | | |
|-------------------|---------------------------------------------------------|---------------------------|---------------------|------------|------------|
| *Location kdmn | *Time Zone Mountain Daylight Time North America (-6) | *Local Date 08/04/2020 | *Local Time 1146 | *Zulu Date | *Zulu Time |
|-------------------|---------------------------------------------------------|---------------------------|---------------------|------------|------------|

Actual Conclusion Information

Local Time Zulu Time

| | | | | | |
|-------------------------------------|--------------------------------------------------------|--------------------------|--------------------|-----------|-----------|
| *Location KELP, El Paso, TX, USA | Time Zone Mountain Daylight Time North America (-6) | Local Date 08/04/2020 | Local Time 1239 | Zulu Date | Zulu Time |
|-------------------------------------|--------------------------------------------------------|--------------------------|--------------------|-----------|-----------|

Scheduled Flight Hours Fulfilled:

Review All Segment Dates/Times

Asset Hours Summary

| Tail/Fleet Number | Asset Hours |
|-------------------|-------------|
| 854BP | 0.9 |

Total Hours: 0.9

*Mission Category MAINTENANCE *Mission Type RELOCATION *Sub Type AIRCRAFT

*Were there any Enforcement Activity Results during this segment of time?

*Asset Segment Narrative (Do not enter suspect PII to the asset segment narrative. See links for information.)

MDMN202000337 (APPROV
854BP

[ADD New Asset Segm](#)

MX relocation (Total)

[Log](#)

i *Asset Segment Narrative (Do not enter suspect PII to the asset segment narrative. See links for information.)

Coordinated Operation With

| | | | |
|------------------------------------|----------------------------------------|--------------|---------------------------|
| Mission Initiated by AMO? Yes ▾ | Coordinated With Other Agency? No ▾ | Agency Group | Agency Name |
| Other Agency Name | SAC Name | Office Name | Office Agency Description |

Crew Information

| *Role ▲▼ | *Name ▲▼ | Pending Designation ▲▼ | Delete |
|--------------------------|--------------|------------------------|--------|
| PILOT IN COMMAND (PIC) ▾ | ██████████ ▾ | | X |
| ADD CREW | | | |

| AOR TYPE ▲▼ | AOR ▲▼ | HOURS ▲▼ | Delete |
|-------------------------------|--------------|----------|--------|
| STATE ▾ | NEW MEXICO ▾ | 0.9 | X |
| ADD AOR HOURS | | | |

| Sensor ▲▼ | Employment ▲▼ | Time ▲▼ | Delete |
|---------------------------------|---------------|---------|--------|
| ADD Sensor Info | | | |

Encounters

| Encounter Date (Local) ▲▼ | Vessel/Aircraft # ▲▼ | Vessel Name ▲▼ | PIC/Operator Name ▲▼ | *Place of Encounter ▲▼ | Encounter Form ▲▼ | *Narrative ▲▼ | D |
|----------------------------------------|----------------------|----------------|----------------------|--------------------------------------|-------------------|---------------|---|
| ADD AIRCRAFT ENCOUNTER | | | | ADD VESSEL ENCOUNTER | | | |

Scheduled Flight Hours Fulfilled:

▼ Asset Hours Summary

| Tail/Fleet Number | Asset Hours |
|-------------------|-------------|
| 854BP | 0.9 |

Total Hours: 0.9

Passenger Information

[New Hold Harmless Agreement](#)

Supplemental Report

DI-20-001009

Exhibit 7

014 Maintenance Record

Work Order: 854BP-2020-R-0039-0006

| 048 Maintenance Site | 048 Status | 048 Discovered Date | When Discovered |
|----------------------|------------|---------------------|--------------------|
| Deming | X | 08/04/2020 | INFLIGHT- NO ABORT |

Air Branch/Unit: Deming Discovered Date: 08/28/2020

Discovered by: (First/Last) [REDACTED] Flight Hours: 9607.5

ATA Code: 710000 Power Plant Status: X

Inspection Task#: Repeat Discrepancy #:

JCN Description: During post maintenance flight checks for installation of Arriel 2B engine s/n 22328, bleed valve p/n 9550164950 s/n 1869 opening and closing thresholds were out of limits as per Safran Arriel 2B Maintenance Manual 75-31-00-750-802-A01. Closing was at 95.2 Ng, Zp 6500, OAT 81F. Opening was at 94.4 Ng, Zp 6500, OAT 81F.

IP Inspection Description:

IP Inspected By:

Malfunction Code: Out Of Limits/Beyond Tolerance

Action Taken Code: Removed and Replaced

Maintenance Action: Removed bleed valve p/n 9550164950 s/n 1869 and installed overhauled bleed valve p/n 9550158250 s/n 3356. Aircraft was flown by CBP Maintenance Test Pilot and opening and closing thresholds were checked/plotted on Figures 1301 & 1302 and found to be within limits at this time. Zp = 5000 OAT = 80.2F, Opening = 93.2% Ng, Closing = 93.9Ng. Work performed in accordance with Safran Arriel 2B Maintenance Manual Update 46 dated 06/15/2020 75-31-00-900-801-A01 and 75-31-00-750-802-A01.

The Maintenance Action involves a Required Inspection Item per SOI TS-CBP-9008 Rev. 10 Yes NoDate Corrective Action Completed: Acft/Equip Hours:
08/31/2020 9608.2FOD/Tool Check Complete:

Work Performed By: [REDACTED] Inspected By: [REDACTED]

The Inspector certifies the aircraft/article is airworthy with respect to the maintenance, preventive maintenance, or alterations listed and performed under the privileges of FAA Part 145 when a CRS Number has been provided.

For Official Use Only

Print

8/31/2020

014 Maintenance Record

Work Order: 854BP-2020-R-0039-0006

GROUNDED

| 048 Maintenance Site | 048 Status | 048 Discovered Date | When Discovered |
|----------------------|------------|---------------------|--------------------|
| Deming | X | 08/04/2020 | INFLIGHT- NO ABORT |

Air Branch/Unit: Deming Discovered Date: 08/28/2020

Discovered by: (First/Last) [REDACTED] Flight Hours: 9607.5

ATA Code: 710000 Power Plant Status: X

Inspection Task#: Repeat Discrepancy #:

JCN Description: During post maintenance flight checks for installation of Arriel 2B engine s/n 22328, bleed valve p/n 9550164950 s/n 1869 opening and closing thresholds were out of limits as per Safran Arriel 2 Maintenance Manual 75-31-00-750-802-A01. Closing was at 95.2 Ng, Zp 6500, OAT 81F. Opening was at 94.4 Ng, Zp 6500, OAT 81F.

IP Inspection Description:

IP Inspected By:

Malfunction Code: Out Of Limits/Beyond Tolerance Action Taken Code: Removed and Replaced

Maintenance Action: Removed bleed valve p/n 9550164950 s/n 1869 and installed overhauled bleed valve p/n 9550158250 s/n 3356. Aircraft was flown by CBP Maintenance Test Pilot and opening and closing thresholds were checked/plotted on Figures 1301 & 1302 and found to be within limits at this time. Zp = 5000 OAT = 80.2F, Opening = 93.2% Ng, Closing = 93.9Ng. Work performed in accordance with Safran Arriel 2B Maintenance Manual Update 46 dated 06/15/2020 75-31-00-900-801-A01 and 75-31-00-750-802-A01.

The Maintenance Action involves a Required Inspection Item per SOI TS-CBP-9008 Rev. 10 Yes No

Date Corrective Action Completed: 08/31/2020 Acft/Equip Hours: 9608.2 FOD/Tool Check Complete:

Work Performed By [REDACTED] Inspected By:

The Inspector certifies the aircraft/article is airworthy with respect to the maintenance, preventive maintenance, or alterations listed and performed under the privileges of FAA Part 145 when a CRS Number has been provided.

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8/31/2020



AIRCRAFT/EQUIPMENT MAINTENANCE WORK ORDER

JCN 854BP 2020 R 0039 0006

Page 1 of

| SITE LOCATION | | DATE IN | ACFT/EQUIP. ID NUMBER | ACFT/EQUIP. S/N | MODEL | ACFT/EQUIP. HOURS | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------|------------|
| ELP | | 08/31/20 | N854BP | 3598 | A5350B3 | 9607.5 | |
| WORK DESCRIPTION: DURING POST MAINTENANCE FLIGHT CHECKS FOR INSTALLATION OF APRIL 28 ENGINE 3/4" 23328 BLEED VALVE 9/19550164950 9/1869 OPENING AND COUSING TOLERANCES WERE OUT OF LIMITS AS PER SAFRAN APRIL 28 MAINTENANCE MANUAL 75-31-00-750-800-A01. | | | | | | | |
| ITEM NO. | ST. | DISCREPANCY | DATE | CORRECTIVE ACTION | DATE | TECH INIT. | INSP. BY |
| 1 | AG | DISCONNECTED BLEED AIR EXHAUST DUCT FROM VALVE | 08/31/20 | REINSTALLED, TORQUED CLAMP TO 25 IN/LB AND CHECKED DIMENSIONS "a" AND "b" IAW ARREGUS HELICOPTERS OEM A5350B3 REV 010.00.04 PMA 71-11-00, 4-2A | 08/31/20 | [REDACTED] | [REDACTED] |
| 2 | AG | DISCONNECTED ELECTRICAL CONNECTOR FROM BLEED VALVE | 08/31/20 | RECONNECTED IAW SAFRAN APRIL 28 MM 75-31-00-900-800-A01. | 08/31/20 | [REDACTED] | 908 |
| 3 | AG | DISCONNECTED P3 AIR TUBE FROM BLEED VALVE | 08/31/20 | RECONNECTED, TORQUED TO 124 IN/LB IAW SAFRAN APRIL 28 MM 75-31-00-900-800-A01. | 08/31/20 | [REDACTED] | [REDACTED] |
| 4 | AG | LOOSEND NUT AND LEAVED CLAMP THAT ATTACHES BLEED VALVE | 08/31/20 | REINSTALLED, TORQUED NUT TO 27 IN/LB IAW SAFRAN APRIL 28 MM 75-31-00-900-900-A01. | 08/31/20 | [REDACTED] | 08 |
| 5 | AG | REWORKED BLEED VALVE 9/19550164950 9/1869 | 08/31/20 | OVENHEARD BY INSTALLED VALVE 9/19550158250 3/1 23328 IAW SAFRAN APRIL 28 MM 75-31-00-900-800-A01. | 08/31/20 | [REDACTED] | [REDACTED] |

| | | |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| DATE OUT | I certify that the above stated maintenance and/or inspection was performed in accordance with current regulations of the <input type="checkbox"/> FAA <input type="checkbox"/> Other (specify) _____ and the aircraft above is presently airworthy and approved for return to service | SIGNATURE |
| MANHOURS | | CERTIFICATE |



AIRCRAFT/EQUIPMENT MAINTENANCE WORK ORDER

JCN 8548P 2020 R 0039 0006

| | | | | |
|-----------------------------|----------------------------|----------------------------------------|--------------------------------|------------------------------------|
| SITE LOCATION <u>ELP</u> | DATE IN <u>08/31/20</u> | ACFT/EQUIP. ID NUMBER <u>N8548P</u> | ACFT/EQUIP. S/N <u>3598</u> | MODEL <u>A33033</u> |
| WORK DESCRIPTION | | | | ACFT/EQUIP. HOURS <u>9607.5</u> |

| ITEM NO. | ST. | DISCREPANCY | DATE | CORRECTIVE ACTION | DATE | TECH INIT. | INSP. BY |
|----------|----------|---------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------|-----------------|------------|----------|
| <u>6</u> | <u>5</u> | <u>REQUIRED TAG THREEWAY UNION/SPLASH ASSEMBLY FROM THE BLEED VALVE -</u> | <u>08/31/20</u> | <u>RE-INSTALLED USING NEW (2ea) ORIGINATES P/N 9794080203 REALIGNED TORQUE NUTS 2ea TO 124in/lb IN W. 8AFRAN</u> | <u>08/31/20</u> | | |
| | | <u>END</u> | | <u>ADDL 2B AM 25-31-00-900-801-101</u> | | | |
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| DATE OUT | <p>I certify that the above stated maintenance and/or inspection was performed in accordance with current regulations of the</p> <p><input type="checkbox"/> FAA <input type="checkbox"/> Other (specify) _____ and the aircraft above is presently airworthy and approved for return to service</p> | SIGNATURE |
| MANHOURS | | CERTIFICATE |

| | | |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------|
| 1. Approving Civil Aviation Authority/Country: FAA / UNITED STATES | 2. AUTHORIZED RELEASE CERTIFICATE FAA Form 8130-3, AIRWORTHINESS APPROVAL TAG | 3. Form Tracking Number: 0000715209 |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------|

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 4. Organization Name and Address: SAFRAN AEROSYSTEMS SERVICES AMERICAS, LLC W175 N5737 TECHNOLOGY DRIVE MENOMONEE FALLS, WI, 53051 UNITED STATES | 5. Work Order/Contract/Invoice Number: 0050891421 4400068240 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|

FAA Approval/Certificate No: I2XR2050

| 6. Item: | 7. Description: | 8. Part Number: | 9. Quantity: | 10. Serial Number: | 11. Status/Work: |
|----------|-----------------|-----------------|--------------|--------------------|------------------|
| 1 | DISCHARGE VALVE | 3162-300 | 1 | 3356 | OVERHAULED |

2. Remarks:

CMM 75-30-30 Rev 5 Jan 29/18
AMDT IND 08
SAFRAN P/N 9550158250

Certifies that the work specified in block 11/12 was carried out in accordance with EASA Part 145 and with respect to that work the component is considered ready for release to service under EASA Part 145 Approval Number: EASA.145.5141

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Certifies the items identified above were manufactured in conformity to: <input type="checkbox"/> Approved design data and are in a condition for safe operation. <input type="checkbox"/> Non-approved design data specified in Block 12. | | 14a. <input checked="" type="checkbox"/> 14 CFR 43.9 Return to Service <input checked="" type="checkbox"/> Other regulation specified in Block 12 Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was accomplished in accordance with Title 14, Code of Federal Regulations, part 43 and in respect to that work, the items are approved for return to service. |
| 13. Authorized Signature: | 13c. Approval/Authorization No.: | 14c. Approval/Certificate No.: |
| Name (Typed or Printed): | 13e. Date (dd/mmm/yyyy): | 14e. Date (dd/mmm/yyyy): |
| | | 07/Feb/2020 |

User/Installer Responsibilities

Important to understand that the existence of this document alone does not automatically constitute authority to install the aircraft engine/propeller/article. The user/installer performs work in accordance with the national regulations of an airworthiness authority different than the airworthiness authority of the country specified in Block 1, it is essential that user/installer ensures that his/her airworthiness authority accepts aircraft engine(s)/propeller(s)/article(s) from the airworthiness authority of the country specified in Block 1. Statements in Blocks 13a and 14a do not constitute installation certification. In all cases, aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.

NSN: 0052-00-012-9005

014 Maintenance Record

Work Order: 854BP-2020-R-0039-0003

| 048 Maintenance Site | 048 Status | 048 Discovered Date | When Discovered |
|----------------------|------------|---------------------|--------------------|
| Deming | X | 08/04/2020 | INFLIGHT- NO ABORT |

Air Branch/Unit: El Paso Air Branch

Discovered Date: 08/20/2020

Discovered by: (First/Last) [REDACTED]

Flight Hours: 9603.8

ATA Code: 710000 Power Plant

Status: X

Inspection Task#:

Repeat Discrepancy #:

JCN Description: Temporarily install DECU from 847BP into 854BP for troubleshooting purposes.

IP Inspection Description:

IP Inspected By:

Malfunction Code: Weak/Weak Reception

Action Taken Code: Removed and Replaced

Maintenance Action: Installed DECU from 847BP 70BMB01030 s/n 1089 and removed questionable DECU s/n 1230. Found no change to engine indications and returned DECU 70BMB01030 s/n 1230 to aircraft and returned to original configuration IAW AMM 73-20-00, 4-1A.

The Maintenance Action involves a Required Inspection Item per SOI TS-CBP-9008 Rev. 10 Yes No

Date Corrective Action Completed: 08/21/2020

Acft/Equip Hours: 9605.7

FOD/Tool Check Complete:

Work Performed By: [REDACTED]

Inspected By: [REDACTED]

The Inspector certifies the aircraft/article is airworthy with respect to the maintenance, preventive maintenance, or alterations listed and performed under the privileges of FAA Part 145 when a CRS Number has been provided.

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[REDACTED]

9/9/2020



ENTERED
95 8-1-20

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| | | | | | | | | | | | | | |
|------------------------------------|--|--|--|--|--|------------------------------------------|-------------------------------------|-----------------------|---------------------|----------------|------------------|---------------------------------------------------|--|
| DATE M M D D Y Y 0 8 0 4 2 0 | | | | | | AIRCRAFT REGISTRATION NUMBER 8548P | AIRCRAFT MODEL NUMBER AS350B3 | MAINT. BASE DMN | OPS. BASE DMN | RAFT S/N _____ | SATCOM S/N _____ | FLIGHT LOG NUMBER YEAR SEQ NUMBER 2 0 1 4 1 | |
| | | | | | | VEST Qty _____ | SRVL KIT S/N _____ | | | | | | |

| | | | | | | | | | | | | |
|------------------------------------------------------------------------------------------------------------|----------------------|--------------------|-----------------------------------------|--|--------------------------------|--|------------------|--|-----------|--|--------------------------|--|
| MISSION CODES Search 1. A/C or Airport 2. Vessel/Marina 3. Vehicle 4. Land 5. Person | FUEL SERVICED (GALS) | OIL SERVICED (QTS) | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | | | | | |
| | SERVICED | NO. 1 ENG | FOA | | TYPE OF INSPECTION ALF PUFF | | DATE 8-3-2020 | | SIGNATURE | | AIRCRAFT HOURS 9603.8 | |
| | ON BOARD | NO. 2 ENG | | | | | | | | | | |

| | | | | | | | | | | | | |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------|-------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|
| Surveillance 6. A/C or Airport 7. Vessel/Marina 8. Vehicle 9. Land 0. Person | PERSONNEL STATUS CODES | | | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
| | P-PILOT IN COMMAND C-COPILOT O-CREW MEMBER OTHER X-PASSENGER | D-DUAL RECEIVED IP-INSTRUCTOR PILOT M-MAINTENANCE TECH | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS |
| | | | 10 HR | 9610.7 | 15 HR | 9618.8 | 160 HR | 9628.0 | 150 HR | 9727.0 | | |

| CREW NAME (LAST & FIRST INITIAL) | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES | | INTERCEPTS | | | TIME (Z) | LOCATION | MISSION CODE |
|-------------------------------------|--------------|-----------------|----------------|--------------|-------------------|---------------|----------------------------|------|------------|----|------------|----|----|-------------|----------|-----------------|
| | | | | | | | | | PA | NP | VI | DR | NR | | | |
| [REDACTED] | P | 0.4 | | | 1 | | | | | | | | | | | |
| | | | | | | | | | | | | | | DEPART | 1146 DMN | |
| | | | | | | | | | | | | | | ARRIVE | 1239 ELP | |
| | | | | | | | | | | | | | | DEPART | | |
| | | | | | | | | | | | | | | ARRIVE | | |
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| | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS |
|------------------------------|-------------------|--------------------|---------------------|--------------------|---------------------|---------------|---------------|-------------------------|-------------|------------|
| ACCUMULATED TOTALS BEGINNING | 9603.8 | 7031.0 | 48.65 | / | 702.40 | 14321 | 16 | END 9604.6 | | |
| TOTAL TIME TODAY | | 0.8 | | / | | 1 | | START 9603.8 | | |
| ACCUMULATED TOTALS ENDING | 9604.6 | 7031.8 | 50.20 | / | 702.80 | 14322 | 16 | TOTAL 0.8 | | |



FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED
95-8-6-70

| | | | | | | | | | | | | | | | | |
|----------------------------------|---|------------------------------|--------------|-----------------------------------------|------------|-----------------------------------------------------------------------------------------------|------------|-------------------------|--------------------|---------------------|---------------------|----------------------|-----------|--------------|----------------|--|
| CASE # | | TARGET # | | AOR # | | INCIDENT REPORT: YES <input type="checkbox"/> OVERWATER MISSION: YES <input type="checkbox"/> | | | | | | | | | | |
| DATE | | AIRCRAFT REGISTRATION NUMBER | | AIRCRAFT MODEL NUMBER | | MAINT. BASE | OPS. BASE | RAFT S/N | | SATCOM S/N | | FLIGHT LOG NUMBER | | | | |
| M | M | D | D | Y | Y | | | | | | | YEAR | | SEQ. NUMBER | | |
| 0 | 8 | 0 | 5 | 2 | 0 | N8546P | | A330B | | ELP | ELP | 20 | | 142 | | |
| FUEL SERVICED (GALS) | | OIL SERVICED (QTS) | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | | | INSPECTION COMPLETED | | | | | | | | |
| MISSION CODES | | SERVICED | 369 | NO. 1 ENG | [REDACTED] | | | | TYPE OF INSPECTION | | DATE | | SIGNATURE | | AIRCRAFT HOURS | |
| ON BOARD | | 11794 | NO. 2 ENG | [REDACTED] | | | | | | | | | | | | |
| PERSONNEL STATUS CODES | | P=PILOT IN COMMAND | | D=DUAL RECEIVED | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | | | |
| C=COPILOT | | IP=INSTRUCTOR PILOT | | M=MAINTENANCE TECH | | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | | | |
| O=CREW MEMBER OTHER | | X=PASSENGER | | | | 100HR | 9628.0 | 150HR | 9727.0 | | | | | | | |
| CREW NAME (LAST & FIRST INITIAL) | | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE | | |
| [REDACTED] | | | 0.6 | | | 1 | | | | | | | ELP | 26 | | |
| [REDACTED] | | | 0.6 | | | | | | | | | | | | | |
| AIRCRAFT HOURS | | ENGINE #1 HOURS | | ENGINE #1 CYCLES | | ENGINE #2 HOURS | | ENGINE #2 CYCLES | | TOTAL LOGS | APU STARTS | AIRCRAFT HOBBS METER | | RADAR HOBBS | FLIR HOBBS | |
| ACCUMULATED TOTALS BEGINNING | | 9604.6 | | 7031.8 | | 50.20 | | 702.80 | | 14323 | 74 | END 9605.1 | | 0 | 0 | |
| VIAL TIME TODAY | | 0.5 | | 0.5 | | | | | | 1 | | START 9604.6 | | | | |
| ACCUMULATED TOTALS ENDING | | 9605.1 | | 7032.3 | | 51.50 | | 703.15 | | 14324 | 74 | TOTAL 0.5 | | | | |

AVP-051-1R5 7 Jun 12 COPY 1: MAINTENANCE

COPY 2: PILOT

NOTE: All shaded areas to be completed by pilots.

14373

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED
95 8-18-10

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| | | | | | | | | | | | | |
|------|---|---|---|---|------------------------------|-----------------------|-------------|-----------|----------|--------------|-------------------|-------------|
| DATE | | | | | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | |
| M | D | D | Y | Y | | | | | | | YEAR | SEQ. NUMBER |
| 3 | 1 | 1 | 2 | 0 | N854BP | A5350B | ELP | ELP | | | 20 | 143 |
| | | | | | | | | | VEST Qty | SRVL KIT S/N | | |

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| FUEL SERVICED (GALS) | | OIL SERVICED (QTS) | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP | | INSPECTION COMPLETED | | | | | | | |
| SERVICED | | NO. 1 ENG | OK | [Redacted] | | TYPE OF INSPECTION | | DATE | | SIGNATURE | | AIRCRAFT HOURS | |
| ON BOARD | | NO. 2 ENG | - | | | | | | | | | | |

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| PERSONNEL STATUS CODES | | | | NEXT INSPECTION DUE | | | | NEXT INSPECTION DUE | | | | NEXT INSPECTION DUE | | | | NEXT INSPECTION DUE | | | |
| P=PILOT IN COMMAND | | D=DUAL RECEIVED | | C=COPILOT | | IP=INSTRUCTOR PILOT | | O=CREW MEMBER OTHER | | M=MAINTENANCE TECH. | | | | | | | | | |
| X=PASSENGER | | | | | | | | | | | | | | | | | | | |

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| CREW NAME (LAST & FIRST INITIAL) | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES | | INTERCEPTS | | TIME (Z) | LOCATION | MISSION CODE |
| | | | | | | | | | PA | NP | VI | DR | | | |
| [Redacted] | P | 0.2 | | | 1 | | | | | | | | | ELP | 26 |
| [Redacted] | M | 0.2 | | | | | | | | | | | | | |
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| | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LOGS | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS |
| TOTALS BEGINNING | 9605.1 | 7032.3 | 51.50 | / | 703.15 | 14323 | 76 | END 9605.2 | Ø | Ø |
| DAY | Ø.1 | Ø.1 | | / | | 1 | | START 9605.1 | | |
| TOTALS ENDING | 9605.2 | 7032.4 | 52.30 | / | 703.40 | 14324 | | TOTAL Ø.1 | | |

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED
75 8-18-20

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| CASE # _____ | | | | | | | | | | TARGET # _____ | | | | | | | | | | AOR # _____ | | | | | | | | | | INCIDENT REPORT: YES <input type="checkbox"/> OVERWATER MISSION: YES <input type="checkbox"/> | | | | | | | | | |
| DATE D D Y Y 1 8 20 | | | | AIRCRAFT REGISTRATION NUMBER NB548P | | | AIRCRAFT MODEL NUMBER AS350B3 | | | MAINT. BASE ELP | | OPS. BASE ELP | | RAFT S/N _____ | | | | SATCOM S/N _____ | | | | FLIGHT LOG NUMBER | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | VEST Qty _____ | | | | SRVL KIT S/N _____ | | | | YEAR 20 | | SEQ. NUMBER 144 | | | | | | | | | | | | | | | | | |
| FUEL SERVICED (GALS) | | | | | | | | | | OIL SERVICED (QTS) | | | | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP | | | | | INSPECTION COMPLETED | | | | | | | | | | | | | | | | | | | |
| SERVICED | | | | | NO. 1 ENG OK | | | | | [REDACTED] | | | | | TYPE OF INSPECTION | | DATE | | | SIGNATURE | | | AIRCRAFT HOURS | | | | | | | | | | | | | | | | |
| ON BOARD | | | | | NO. 2 ENG 876M | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PERSONNEL STATUS CODES P-PILOT IN COMMAND C-COPILOT O-CREW MEMBER OTHER X-PASSENGER | | | | | | | | | | D-DUAL RECEIVED IP-INSTRUCTOR PILOT M-MAINTENANCE TECH. | | | | | NEXT INSPECTION DUE TYPE A/C HOURS 100HRL 9628.0 | | | | NEXT INSPECTION DUE TYPE A/C HOURS 150HRL 9727.0 | | | | NEXT INSPECTION DUE TYPE A/C HOURS | | | | NEXT INSPECTION DUE TYPE A/C HOURS | | | | | | | | | | | | |
| CREW NAME (LAST & FIRST INITIAL) | | | | STAT CODE | FLIGHT HOURS | | NIGHT HOURS | NVG HOURS | LANDINGS D N G | | | HOLD Y / N | INSTRUMENT HOURS ACTUAL HOOD | | | APPROACHES PA NP | | INTERCEPTS VI DR NR | | | TIME (Z) | LOCATION | | MISSION CODE | | | | | | | | | | | | | | | |
| [REDACTED] | | | | P | 0.3 | | | | 1 | | | | | | | | | | | | | ELP | | | | | | | | | | | | | | | | | |
| [REDACTED] | | | | M | 0.3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED
75 8-19-20

| TARGET # _____ | | | AOR # _____ | | | INCIDENT REPORT: YES <input type="checkbox"/> OVERWATER MISSION: YES <input type="checkbox"/> | | | | | |
|----------------------------------------------|---|---|------------------------------|-----------------------|-------------|-----------------------------------------------------------------------------------------------|----------|----------------------|------------------------------|-------------|--|
| D | Y | Y | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | | |
| 9 | 2 | 0 | 854BP | A5350 | ECP | ECP | | | YEAR | | |
| FUEL SERVICED (GALS) | | | | | | | | SRVL KIT S/N | | SEQ. NUMBER | |
| OIL SERVICED (QTS) | | | | | | | | VEST Qty | | 20145 | |
| PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIPMENT | | | | | | | | INSPECTION COMPLETED | | | |
| SERVICED <input checked="" type="checkbox"/> | | | | | | | | TYPE OF INSPECTION | | | |
| ON BOARD <input checked="" type="checkbox"/> | | | | | | | | DATE | | | |
| PERSONNEL STATUS CODES | | | | | | | | SIGNATURE | | | |
| P=PILOT IN COMMAND | | | | | | | | AIRCRAFT HOURS | | | |
| C=COPILOT | | | | | | | | | | | |
| O=CREW MEMBER OTHER | | | | | | | | | | | |
| X=PASSENGER | | | | | | | | | | | |
| D=DUAL RECEIVED | | | | | | | | | | | |
| IP-INSTRUCTOR PILOT | | | | | | | | | | | |
| M=MAINTENANCE TECH | | | | | | | | | | | |
| NEXT INSPECTION DUE | | | NEXT INSPECTION DUE | | | NEXT INSPECTION DUE | | | NEXT INSPECTION DUE | | |
| TYPE | | | TYPE | | | TYPE | | | TYPE | | |
| A/C HOURS | | | A/C HOURS | | | A/C HOURS | | | A/C HOURS | | |
| 100HR | | | 9628.0 | | | 150HR | | | 9127.0 | | |
| NIGHT HOURS | | | NIGHT HOURS | | | NIGHT HOURS | | | NIGHT HOURS | | |
| 0.2 | | | 0.2 | | | | | | | | |
| M 0.2 | | | | | | | | | | | |
| LANDINGS D N G | | | LANDINGS D N G | | | LANDINGS D N G | | | LANDINGS D N G | | |
| 1 | | | | | | | | | | | |
| HOLD Y/N | | | HOLD Y/N | | | HOLD Y/N | | | HOLD Y/N | | |
| | | | | | | | | | | | |
| INSTRUMENT HOURS ACTUAL | | | INSTRUMENT HOURS HOOD | | | APPROACHES PA NP | | | INTERCEPTS VI DR NR | | |
| | | | | | | | | | | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| DEPART | | | DEPART | | | DEPART | | | DEPART | | |
| ARRIVE | | | ARRIVE | | | ARRIVE | | | ARRIVE | | |
| AIRCRAFT HOURS | | | ENGINE #1 HOURS | | | ENGINE #1 CYCLES | | | ENGINE #2 HOURS | | |
| 9605.4 | | | 7032.6 | | | 53-70 | | | 703-70 | | |
| ACCUMULATED TOTALS BEGINNING | | | ACCUMULATED TOTALS BEGINNING | | | ACCUMULATED TOTALS BEGINNING | | | ACCUMULATED TOTALS BEGINNING | | |
| TOTAL TIME TODAY | | | TOTAL TIME TODAY | | | TOTAL TIME TODAY | | | TOTAL TIME TODAY | | |
| 0.1 | | | 0.1 | | | | | | 1 | | |
| ACCUMULATED TOTALS ENDING | | | ACCUMULATED TOTALS ENDING | | | ACCUMULATED TOTALS ENDING | | | ACCUMULATED TOTALS ENDING | | |
| 9605.5 | | | 7032.7 | | | 54.20 | | | 783.95 | | |
| AIRCRAFT HOURS | | | ENGINE #1 HOURS | | | ENGINE #1 CYCLES | | | ENGINE #2 HOURS | | |
| 9605.5 | | | 7032.7 | | | 54.20 | | | 783.95 | | |
| TOTAL LDGS | | | TOTAL LDGS | | | TOTAL LDGS | | | TOTAL LDGS | | |
| 14325 | | | 14325 | | | 14325 | | | 14326 | | |
| APU STARTS | | | APU STARTS | | | APU STARTS | | | APU STARTS | | |
| 1 | | | 1 | | | 1 | | | 1 | | |
| AIRCRAFT HOBBS METER | | | AIRCRAFT HOBBS METER | | | AIRCRAFT HOBBS METER | | | AIRCRAFT HOBBS METER | | |
| END 9605.5 | | | END 9605.5 | | | END 9605.5 | | | END 9605.5 | | |
| START 9605.4 | | | START 9605.4 | | | START 9605.4 | | | START 9605.4 | | |
| TOTAL 0.1 | | | TOTAL 0.1 | | | TOTAL 0.1 | | | TOTAL 0.1 | | |

BPVP-051-1R5 7 Jun 12 COPY 1: MAINTENANCE

COPY 2: PILOT

NOTE: All shaded areas to be completed by pilots.

RC

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED
18 8-20-20

_____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| | | | | | | | | |
|---------|------------------------------|-----------------------|-------------|-----------|----------|--------------|-------------------|-------------|
| DATE | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | |
| D D Y Y | | | | | | | YEAR | SEQ. NUMBER |
| 2 0 2 0 | 8548P | AS350 | ECP | ECP | | | 20 | 146 |
| | | | | | VEST Qty | SRVL KIT S/N | | |

| | | | | | | | | |
|-------|----------------------|--------------------|-----------------------------------------|--|----------------------|------|-----------|----------------|
| MODES | FUEL SERVICED (GALS) | OIL SERVICED (QTS) | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | |
| | SERVICED | NO. 1 ENG | [REDACTED] | | TYPE OF INSPECTION | DATE | SIGNATURE | AIRCRAFT HOURS |
| | ON BOARD | NO. 2 ENG | | | | | | |

| | | | | | | | | | | | |
|------------------------|--|---------------------|--|---------------------|--|---------------------|--|---------------------|--|---------------------|--|
| PERSONNEL STATUS CODES | | | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
| P=PILOT IN COMMAND | | D=DUAL RECEIVED | | TYPE | | TYPE | | TYPE | | TYPE | |
| C=COPILOT | | IP-INSTRUCTOR PILOT | | A/C HOURS | | A/C HOURS | | A/C HOURS | | A/C HOURS | |
| O=CREW MEMBER OTHER | | M=MAINTENANCE TECH. | | 1001HL | | 1501AR | | | | | |
| X=PASSENGER | | | | 9628.0 | | 9727.0 | | | | | |

| CREW NAME (LAST & FIRST INITIAL) | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS | | HOLD Y / N | INSTRUMENT HOURS ACTUAL | APPROACHES | | INTERCEPTS | | TIME (Z) | LOCATION | MISSION CODE |
|-------------------------------------|-----------|--------------|-------------|-----------|----------|---|------------|-------------------------|------------|----|------------|----|----------|----------|--------------|
| | | | | | D | N | | | PA | NP | VI | DR | | | |
| [REDACTED] | P | 0.3 | | | | 1 | | | | | | | | ECP | |
| [REDACTED] | M | 0.3 | | | | | | | | | | | | | |
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| | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS |
|------------------------------|----------------|-----------------|------------------|-----------------|------------------|------------|------------|----------------------|-------------|------------|
| ACCUMULATED TOTALS BEGINNING | 9605.5 | 7032.7 | 5420 | / | 703.95 | 14326 | | END 9605.7 | 0 | 0 |
| TOTAL TIME TODAY | 0.2 | 0.2 | | | | 1 | | START 9605.5 | | |
| ACCUMULATED TOTALS ENDING | 9605.7 | 7032.9 | | | | 14327 | | TOTAL 9605.7 | | |

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED

JS 9-17-2010

Packed in Aug.

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| | | | | | | | | | |
|-------------------|--|---------------------------------|--------------------------|----------------|--------------|----------|--------------|-------------------|-------------|
| DATE M D D Y Y | | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | |
| 8 26 20 | | 854BP | AS350 | ELP | ELP | VEST Qty | SRVL KIT S/N | YEAR | SEQ. NUMBER |
| | | | | | | | | 20 | 147 |

| | | | | | | | |
|----------------------|--------------------|-----------------------------------------|-----------|----------------------|------|-----------|----------------|
| FUEL SERVICED (GALS) | OIL SERVICED (QTS) | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | |
| | | SERVICED | NO. 1 ENG | TYPE OF INSPECTION | DATE | SIGNATURE | AIRCRAFT HOURS |
| ON BOARD | NO. 2 ENG | | | | | | |

| | | | | | | | | | |
|------------------------|-----------------|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|
| PERSONNEL STATUS CODES | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
| P=PILOT IN COMMAND | D=DUAL RECEIVED | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS |

| | | | | | | | | | | | | |
|----------------------------------|-----------|--------------|-------------|-----------|----------------|------------|-------------------------|------------------|---------------------|----------|----------|--------------|
| CREW NAME (LAST & FIRST INITIAL) | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
| | | 0.3 | | | 1 | | | | | | ELP | |
| | | 0.3 | | | | | | | | | | |

*Added 550 8/24/20
802
117 OB*

| | | | | | | | | | | |
|--------------------------|----------------|-----------------|------------------|-----------------|------------------|------------|------------|----------------------|-------------|------------|
| RELATED TOTALS BEGINNING | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | KADAR HOBBS | FLIR HOBBS |
| | 9605.7 | 7032.9 | 862.10 | | 59.30 | 14327 | | END 9605.9 | 0 | 0 |
| RELATED TOTALS ENDING | 9605.9 | 7033.1 | 864.95 | | 60.20 | 14328 | | START 9605.7 | | |
| | | | | | | | | TOTAL 0.2 | | |

051-1R5 7 Jun 12 COPY 1: MAINTENANCE

COPY 2: PILOT

NOTE: All shaded areas to be completed by pilots.

tempo DECU installed cycles in correct.

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED

95 9.11.2020 Entered in Army.

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| | | | | | | | | |
|-----------|---------------------------------|--------------------------|----------------|--------------|----------------|------------------|-------------------|-------------|
| DATE | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N _____ | SATCOM S/N _____ | FLIGHT LOG NUMBER | |
| M D D Y Y | | | | | | | YEAR | SEQ. NUMBER |
| 8 27 20 | 854BP | AS350 | ELP | ELP | | | 20 | 148 |

| | | | | | | | | |
|----------|----------------------|--------------------|-----------------------------------------|--|----------------------|------|-----------|----------------|
| DN CODES | FUEL SERVICED (GALS) | OIL SERVICED (QTS) | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | |
| | SERVICED | NO. 1 ENG | | | TYPE OF INSPECTION | DATE | SIGNATURE | AIRCRAFT HOURS |
| | ON BOARD | NO. 2 ENG | | | | | | |

| | | | | | | | | | | | |
|-----------------------------------------------------------------------|--|--------------------------------------------------------------|--|---------------------|-----------|---------------------|-----------|---------------------|-----------|---------------------|-----------|
| PERSONNEL STATUS CODES | | | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
| P=PILOT IN COMMAND C=COPILOT O=CREW MEMBER OTHER X=PASSENGER | | D=DUAL RECEIVED IP=INSTRUCTOR PILOT M=MAINTENANCE TECH | | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS |
| | | | | 100% | 9628.0 | 150% | 4777.0 | | | | |

| CREW NAME (LAST & FIRST INITIAL) | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
|-------------------------------------|-----------|--------------|-------------|-----------|-------------------|-------------|----------------------------|------|---------------------|------------------------|-------------|----------|--------------|
| | | 0.3 | | | 1 | | | | | | | ELP | |
| | | 0.3 | | | | | | | | | | | |
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| AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS |
|--------------------------|-----------------|------------------|-----------------|------------------|------------|------------|----------------------|-------------|------------|
| RELATED TOTALS BEGINNING | 9605.9 | 7033.1 | 864.95 | | 60-20 | 14328 | END 9606.1 | Ø | Ø |
| TIME TODAY | Ø.2 | Ø.2 | | | | | START 9605.9 | | |
| RELATED TOTALS ENDING | 9606.1 | 7033.3 | 865.80 | | 60.50 | 14328 | TOTAL 0.2 | | |

051-1R5 7 Jun 12 COPY 1: M... COPY 2: PILOT

NOTE: All shaded areas to be completed by pilots.

9606.1 7033.3 8298.4

tempo DECU installed CVCS incorrect

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED

95 9-11-2013

Entered in Aug.

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

DATE: M D D Y Y
8 2 7 2 0

AIRCRAFT REGISTRATION NUMBER: N85460
AIRCRAFT MODEL NUMBER: A330B3
MAINT. BASE: ELP
OPS. BASE: ELP

RAFT S/N _____ SATCOM S/N _____
VEST Qty _____ SRVL KIT S/N _____

FLIGHT LOG NUMBER
YEAR: 20 | SEQ. NUMBER: 149

FUEL SERVICED (GALS) _____ OIL SERVICED (QTS) _____ PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP _____

ON BOARD: SERVICED NO. 1 ENG: OK
ON BOARD: SERVICED NO. 2 ENG: OK

INSPECTION COMPLETED

| TYPE OF INSPECTION | DATE | SIGNATURE | AIRCRAFT HOURS |
|--------------------|------|-----------|----------------|
| | | | |
| | | | |

PERSONNEL STATUS CODES

| TYPE | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
|-------|---------------------|-------|---------------------|------|---------------------|------|---------------------|--|
| | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | TYPE | A/C HOURS | |
| 100HR | 9628.0 | 150HR | 9737.0 | | | | | |

| CREW NAME | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
|------------|------------|--------------|-------------|-----------|----------------|------------|-------------------------|------------------|---------------------|----------|----------|--------------|
| | | | | | | | | | | | | |
| [REDACTED] | [REDACTED] | 6.2 | | | 1 | | | | | | ELP | |
| | | 0.2 | | | | | | | | | | |
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| | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS |
|-----------------------|----------------|-----------------|------------------|-----------------|------------------|------------|------------|----------------------|-------------|------------|
| ATED TOTALS BEGINNING | 9606.1 | 8298.4 | | | | 14328 | | END 9606.2 | 7 | 0 |
| RE TODAY | 0.1 | 0.1 | | | | 1 | | START 9606.1 | | |
| ATED TOTALS ENDING | 9606.2 | 8298.5 | 866.50 | | 60.75 | 14329 | | TOTAL 0.1 | | |

ENTER

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

FLIGHT SUMMARY

(Date, Signature, Date, A/C Hours)

ENTERED

9-11-2010

Entered in Aug.

FLIGHT RECORD/AIRCRAFT FLIGHT LOG

CASE # TARGET # AOR # INCIDENT REPORT: YES OVERWATER MISSION: YES

| DATE M D D Y Y | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | |
|-------------------|---------------------------------|--------------------------|----------------|--------------|----------|--------------|-------------------|------------|
| 8 2 7 2 0 | N85480 | A33003 | ELP | ELP | VEST Qty | SRVL KIT S/N | YEAR | SEQ NUMBER |
| | | | | | | | 20 | 149 |

| FUEL SERVICED (GALS) | OIL SERVICED (QT) | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | INSPECTION COMPLETED | | | |
|----------------------------------------------|-----------------------------------------------|-----------------------------------------|----------------------|------|-----------|----------------|
| SERVICED <input checked="" type="checkbox"/> | NO. 1 ENG <input checked="" type="checkbox"/> | OK | TYPE OF INSPECTION | DATE | SIGNATURE | AIRCRAFT HOURS |
| ON BOARD <input checked="" type="checkbox"/> | NO. 2 ENG <input checked="" type="checkbox"/> | | | | | |

| PERSONNEL STATUS CODES | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | |
|------------------------|--------------------|---------------------|----------|---------------------|----------|---------------------|----------|---------------------|----------|
| P-PILOT IN COMMAND | D-EQUAL RECEIVED | TYPE | AC HOURS | TYPE | AC HOURS | TYPE | AC HOURS | TYPE | AC HOURS |
| C-PILOT | I-PILOT | 100H | 9628.0 | 150H | 9737.0 | | | | |
| O-CREW MEMBER | M-MAINTENANCE TECH | | | | | | | | |
| X-PASSENGER | | | | | | | | | |

| FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y N | INSTRUMENT HOURS ACTUAL | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
|--------------|-------------|-----------|----------------|----------|-------------------------|------------------|---------------------|----------|----------|--------------|
| | | | | | | | | | | |
| [REDACTED] | 0.2 | | 1 | | | | | | ELP | |
| | 0.2 | | | | | | | | | |
| | DEPART | | | | | | | | | |
| | ARRIVE | | | | | | | | | |
| | DEPART | | | | | | | | | |
| | ARRIVE | | | | | | | | | |
| | DEPART | | | | | | | | | |
| | ARRIVE | | | | | | | | | |
| | DEPART | | | | | | | | | |
| | ARRIVE | | | | | | | | | |

| RELATED TOTALS BEGINNING | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS | APU STARTS | AIRCRAFT HOURS METER | RADAR HOURS | FLTR HOURS |
|--------------------------|----------------|-----------------|------------------|-----------------|------------------|------------|------------|----------------------|-------------|------------|
| | 9606.1 | 8298.4 | | | | 14329 | END | 9606.2 | 0 | 0 |
| TIME TODAY | 0.1 | 0.1 | | | | 1 | START | 9606.1 | | |
| RELATED TOTALS ENDING | 9606.2 | 8298.5 | 866.50 | | 60.75 | 14329 | TOTAL | 0.1 | | |

P-201-1RS 7 Jun 12 COPY 1: MAINTENANCE COPY 2: PILOT NOTE: All shaded areas to be completed by pilots.



FLIGHT RECORD/AIRCRAFT FLIGHT LOG

ENTERED

9-11-2020 Entered in Aug.

CASE # _____ TARGET # _____ AOR # _____ INCIDENT REPORT: YES OVERWATER MISSION: YES

| DATE | | | | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | | | | | | |
|----------------------------------|---|---|---|------------------------------|-----------------------|-----------------------------------------|---------------------|----------------------|---------------------|-------------------------|----------------------|------------------|---------------------|------------|----------|--------------|
| M | M | D | D | Y | Y | | | | | YEAR | SEQ. NUMBER | | | | | |
| 0 | 8 | 3 | 1 | 2 | 0 | 854BP | A5350 | ELP | ELP | 20 | 51 | | | | | |
| FUEL SERVICED (GALS) | | | | OIL SERVICED (QTS) | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | | | | | | |
| MISSION CODES | | | | SERVICED | NO. 1 ENG | TYPE OF INSPECTION | | DATE | SIGNATURE | AIRCRAFT HOURS | | | | | | |
| ON BOARD | | | | NO. 2 ENG | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | | | | | | |
| PERSONNEL STATUS CODES | | | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | | | | | |
| CREW NAME (LAST & FIRST INITIAL) | | | | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y / N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
| [REDACTED] | | | | | 0.8 | | | 2 | | | | | | | | |
| ACCUMULATED TOTALS BEGINNING | | | | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS. | APU STARTS | AIRCRAFT HOBBS METER | | RADAR HOBBS | FLIR HOBBS | | |
| TOTAL TIME TODAY | | | | 0.7 | 0.7 | | | 61.95 | 14333 | | END | 9608.2 | 0 | 0 | | |
| ACCUMULATED TOTALS ENDING | | | | 9608.2 | 8299.5 | 872.15 | | 62.55 | 14334 | 2 | START | 9607.5 | | | | |
| | | | | | | | | | | | TOTAL | 0.7 | | | | |

14335

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Exhibit 8

NOTIFICATION OF PERSONNEL ACTION

| | | | |
|---------------------------------------------|-----------------------------------------|--------------------------------|---------------------------------|
| 1. Name (Last, First, Middle) [REDACTED] | 2. Social Security Number [REDACTED] | 3. Date of Birth [REDACTED] | 4. Effective Date 02/27/2021 |
|---------------------------------------------|-----------------------------------------|--------------------------------|---------------------------------|

| FIRST ACTION | | SECOND ACTION | |
|------------------|------------------------------------------------|---------------|-----------------------|
| 5-A. Code 301 | 5-B. Nature of Action RETIREMENT DISABILITY | 6-A. Code | 6-B. Nature of Action |
| 5-C. Code USM | 5-D. Legal Authority P L 99 335 | 6-C. Code | 6-D. Legal Authority |
| 5-E. Code | 5-F. Legal Authority | 6-E. Code | 6-F. Legal Authority |

| | |
|--------------------------------------------------------------------------------|-----------------------------------|
| 7. FROM: Position Title and Number CBP AIR INTERDCTN AGT 22034604 S1596A | 15. TO: Position Title and Number |
|--------------------------------------------------------------------------------|-----------------------------------|

| | | | | | | | | | | | |
|-----------------------------|---------------------------------|-----------------------------------|------------------------|--------------------------------|---------------------------|---------------------|-----------------------|--------------------|------------------|------------------------|---------------|
| 8. Pay Plan GS | 9. Occ. Code 1881 | 10. Grade or Level 13 | 11. Step or Rate 05 | 12. Total Salary 121,586.00 | 13. Pay Basis PA | 16. Pay Plan | 17. Occ. Code | 18. Grade or Level | 19. Step or Rate | 20. Total Salary/Award | 21. Pay Basis |
| 12A. Basic Pay 90,064.00 | 12B. Locality Adj. 31,522.00 | 12C. Adj. Basic Pay 121,586.00 | 12D. Other Pay .00 | 20A. Basic Pay | 20B. Locality Adj. .00 | 20C. Adj. Basic Pay | 20D. Other Pay .00 | | | | |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 14. Name and Location of Position's Organization U.S. CUSTOMS AND BORDER PROTECTION AIR AND MARINE OPERATIONS OPERATIONS DIR - HQS SOUTHWEST REGION EL PASO AIR BR DEMING AIR UNIT | 22. Name and Location of Position's Organization 5A HS CU3804000704010000 PP 15 2021 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|

EMPLOYEE DATA

| | | | | | | | | |
|------------------------------|-------------------------------------|-----------------------------------------------------|----------------------------------------------------|------------------------------|---------------------------|-----------------------------------|---------------------------------------------|---------------------------------------------|
| 23. Veterans Preference 2 | 1 - None 2 - 5-Point | 3 - 10-Point/Disability 4 - 10-Point/Compensable | 5 - 10-Point/Other 6 - 10-Point/Compensable/30% | 24. Tenure 1 | 0 - None 1 - Permanent | 2 - Conditional 3 - Indefinite | 25. Agency Use | 26. Veterans Preference for RIF X YES NO |
| 27. FEGLI N2 | BASIC-STANDARD-2X ADDITIONAL-2X FAM | | | 28. Annuitant Indicator 9 | NOT APPLICABLE | | 29. Pay Rate Determinant 6 | SPECIAL RATE |
| 30. Retirement Plan MR | FERS (RAE) SPECIAL | | 31. Service Comp. Date (Leave) 03/05/2009 | 32. Work Schedule F | FULL TIME | | 33. Part-Time Hours Per Biweekly Pay Period | |

POSITION DATA

| | | | | | | |
|--------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------|------------------------|-----------------------------|------------------------|------------------------------------|
| 34. Position Occupied 1 | 1 - Competitive Service 2 - Excepted Service | 3 - SES General 4 - SES Career Reserved | 35. FLSA Category E | E - Exempt N - Nonexempt | 36. Appropriation Code | 37. Bargaining Unit Status 8888 |
| 38. Duty Station Code 35-0230-029 | 39. Duty Station (City - County - State or Overseas Location) DEMING LUNA NM | | | | | |
| 40. Agency Data | 41. | 42. | 43. | 44. | | |

45. Remarks
 FORWARDING ADDRESS= [REDACTED]
 " " :
 LUMP-SUM PAYMENT TO BE MADE FOR ANY UNUSED ANNUAL LEAVE.
 TRANSFER FEHB ENROLLMENT TO OPM.
 BASIC LIFE INSURANCE: ELECTED 75% REDUCTION.

| | | | | | |
|---------------------------------------------------------|---------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------|--|--|
| 46. Employing Department or Agency HOMELAND SECURITY | | | 50. Signature/Authentication and Title of Approving Official ELECTRONICALLY SIGNED BY: [REDACTED] DIRECTOR, PSC | | |
| 47. Agency Code HSBD | 48. Personnel Office ID 2885 | 49. Approval Date 07/27/2021 | | | |

Supplemental Report

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Exhibit 9



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|-------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of AIA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge (RAC) [REDACTED] and Special Agent (SA) [REDACTED], U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Air Interdiction Agent (AIA) [REDACTED] Bellingham, WA, Air Branch (Exhibit 8). The interview took place via Microsoft Teams and AIA [REDACTED] was physically located in Bellingham, WA.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-r20lk-ksjwq-wbcc0-t1ru9-nxwh3.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

AIA [REDACTED] stated that he started his career as a pilot with CBP in 2017 and that he started in Laredo, TX. AIA [REDACTED] explained that he transferred to the Deming Air Unit (DAU) in 2019 and remained there until 2023, when he then transferred to Bellingham, WA. AIA [REDACTED] stated that prior to joining CBP, he had been a commercial airline pilot since 2007 and that he has been a pilot for approximately 17 years.

AIA [REDACTED] explained the process that pilots will go through to determine whether to launch or not launch an aircraft and stated that, generally speaking, they (pilots) would know ahead of time which pilot would be responsible for a launch based on shift hours and availability. AIA [REDACTED] stated that if a pilot had already been on shift for a while, then that pilot would pass off an operation to another pilot due to "crew rest" reasons.

I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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AIA [REDACTED] explained that every pilot has to go through a “risk management” process where the pilot would fill out a form that addresses questions about the weather, crew combination, crew experience, the nature of the mission, and the condition of the aircraft. AIA [REDACTED] stated that all of that information is then discussed between the pilot in command (PIC) and the CDO to come up with a “go, or no go” decision to launch the aircraft. AIA [REDACTED] added that a lot of the time, the CDO would already have the same information that the pilot would have before their discussion.

AIA [REDACTED] stated that the PIC makes the ultimate decision whether to launch an aircraft or not but added that the PIC would usually make the more “conservative” decision. AIA [REDACTED] explained that he has never been in a situation where the CDO said, “No” to a launch and the PIC said, “Yes.” AIA [REDACTED] stated that if the PIC, a crew member, or the CDO did not like any of the given circumstances surrounding a launch decision, then they would take the “more conservative route” and not launch. AIA [REDACTED] explained that the DAU did not have their own CDO and that they relied on the CDO from the EPAU to make decisions. AIA [REDACTED] stated that the CDO physically being at the DAU was “challenging” because sometimes the CDO at the EPAU did not “have the pulse” on what the conditions were at the DAU.

RAC [REDACTED] then asked AIA [REDACTED] if the weather played a role in every decision that is made to either launch or not launch an aircraft and he (AIA [REDACTED]) responded, “100 percent. Absolutely.” AIA [REDACTED] added that multiple factors are all considered before a decision to launch or not launch is made.

AIA [REDACTED] stated that he has never flown an aircraft that was determined to be “unairworthy” and added, “I’m not going to risk myself or my crew or the people on the ground if the aircraft, I don’t think, is fit to fly.” RAC [REDACTED] then asked AIA [REDACTED] if anyone has ever forced him to fly an aircraft that he (AIA [REDACTED]) determined was unairworthy and he responded, “Forced? No.”

RAC [REDACTED] showed AIA [REDACTED] a copy of a Deming Air Unit Daily Operations Report (Attachment 2) dated August 4, 2020, and AIA [REDACTED] stated that these daily operations reports were specific to the DAU. AIA [REDACTED] explained that each branch of AMO typically had their own “local way” of recording missions and added that outside of TOMIS, there is no standard way to document flights, so the daily reports were the DAU’s way of documenting missions.

RAC [REDACTED] noted that this report listed him (AIA [REDACTED]) as the “Flight Crew” for a maintenance relocation of an aircraft from the DAU to the EPAU and asked him (AIA [REDACTED]) if he recalled this specific flight. AIA [REDACTED] stated that relocations of aircraft for maintenance occurred “fairly often,” so he does not recall the reason for this specific relocation mission.

RAC [REDACTED] showed AIA [REDACTED] a document (Attachment 3) that was provided by Mr. [REDACTED] that alleged, “Director [REDACTED] ordered the employee (AIA [REDACTED]) to relocate the aircraft” that was deemed unairworthy and asked AIA [REDACTED] if DAO [REDACTED] ordered him



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(AIA [REDACTED]) to fly that aircraft. AIA [REDACTED] responded, "I do remember it being contentious, um, if we should fly it or not" and then recalled that this specific aircraft was having issues passing the "power assurance checks" which determine if the engine is producing the amount of power that it is "certified" for. AIA [REDACTED] stated that when an aircraft is deemed unairworthy, that means that the aircraft would be flown "outside of the manual."

AIA [REDACTED] explained that in the "civilian world," the Federal Aviation Administration (FAA) would have to issue a "special permit" in order for that civilian company to fly the aircraft. AIA [REDACTED] stated that because AMO is a government agency, the FAA allows the agency to make those decisions on their own instead of having to contact the FAA. AIA [REDACTED] stated that he does not believe that AMO contacted the FAA for this specific flight and added, "When you do one of those flights, it's not done in the dark." AIA [REDACTED] further explained that there would be a discussion between the PIC, management, the aircraft crew, the director, and even with the engine manufacturing company to determine if the flight is a "go" or not.

RAC [REDACTED] asked AIA [REDACTED] if he was ever forced to fly an unairworthy aircraft, as alleged by Mr. [REDACTED] and he (AIA [REDACTED]) responded, "No, I haven't been forced." AIA [REDACTED] added that sometimes in situations like this, there can be "persuasions" from management though (Timestamp 17:45). AIA [REDACTED] explained that for this specific relocation flight, he only had to fly the aircraft from the DAU to the EPAU, so he did not need the "full power" of the engine (Timestamp 18:50).

AIA [REDACTED] stated that, based on the information he had, he felt safe flying this aircraft but added that he remembered being not "too happy" that AMO did not go through the FAA to obtain a "special permit" for this flight. AIA [REDACTED] stated that he thought it would have been a good idea to get the FAA's approval to fly this mission because they (the FAA) are the ultimate authority on aviation. AIA [REDACTED] added, "Safety wise, I felt like we ticked all the boxes" for this flight.

RAC [REDACTED] informed AIA [REDACTED] that Mr. [REDACTED] alleged that DAO [REDACTED] had a history of threatening employees with adverse action if they didn't fly when they voiced concerns about aircraft airworthiness issues. RAC [REDACTED] asked AIA [REDACTED] if DAO [REDACTED] ever threatened him (AIA [REDACTED]) with adverse action if he did not follow his (DAO [REDACTED]) directions and AIA [REDACTED] responded, "I haven't been threatened directly, no, but you definitely are persuaded." AIA [REDACTED] added that he sometimes felt "pressured."

RAC [REDACTED] then explained to AIA [REDACTED] that after he (AIA [REDACTED]) flew this aircraft from the DAU to the EPAU for engine maintenance issues, the DAU was without an aircraft for approximately 15 days. RAC [REDACTED] then explained that Mr. [REDACTED] alleged that DAO [REDACTED] was upset that the DAU made the maintenance write up on this aircraft and made the following comment on a phone call that AIA [REDACTED] was alleged to have been on, "Since Deming doesn't want to fly, he (DAO [REDACTED]) would not send another aircraft." RAC [REDACTED] asked AIA [REDACTED] if he heard DAO [REDACTED] make that comment, or something similar to that affect, and AIA [REDACTED] responded, "As far as that exact quote, I can't say for sure," but added that it was not uncommon for the DAU to be "down" an aircraft due to maintenance issues.



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RAC [REDACTED] asked AIA [REDACTED] if he (AIA [REDACTED]) heard or saw anything that would lead him to believe that DAO [REDACTED] was punishing the DAU by not giving them a replacement aircraft and he (AIA [REDACTED]) responded, "I don't know about punishing, but there was definitely a feeling of resentment" (Timestamp 26:05).

RAC [REDACTED] showed AIA [REDACTED] an email (Attachment 3) that he (AIA [REDACTED]) wrote to Mr. [REDACTED] dated October 7, 2020, in which AIA [REDACTED] explained the weather restrictions that occurred on June 11, 2020. AIA [REDACTED] stated that Mr. [REDACTED] asked him to write up some "clarity" on aircraft limitations and to summarize the limits of a helicopter as it related to weather, so he "dug into" the details and provided this email explanation to Mr. [REDACTED].

AIA [REDACTED] stated that he was not on shift on the evening of June 11, 2020, but to the best of his recollection, he believed the decision to fly an aircraft out of the EPAU instead of the DAU was made because the EPAU already had a crew and an aircraft available, whereas the DAU would have had to "wake up" another crew to come in to the DAU. AIA [REDACTED] stated that for the CDO, using the EPAU instead of the DAU was "probably the easier thing to do." AIA [REDACTED] opined that looking back, it might have been better to try to call the DAU and "assemble a crew" to have them (the DAU) launch (Timestamp 29:15).

RAC [REDACTED] showed AIA [REDACTED] multiple Deming Air Unit Daily Operations Reports (Attachment 4) that listed the reason not to launch as, "No launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]." AIA [REDACTED] stated that he did not know who the author of those notes was but explained that usually whoever was not flying on that mission would stay back and complete those reports. AIA [REDACTED] stated that the author of those notes could have been anyone on shift at that time.

RAC [REDACTED] then showed AIA [REDACTED] a copy of the TOMIS records (Attachment 5) that corresponded with the mission numbers listed on the Deming Air Unit Daily Operations Reports and directed AIA [REDACTED] to the section on the TOMIS report listed as, "justification" for the launch being denied. RAC [REDACTED] asked AIA [REDACTED] what the justification of, "No Flight Hours" meant and he (AIA [REDACTED]) responded that the DAU was only "budgeted" a certain amount of flight hours per fiscal year, so if the DAU was short on those hours, management would use their discretion as to when the DAU would launch an aircraft or not (Timestamp 33:50).

RAC [REDACTED] asked AIA [REDACTED] if he had been denied launches during his career in Laredo, TX, and in Bellingham, WA, due to "No flight hours" and he (AIA [REDACTED]) responded, "Yeah, that wasn't uncommon" (Timestamp 38:20). AIA [REDACTED] then opined that he felt the denials to launch while he was at the DAU were unique because he (AIA [REDACTED]) thought that those particular missions at the DAU were emergencies.

AIA [REDACTED] stated that in order to get authorization to launch, the PIC would call the CDO to get approval but added that the Clearance Authority (CA) is also allowed to dispatch a flight, so the



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PIC could have a discussion with the CA and launch an aircraft per AMO policy. AIA [REDACTED] stated that in reference to the incidents presented in the Deming Air Unit Daily Operations Reports, "We could have launched locally," but due to the "No flight hours" reasons listed in TOMIS, the DAU had to call the CDO for approval. AIA [REDACTED] stated that decisions to launch or not launch are pretty "transparent," so in his opinion, whoever authored the notes, "No launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED], per DAO [REDACTED]" would not have "assumed" that information and that it was probably passed down by the CDO (Timestamp: 45:50).

AIA [REDACTED] added that typically, the CDO would not contact the DAO for every mission and explained that the purpose of having a CDO was to allow operations to function without the director having to get involved with every decision.

RAC [REDACTED] asked AIA [REDACTED] if he heard or saw anything that would make him believe that the DAU was being minimized or punished by DAO [REDACTED] and he (AIA [REDACTED]) recalled an incident when DAO [REDACTED] came to the DAU and had a meeting with Mr. [REDACTED] that he (AIA [REDACTED]) believed was "unprofessional." AIA [REDACTED] stated that he does not remember the details of this meeting but opined that DAO [REDACTED] "lost his composure" during this meeting and described it as again as "unprofessional" (Timestamp 49:10).

AIA [REDACTED] then provided another example where Mr. [REDACTED] was trying to be "certified" to fly an A-Star helicopter, but during his (Mr. [REDACTED]) "check ride," the instructor (AIA [REDACTED] could not recall the instructor's name) chose a scenario that involved a simulated engine failure and that Mr. [REDACTED] did not pass that "check ride." AIA [REDACTED] opined that by selecting that specific scenario (engine failure) he believed that Mr. [REDACTED] seemed to be "set up" to fail. AIA [REDACTED] stated that he (AIA [REDACTED] is also an instructor pilot and explained that he would not have chosen that scenario for a "check ride."

AIA [REDACTED] stated that there was also some concern about Mr. [REDACTED]'s size and explained that he (Mr. [REDACTED]) was a "pretty large guy." AIA [REDACTED] relayed that he had a discussion with DAO [REDACTED] to try to "objectively" determine if it was safe for Mr. [REDACTED] to fly an A-Star helicopter, but DAO [REDACTED] ultimately decided that Mr. [REDACTED] was "too big" and that it wasn't safe for him to fly. AIA [REDACTED] stated that he felt this decision by DAO [REDACTED] was not objective and added that it "seemed personal" to him (AIA [REDACTED]).

AIA [REDACTED] stated that in the four years that he was assigned to the DAU, he was able to launch frequently and added, "I've got a lot of good experiences in my time there and a lot of them revolved around those call outs." AIA [REDACTED] explained that, "As a whole, the percentage is going to be really high for launching us to not launching" and added that the decisions to not launch usually occurred towards the end of the fiscal year when they would be low on "flight hours."

| ATTACHMENTS | DESCRIPTION |
|-------------|-------------|
|-------------|-------------|



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| | |
|---|---------------------------------------------|
| 1 | STARWITNESS Audio Video recording |
| 2 | Daily Operation Report dated August 4, 2020 |
| 3 | Document provided by Mr. [REDACTED] |
| 4 | Email authored by AIA [REDACTED] |
| 5 | Daily Operations Reports |
| 6 | TOMIS records |

Supplemental Report

DI-20-001009

Exhibit 9

Attachment 1



DEMING AIR UNIT
DAILY OPERATIONS REPORT
August 4th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED]

Mission: MDMN202000337

Tail Number: N854BP

Launch Time: 1146

Land Time: 1239

Flight Hours: 0.9

Flight Hours Aircraft: 0.8

Results: MX relocation to KELP

PASSDOWN:

SAFETY:

AS350-STATUS:

N854BP

100 HR 233

150 HR 1223

FARP STATUS:

Garza: 1810 07/21/2020

Ramsey: 480 06/11/2020

Playas: 600 04/21/2020

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Exhibit 9

Attachment 2

14 CFR § 91.7 - Civil aircraft airworthiness.

[CFR](#)

[prev](#) | [next](#)

§ 91.7 Civil aircraft airworthiness.

(a) No [person](#) may operate a [civil aircraft](#) unless it is in an airworthy condition.

(b) The [pilot in command](#) of a [civil aircraft](#) is responsible for determining whether that [aircraft](#) is in condition for safe flight. The [pilot in command](#) shall discontinue the flight when [unairworthy mechanical](#), electrical, or structural conditions occur.

854BP was not airworthy and should have not been relocated without a Special Flight Permit issued by the FAA. The aircraft was not producing the power it should have and no one knew why. Director ██████████ ordered the employee to relocate the aircraft. ██████████ had a history of threatening employees with adverse action if they didn't fly when they voiced concerns about aircraft airworthiness issues.

Supplemental Report

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Exhibit 9

Attachment 3



Wed 10/7/2020 12:29 PM

Winds and weather

To

AS-350 wind demonstrations.

The AS-350 B3 (A-Star) helicopter does not have any published wind or turbulence limitations in the flight manual. The only mention of any wind information is a "Substantiated Wind Envelope" (Section 5, 2). These are conditions in which the manufacture has demonstrated operation. The manual states a starting stopping substantiation of "40 kts from any direction and for 50-kt headwinds". It also includes "wind envelope in hover" (Section 5, 2.2), "Hovering with wind from any direction has been substantiated over the entire flight envelope up to winds of 17kts, **although this is not to be taken as a limit.** For example hover at sea level at maximum weight, for all c.g. locations, has been substantiated at 30kts." The Aviation Operations Handbook does not list any wind limitations.

Wind limitations are typically a personal judgement call for each individual pilot and crewmember. The FAA, Air and Marine Operations (AMO), and aircraft manufacturer (Airbus Helicopters/Eurocopter) do not list published wind limitations. The maximum wind or turbulence a pilot will fly in is based from their past and recent experience in similar weather conditions, terrain, missions and more specifically to their experience in the individual aircraft they are operating. It is very common for AMO pilots to fly in sustained winds in the 20kts and gusting in the 30kts. With more limited or exigent circumstances gusting into the 40kts. At the National Training Center (NATC) in Oklahoma City, OK, where pilots receive their initial training and many annual recurrent training, it is typical to have winds between 20-30kts for normal operations. Spring weather conditions in south west New Mexico commonly bring weeks at a time with winds sustaining 20+kts and gusting into the 30's. Pilots of the Deming Air Unit are accustom to those conditions.

The evening of June 11, 2020, thunderstorms were moving through southwest New Mexico and West Texas bringing high winds, lightning, and heavy rain. The storms began to quickly dissipate once the sunset (20:18 local). By 22:53 local, Deming Airport (KDMN) was reporting winds of 060 at 9kts with lightning distant to the southeast, towards El Paso. Winds at the airport remained below 13kts and gusts below 20kts with no rain or thunderstorms in the area or to the West/Southwest. Given the observed conditions at KDMN and radar data, any Deming Air Unit pilot would be comfortable to launch for a mission given the conditions. In contrast, the current conditions at El Paso International Airport (KELP) at 22:51 local were reporting winds 030 at 22kts, gusting 33kts, light rain and blowing dust in all quadrants. The radar depicted thunderstorms to the west and north moving east with a clear corridor along the US/Mexico border. In my experience, most pilots would not launch on a typical mission in those conditions but given an exigent circumstance, especially with a life on the line, would be willing to attempt the mission.

Air Interdiction Agent
Deming Air Unit

Supplemental Report

DI-20-001009

Exhibit 9

Attachment 4



DEMING AIR UNIT
DAILY OPERATIONS REPORT
July 14th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000307

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000308

Tail Number: N847BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Request to launch on search and rescue of alien in distress denied by CDO [REDACTED] per DAO [REDACTED]

PASSDOWN:

SAFETY:

AS350-STATUS:

N847BP

100 HR 27.1



DEMING AIR UNIT
DAILY OPERATIONS REPORT
July 15th, 2020

Shift: 0500-1300

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-07 STBY - EMERGENCY ONLY

Mission: MDMN202000309

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch. Denied launch clearance by CDO [REDACTED] Per DAO [REDACTED]

Shift: 0700-1500

Agents: [REDACTED]

CDO: [REDACTED]

CA: [REDACTED]

Flight Crew: [REDACTED] BP-10 STBY - EMERGENCY ONLY

Mission: MDMN202000310

Tail Number: NS47BP

Launch Time:

Land Time:

Flight Hours:

Flight Hours Aircraft:

Results: No Launch.

PASSDOWN:

SAFETY:

AS350-STATUS

NS47BP
100 HR 271
150 HR 271

Supplemental Report

DI-20-001009

Exhibit 9

Attachment 5

MDMN202000307

Operation MDMN202000307 - Approved

Ops Calendar

Planning / (No Launch)

ASR Information ADD ASR

Passenger Information New HSM Holdings Agreement ADD PASSENGER

Crew Information ADD CREW

| Edit | Delete | Name* | Role* | Pending Designation |
|------|--------|------------|------------------------|--------------------------|
| | | [REDACTED] | PILOT IN COMMAND (PIC) | <input type="checkbox"/> |
| | | [REDACTED] | CREWMEMBER | <input type="checkbox"/> |

Launch/No Launch

LAUNCH NO RESOURCES AVAILABLE

Risk Assessment LINK RISK ASSESSMENT CREATE RISK ASSESSMENT

Delete Risk Assessment Risk Assessment User Form ID

Coordinated Operation With

YES

NO

No Launch Reasons ADD NO LAUNCH REASON

| Edit | Delete | Primary* | Category* | Sub Category | Justification* |
|------|--------|--------------------------|-----------|--------------|----------------|
| | | <input type="checkbox"/> | | SKAM 14 | NO FLIGHT HOUR |

MDMN202000307

Planning / (No Launch)

Planning

Operation Details

Branch Unit* Standby Flight
LDBL ZMLV MDT (-6)
BP 07 STBY EMERGENCY ONLY / CDC [REDACTED] CA [REDACTED]
KDMN, Deming, NM, USA
07/14/2020 0700
KDMN, Deming, NM, USA
Date (Local) 0800

Mission Details

ENFORCEMENT RECONNAISSANCE SURVEILLANCE TARGET LAND
DMN | LOB BP SUPPORT
AS350/H-125 AIR 347BP (ELP)
Capabilities
 EMT HRST HCIST HSL ACR ADF

MDMN202000309

Operation MDMN202000309 - Approved

Ops Calendar

Planning / (No Launch)

Planning

Operation Details

Branch/Unit: [Redacted] Standby Flight

MODE: [Redacted] MDT (-6)

BP-07 STRY - EMERGENCY ONLY | CGO [Redacted] CA [Redacted]

KDMN, Deming, NM, USA

07/15/2020 0700

KDMN, Deming, NM, USA

0800

Mission Details

ENFORCEMENT - RECONNAISSANCE SURVEILLANCE TARGET - LAND

DMN | LUB BP SUPPORT

ASISB, H, L25 - AIR - 447BP, ECP1

Capabilities

EMT HRST HOIST HSI ACR ADF

ASR Information ADD ASR

Passenger Information New MDR (Aircrew) Agreement ADD PASSENGER

MDMN202000309

Operation MDMN202000309 - Approved

Ops Calendar

Planning / (No Launch)

Passenger Information [New Hold Harmless Agreement](#) [ADD PASSENGER](#)

Crew Information [ADD CREW](#)

| Roll | Delete | Name | Role | Pending | Disruption |
|------|--------|------------|--------------------------------|---------|------------|
| | | [REDACTED] | PILOT IN COMMAND (PIC) | | |
| | | [REDACTED] | SUPPLEMENTAL CREW MEMBER (SAM) | | |

Launch/No Launch

LAUNCH [NO LAUNCH](#) [NO RESOURCES AVAILABLE](#)

Risk Assessment [LINK RISK ASSESSMENT](#) [CREATE RISK ASSESSMENT](#)

Coordinated Operation With

No Launch Reasons [ADD NO LAUNCH REASON](#)

| Roll | Delete | Reason | Category | Sub-Category | Justification |
|------|--------|--------|----------|--------------|------------------------|
| | | | | | NO RESOURCES AVAILABLE |

Supplemental Report

DI-20-001009

Exhibit 10

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**TRANSCRIPTION OF INTERVIEW WITH DIRECTOR [REDACTED]
FEBRUARY 5TH, 2021.**

APPEARANCES: **SPECIAL AGENT [REDACTED]**
 SPECIAL AGENT [REDACTED]
 DIRECTOR [REDACTED]

TRANSCRIBED BY: **[REDACTED]**

1 SPECIAL AGENT [REDACTED] ...is February 5th, 2021.
2 The time is now -- I'm still on Eastern time on this,
3 sorry about that. 9:59 a.m.

4 SPECIAL AGENT [REDACTED] 8:59.

5 [REDACTED] 8:59.

6 SPECIAL AGENT [REDACTED] 8:59 a.m. and this is
7 Mountain?

8 [REDACTED] We're Mountain, right.

9 SPECIAL AGENT [REDACTED] Mountain time. This is the
10 statement of Director [REDACTED] for case number
11 2021 00443 which is being given at the El Paso Air
12 Branch in El Paso, Texas. Present at this interview is
13 Special Agent [REDACTED] Spell your name.

14 SPECIAL AGENT [REDACTED] [REDACTED].

15 SPECIAL AGENT [REDACTED] Special Agent [REDACTED]
16 [REDACTED] and Director [REDACTED] could you spell
17 your last name, please?

18 [REDACTED] [REDACTED] [REDACTED].

19 SPECIAL AGENT [REDACTED] Thank you. Questions will be
20 asked by Agents [REDACTED] and [REDACTED] responses will be
21 provided by Mr. [REDACTED] unless otherwise specified.

22 You have been provided or you will be provided now
23 with your administrative warnings for nonbargaining

1 unit employees. If you could just review that and sign
2 if you understand.

3 [REDACTED] Okay.

4 SPECIAL AGENT [REDACTED] Thank you.

5 [REDACTED] Pretty simple. Administrative
6 inquiry.

7 SPECIAL AGENT [REDACTED] Yes, sir.

8 [REDACTED] No problem. All right.

9 Signature. Today's date is the 5th. And current time
10 is what, 9:01 now?

11 SPECIAL AGENT [REDACTED] 9 a.m.

12 [REDACTED] 09:00. Yes, sir.

13 SPECIAL AGENT [REDACTED] Thank you.

14 SPECIAL AGENT [REDACTED] Can you please stand and
15 raise your right hand?

16 [REDACTED] Absolutely.

17 SPECIAL AGENT [REDACTED] Do you solemnly swear or
18 affirm that the statements you are about to provide
19 will be true and correct to the best of your knowledge
20 and belief?

21 [REDACTED] I do.

22 SPECIAL AGENT [REDACTED] Have a seat, please.

23 [REDACTED] Okay.

1 SPECIAL AGENT [REDACTED] Please state your complete
2 name.

3 [REDACTED] My name is [REDACTED] [REDACTED]
4 and I'm a [REDACTED]

5 SPECIAL AGENT [REDACTED] Okay. What is your position
6 title?

7 [REDACTED] Current position is a Director of
8 Air and Marine Operations, El Paso Air Branch, El Paso,
9 Texas.

10 SPECIAL AGENT [REDACTED] Job series?

11 [REDACTED] [REDACTED] 18-01.

12 SPECIAL AGENT [REDACTED] Pay grade?

13 [REDACTED] GS-15.

14 SPECIAL AGENT [REDACTED] And duty station?

15 [REDACTED] El Paso Air Branch.

16 SPECIAL AGENT [REDACTED] Okay. You are advised this
17 is an official investigation being conducted by the CBP
18 Office of Professional Responsibility. Knowingly
19 providing false or fictitious statements may subject
20 you to criminal prosecution under Title 18 United
21 States Code 1001 or administrative discipline up to and
22 including dismissal from federal service. Do you
23 understand this requirement?

1 [REDACTED] I do.

2 SPECIAL AGENT [REDACTED] Nondisclosure notice. You
3 are hereby notified that any discussion of matters
4 under official review by the Office of Professional
5 Responsibility to unauthorized personnel is prohibited.
6 Further, you are cautioned any discussion or disclosure
7 of the substance of the interview or any of the
8 circumstances surrounding any of the incidents
9 discussed during this interview may result in
10 disciplinary action being taken against you. Do you
11 understand this nondisclosure requirement?

12 [REDACTED] I do.

13 SPECIAL AGENT [REDACTED] Okay. Do you have any
14 questions before we begin?

15 [REDACTED] I do not.

16 SPECIAL AGENT [REDACTED] Okay. So I'm understanding
17 you're relatively new to El Paso Air Branch. When did
18 you end up coming in as the director?

19 [REDACTED] July, end of July of 2019. I do
20 believe my EOD date was July 19th or July 21st.

21 SPECIAL AGENT [REDACTED] Okay.

22 [REDACTED] That Sunday. Start of the pay
23 period.

1 SPECIAL AGENT ██████████ And prior to that, it was a
2 vacant position?

3 ████████████████████ Yes. So, so ██████████ was
4 the previous director.

5 SPECIAL AGENT ██████████ Okay.

6 ████████████████████ He was transferred over to
7 southwest region as the deputy director for the
8 southwest region, at which time the position became
9 vacant and it was filled by various acting directors.

10 SPECIAL AGENT ██████████ Okay. And was there an
11 acting director before you arrived?

12 ████████████████████ Yes, there was. Acting Director
13 ██████████ --

14 SPECIAL AGENT ██████████ Okay.

15 ████████████████████ -- was here. He left a few days
16 before I actually arrived on scene. We did a pass over
17 via on the phone and plus with ██████████ here as, as
18 the deputy, the transition would be effectively
19 seamless.

20 SPECIAL AGENT ██████████ Okay.

21 ████████████████████ There was no reason for him to be
22 here just for a personal hand off.

23 SPECIAL AGENT ██████████ Sure, understood. Now prior

1 to EODing, how long was it that you were -- had
2 knowledge that you were selected and you were going to
3 be coming?

4 [REDACTED] I think my official notice was in
5 May.

6 SPECIAL AGENT [REDACTED] Okay. So a couple months?

7 [REDACTED] Yeah, yeah, of 2019.

8 SPECIAL AGENT [REDACTED] Okay.

9 [REDACTED] And then my EOD was pretty quick
10 because the program wanted me here fairly quickly.

11 SPECIAL AGENT [REDACTED] Okay. In those two months,
12 did you have any communication with Acting Director
13 [REDACTED]?

14 [REDACTED] I did. I had some various emails,
15 couple of phone calls, things like that. He was just
16 filling me in with situations that were going on.

17 SPECIAL AGENT [REDACTED] Okay. Was there anything of
18 particular interest other than administrative operation
19 that was going on that you feel is notable?

20 [REDACTED] He talked about establishing the
21 central command duty structure which him and I had a
22 conversation on. It's not really centralized and the
23 AOH is called the command duty officer position. He

1 had informed me that the branch was -- prior to his
2 getting here was operating with like three CDOs in
3 place, one in Alpine, one in Deming, one here and it
4 really wasn't effective and he was trying to get people
5 in line to accept, hey, this is the way we're supposed
6 to be doing things. Again, it's, it's as things start
7 to drift apart, drift one way when you try to bring
8 them back in, hey, this is policy. This is the
9 direction. This is the way we need to be going. [REDACTED]
10 and I had that discussion.

11 He'd also informed me of some of the, the situations
12 that were going on and he asked my opinion on a few
13 things. Specifically there was a home to work
14 situation that he was dealing with the Deming
15 supervisor on.

16 SPECIAL AGENT [REDACTED] Okay.

17 [REDACTED] He asked my opinion on that and I
18 advised him to contact LER chief counselor and work it
19 through that. He opted not to do that route. He's
20 like, I think I can just deal with this person one on
21 one. He didn't want to take that route. I think [REDACTED]
22 regrets probably that decision now.

23 When we utilize LER and chief counsel, it's not that

1 we're looking to hurt somebody or ding somebody's
2 career. It's, it's a fact check. Hey, are we, are we
3 looking at the right things? Do I understand the rules
4 correctly? Is this something we need to address this
5 way or is it something else we need to do something
6 else right that way.

7 SPECIAL AGENT [REDACTED] And you bring up that he was
8 dealing with the Deming supervisor, who's the Deming
9 supervisor at that time?

10 [REDACTED] The Deming supervisor at the time
11 was [REDACTED]

12 SPECIAL AGENT [REDACTED] Okay. So there was some sort
13 of -- whether he had approval -- further than 50 miles,
14 I'm assuming?

15 [REDACTED] Yeah, it was a 50 mile waiver.

16 SPECIAL AGENT [REDACTED] Okay.

17 [REDACTED] And there was a conversation of as
18 [REDACTED] was trying to bring [REDACTED] to the branch to operate
19 as a command duty officer to kind of educate him on the
20 processes and the direction the branch was needing to
21 go to be again within policy. [REDACTED] had reported to [REDACTED]
22 that he didn't live in Deming or he didn't live in Las
23 Cruces. He lived in Silver City. So there was a --

1 undetermination where [REDACTED] actual home of residence
2 was. Now that becomes an issue because on your home to
3 work, you have to record your address because that's
4 where your authorization is. You're driving this
5 vehicle from this part to this part.

6 SPECIAL AGENT [REDACTED] Sure.

7 [REDACTED] And as we all know, home to work
8 violations will jam our people up. It's one of the
9 things that jam us up quickly, time card's another
10 thing and then the other one is always the misuse of
11 the travel card.

12 SPECIAL AGENT [REDACTED] Right.

13 [REDACTED] So those are high level thoughts
14 for a director. He inquired my thought process on it
15 and I advised him to contact his LER specialist and
16 chief counsel. That was my advice to Mr. [REDACTED]

17 SPECIAL AGENT [REDACTED] Okay. So upon your arrival
18 here in El Paso, was there anything that was being
19 instituted that you felt was out -- outside of policy
20 or, or inappropriate?

21 [REDACTED] Outside of policy, no. Nothing
22 that was, that was being looked at. The only thing I
23 questioned and I questioned it right off the bat when I

1 got here, we had a 24 hour -- our SAMs were being
2 utilized for 24 hour phone duty essentially, right?

3 SPECIAL AGENT [REDACTED] Yeah.

4 [REDACTED] And I talked to a couple of them,
5 hey, what do you think about this, what do you think
6 about that? And they were -- so [REDACTED] had worked on
7 call outs.

8 SPECIAL AGENT [REDACTED] Um-hmm.

9 [REDACTED] Hey, well, a command duty officer
10 is getting calls at certain times of the day for groups
11 of two or three and they're not really law enforcement
12 emergencies. So I'm like, well, we should be educating
13 then the stations and other people in play not to be
14 calling those. We should be forwarding our phones to
15 AMOC and we're not utilizing the personnel properly.
16 So a supplemental air crew member -- by the way, I used
17 the word SAMs, so we go into that, right?

18 SPECIAL AGENT [REDACTED] And what does that mean, what
19 is a supplementary air --

20 [REDACTED] So a supplemental air crew member
21 is a U.S. border patrol agent that has been assigned to
22 Air and Marine operations to affect -- to pretty much
23 enhance our operations. So we are not properly staffed

1 through our table of organizations to effect the amount
2 of operations we need, so we have to supplement our air
3 crews with border patrol agents. Now we get qualified
4 people from border patrol, there is actually a policy
5 in place that has been signed. I think it goes all the
6 way back to [REDACTED] (sp) was the ACF Air and
7 Marine when this was done. Joint venture with border
8 patrol, rules of how we're going to bring on SAMs.

9 So myself and Chief [REDACTED] have just recently had a
10 discussion about the extension of SAMs here, lead back
11 to the supplementary crew member. So what they do is
12 they come over to us, it's for a period of one year
13 with a follow on extension and we train them how to be
14 air crew. We assign them helmets. We get them our
15 gear. We make them tactical flight officers sometimes.
16 We train them in our aircraft, this is how we're going
17 to do things. It's a fairly lengthy process.

18 So the importance of that is I understand the sector
19 chiefs are extremely short on personnel. Well, if they
20 had given us 5 or 6 people and we're using them to
21 answer phones, I would have a hard time justifying that
22 to the chief.

23 SPECIAL AGENT [REDACTED] Sure.

1 ██████████ ██████████ So I had some discussions with the
2 supervisors and ultimately I removed that 24 hour phone
3 desk duty.

4 SPECIAL AGENT ██████████ Okay.

5 ██████████ And we assigned the SAMs back in
6 the fold because their primary responsibility is to be
7 on our aircraft, flying our aircraft, right? That's
8 what we've promised the chiefs we're going to utilize
9 them for. And again, I understood ██████████'s thought
10 process. Hey, we're trying to be able to react and
11 recall people and what better person to answer the
12 phone is one of our people here. I just don't feel
13 like we were maximizing their true effectiveness, so
14 that's the change. It wasn't, it wasn't a policy
15 thing. It wasn't something illegal or malicious. It
16 was just I think we could do it better.

17 SPECIAL AGENT ██████████ An operational decision that
18 Mr. ██████████ made that you felt would be better a different
19 way?

20 ██████████ Absolutely.

21 SPECIAL AGENT ██████████ And as director, you had that
22 right?

23 ██████████ And I have that right. And then I

1 explained why and then we also really concentrated on
2 educating the chief and the PACs better on hey, this is
3 what a call out criteria equals, you know. Tracking
4 group of two people in the middle of the night is not
5 going to be really a good utilization of our aircraft
6 either. Hey, we can get them in the day, so let's save
7 that data and we're going to launch at 6:00 or 5:00.
8 Hey, let's go get them then. We don't need to bring
9 the crew in at 2:00 or 1:00 in the morning. It's not
10 going to make a difference when it takes you a day and
11 a half to get across the desert. If you know where
12 they're at, we'll get them in the morning when it's
13 safer for the crews and we can better effect the
14 apprehension.

15 SPECIAL AGENT [REDACTED] Okay. So as going forward,
16 you, you began to implement your style, your, your
17 vision for this branch based on policy and procedures,
18 but, you know, you changed things that you felt were
19 outside of policies? I'm just assuming, I'm just
20 assuming as a new director, you're making it yours?

21 [REDACTED] Yeah, so, so I've got a lot of
22 experience in southwest border.

23 SPECIAL AGENT [REDACTED] Okay.

1 ██████████ So I came into the program in
2 2002. I came in Jacksonville. In 2004 I do believe it
3 was, I was assigned Tucson Air Branch during the
4 Arizona Border Control Initiative days, right? So that
5 was a lot going on in the southwest border. That's
6 where I learned, that's where I became an operations
7 officer. That's where I really learned to start
8 thinking operationally and, and, and what we call get
9 out of our three foot world, right? We get out of our
10 three foot world, we're thinking 5, 10, 15 steps down
11 the road how to make things better.

12 So as I came into the branch, it was a new thought
13 process for a director here. The director that was
14 here previously and I'm talking permanent director, had
15 been here for a long time and kind of came up under
16 here, so he had just different thought processes,
17 right? Not saying his style was wrong, it was just
18 different. So I come in, I'm a policy person. I'm a
19 procedure person and I also have the knowledge of what
20 Air and Marine was trying to get to. Having been at
21 numerous places to include a three year tour at
22 headquarters, I had that higher level understanding.
23 And when I came in here, we weren't following the, the

1 AMAP. We weren't working with border patrol correctly
2 as we have agreed to and that caused some issues
3 several years ago and then some policies were put out,
4 this is the way we're going to do things. We weren't
5 following those.

6 We had an AMAP in process, in place, yes, and it
7 looked very good. However, we weren't launching and
8 going to those specific areas. And the AMAP process is
9 extremely important because it's all about air space
10 deconfliction. So when you have multiple aircraft
11 attempting to do a border enforcement mission, we need
12 to isolate that aircraft and put it in, we call them
13 block times. In other word, instead of AMAP, we could
14 use it for ATO. Now AMAP stands for Air and Marine
15 Asset Prioritization List, right? ATO would be an Air
16 Tasking Order. It just depends on who you're talking
17 to. I'm a military guy, so it's an ATO for me. Air
18 Tasking Order. We're going to put this aircraft in
19 this block for this time and we know this should be the
20 only aircraft operating that border enforcement
21 mission. This is for air space deconfliction and
22 safety of our crews. What happens if we get two
23 aircraft respond to the same mission at the same time,

1 you could have a mid air. Especially a daytime we
2 might see each other, but now night under NVG goggles
3 and you're looking through a soda straw, you'll drive
4 right to that aircraft, especially if you're not
5 expecting it to be there.

6 So that's what's so important about the ATO, AMAP,
7 whichever word you want to utilize. So that was
8 another thing I looked at, started really drilling
9 down. Scheduling, they would schedule people to work a
10 day, swing, back to a day. And again, you're not,
11 you're not keeping people's circadian rhythm correctly.
12 Circadian rhythm is extremely important. So as I came
13 in, I said hey, I want missions to where when you're a
14 day guy, you stay on days or day person. You're
15 assigned the day shift, let's stay on days. Let's not
16 bounce all over the place.

17 Now in the instructor world, instructor pilot world,
18 sometimes that happens because when we do an annual
19 proficiency evaluation, an APE, you're going to do a
20 day portion and a night portion. So then what happens
21 is they, they end up double-backing on a day sometimes.
22 I talked to a couple of the IPs here. Are you good
23 with that? They said, yes, I am. I would prefer to

1 come back on a day. Okay. We're not going to fly you
2 on the next day. We're going to allow you an
3 administrative function to complete your tasking
4 because when you start talking with time clocks, reset
5 clocks, all those things and it's just not good for
6 your body. I mean, if you got off work at 10:00 and
7 you have to be back at 6:00 in the morning, it's just
8 not going to be beneficial to anybody. And the
9 aviation committee has learned that to be a problem a
10 long time ago. So it's just the way we schedule
11 things.

12 SPECIAL AGENT ██████████ Okay.

13 ██████████ Treat people differently. When I
14 got here, I did notice there were, I call them cliques.
15 This group of people here, this group of people here.
16 We even had some supervisor conflicts, I call them
17 minimal conflicts. We had a couple events during the
18 morning shift brief. The supervisors were picking each
19 other in front of people. Hey, we don't allow that.
20 So after the shift brief, I brought them both in, I
21 said we don't do that in front of the people. These
22 guys have been here just a long time, a lot of time
23 together, right? Good people, solid workers, hard

1 workers, nothing wrong with that. I said, we don't, we
2 don't pick on each other in front of the troops.
3 That's not acceptable, right? And to their credit,
4 they both acknowledged it, they both apologized to each
5 other and I never saw it happen again.

6 So I mean, it's, it's things like that that you have
7 to address quickly. You have, you have to work on
8 communication.

9 Another thing is we talk about communication, I
10 don't understand how -- and this is me -- how
11 supervisors can be so distant from each other and yet
12 be in the same program so many years. When we have
13 shortfalls, my expectation is if we have a shortfall in
14 Deming or a shortfall in Alpine, those supervisors
15 would talk to the branch. Hey, we can't facilitate
16 this flight, can you facilitate this flight?
17 Absolutely, we'll send you an aircraft. We'll send you
18 a person if we have them, right? Hey, we'll direct
19 (inaudible) flight over there. The communication
20 wasn't happening. It's getting better, but it's
21 taking -- I mean, since July of '19 to, to get the
22 branch moving into a fore to where everybody's
23 communicating.

1 SPECIAL AGENT ██████ I understand what you're
2 trying to say there. So, these units were operating as
3 if, if they didn't have an aircraft, well, then,
4 that's, that's it. Hands in the air. They're not
5 going to do --

6 ██████████ I refer to it -- sir, I refer to
7 it as they were operating autonomously. They weren't
8 operating in a branch unit concept. They were -- well,
9 I don't have an aircraft. Oh, I don't have a
10 personnel, I'm just not going to facilitate that
11 mission, instead of calling the branch and going hey,
12 especially when it's a pre (inaudible). So we always
13 know hey, short notice sick leave, short notice this or
14 that. But when you have my, my pilot -- I've got two
15 pilots. Let's just say two pilots. I've got one pilot
16 going away to required training and another pilot going
17 to be on annual leave. Well, why wasn't that
18 communicated back to the branch? We could have either
19 sent a pilot out there or we could have sent an
20 aircraft or we could have -- and again, perfect world,
21 right?

22 SPECIAL AGENT ██████ Right.

23 ██████████ Perfect world. But why wasn't

1 that notified? Hey, short notice sick leave, it's one
2 of those things. But even with a short notice sick
3 leave, why wasn't the supervisor communicating back
4 with the branch, clearance authorities, the CDOs and we
5 can get into that a little bit later, going hey, my
6 only pilot for the day is taking sick leave. Don't
7 care why you're taking sick leave, obviously it's
8 approved at the supervisor level. But now I've got a
9 shortfall, so can you help facilitate the shortfall?
10 Instead, they would just go sick leave, no launch.

11 SPECIAL AGENT ██████████ So you had three units,
12 right? El Paso which sits in the branch, right? You
13 shared the same office space?

14 ██████████ Yes, sir. Yes, sir. So we
15 have --

16 SPECIAL AGENT ██████████ So it wouldn't happen
17 necessarily with El Paso because the branch would see
18 it physically, I guess?

19 ██████████ Yeah. So, so even, even if El
20 Paso -- so if El Paso had one pilot for the day and
21 they were supposed to be doing a, let's just say
22 westbound patrol. Hey, and we -- the pilot called in
23 sick. So on the weekends we might have only one for

1 the da. So why didn't the El Paso CDO contact Deming
2 and go hey, I know -- say, I know you're going to be on
3 standby today. Can you launch and cover the El Paso
4 line? That communication wasn't going on.

5 SPECIAL AGENT [REDACTED] So it wasn't happening --

6 [REDACTED] It wasn't happening --

7 SPECIAL AGENT [REDACTED] -- even locally here?

8 [REDACTED] No, sir. It wasn't happening at
9 any of the three operating locations, right? And --

10 SPECIAL AGENT [REDACTED] They were all just as guilty
11 as the other?

12 [REDACTED] Absolutely. So as we start
13 digging in -- and I always hate the analogy peel the
14 onion, right? I hate that. I had a director that used
15 that all the time. But -- and I still am in contact
16 with him. And so I said I finally got it and this was
17 after probably about 60 days of being here, I called
18 him and I said I finally got your analogy. Every time
19 you peel a layer of the onion back, you find something
20 else that makes you cry. And you've got to address it,
21 right? So as we looked at that, I was like why aren't
22 you guys communicating? And it was a lot of personal
23 issues, and they were little things. They were oh,

1 that guy upset me. This -- hey, we're all, we're all
2 adults. We're all professionals. I expect the
3 communication. And I sent one of my messages out,
4 talked about communication, we need to address that.
5 We need to get better at our communication. You've --
6 you guys have been around here the last little bit of
7 the branch, my door is almost always open and anybody
8 can interact. I have a GS-9 MSS, she'll come straight
9 to me, hey (inaudible), how are you doing? You know,
10 good morning, this and that. I love the interaction of
11 people. We need to be open because some of the best
12 ideas come from the base level.

13 SPECIAL AGENT ██████████ Right, absolutely.

14 ██████████ And so that's some of the unique
15 things that we have implemented here, but again, it's
16 the communication. Aircraft issues become -- it's
17 aviation. We have so many aircraft, but aircraft
18 break. Hey, if we only had scheduled maintenance to
19 deal with, anybody could do scheduled maintenance. I
20 can have beautiful charts and graphs and this is how
21 we're going to do scheduled maintenance. It's the
22 unscheduled maintenance that catches us up on. And
23 then that resorts back to the AMAP which I'm sure we're

1 going to get into some discussions on later.

2 SPECIAL AGENT [REDACTED] Um-hmm, yeah.

3 [REDACTED] About prioritization of flights.

4 So to really wrap the question up, there was some
5 unique anomalies that have taken us a long time to, to
6 un, undo and that's because the same supervisors had
7 been in place so long that they have wanted to do and
8 been allowed to do whatever kind of they wanted to do.
9 And that's not an effective use of air support,
10 effective use of our personnel and the only way we're
11 going to get the branch moving in a forward direction
12 and get within all the policies in a new direction --
13 again, it's a new direction. I think the, the policy I
14 gave you guys or the agreement was from '18 or '19. So
15 it's something new, right?

16 SPECIAL AGENT [REDACTED] Sure.

17 [REDACTED] So the branch and the previous
18 directors probably didn't have the, the understanding
19 of what was coming down, whereas I had because I've
20 been at numerous places that had been -- we were
21 already addressing it.

22 SPECIAL AGENT [REDACTED] Okay.

23 [REDACTED] And dealing with the Joint

1 Intelligent Operations Center and all those. So the
2 understanding there.

3 SPECIAL AGENT [REDACTED] Thank you, and that was a
4 good overview. And it's important to understand what
5 your role is and what you came into. So we have some
6 information that's semi-chronological, I believe.

7 [REDACTED] Okay.

8 SPECIAL AGENT [REDACTED] And we'd like to go through
9 it and address it step by step. Is that the first
10 part, [REDACTED]

11 SPECIAL AGENT [REDACTED] No, you probably want to
12 start with the June 11th.

13 SPECIAL AGENT [REDACTED] Oh, that's, that's before
14 this email?

15 SPECIAL AGENT [REDACTED] This is the June 18th.

16 SPECIAL AGENT [REDACTED] Okay. So June 11th, is that,
17 is that of '20 or '19?

18 SPECIAL AGENT [REDACTED] Oh, this is, this is '20.

19 SPECIAL AGENT [REDACTED] Okay. So June 11th, that was
20 obviously the date of Agent [REDACTED] passing.

21 [REDACTED] Um-hmm.

22 SPECIAL AGENT [REDACTED] The, the night call, but
23 we're going to start earlier in the day. So we

1 received information that on June 11th that supervisor
2 [REDACTED] from the Deming Air Unit, I believe is
3 SAM, that's [REDACTED].

4 [REDACTED] Okay.

5 SPECIAL AGENT [REDACTED] Came to El Paso to have a
6 meeting that morning with yourself and Mr. [REDACTED], I
7 believe. I don't know if [REDACTED] was in the meeting.
8 It looks like it was just [REDACTED] and yourself and
9 [REDACTED] in the meeting. And this was to discuss some
10 family medical leave.

11 [REDACTED] Oh, yeah, okay. So I'm tracking
12 with the issue, got it.

13 SPECIAL AGENT [REDACTED] I know we were talking about
14 something else before.

15 [REDACTED] [REDACTED] Yep.

16 SPECIAL AGENT [REDACTED] So yep. So he stated that he
17 had provided a request for the family medical leave and
18 that it was denied. And he's furthermore stated that
19 he was yelled at and that you, Mr. [REDACTED] was in a
20 rage, accusing him of misdoings and stated that this is
21 not going to happen and -- let's see, what else
22 (inaudible). Okay. Basically that he made mention
23 this was -- when we spoke to him, this was a note he

1 put in. He also made mention that you made some sort
2 of statements that you're going to, you're going to
3 name me in a lawsuit or you're going to name me as a
4 subject and you're going to expect me to do this for
5 you. I don't know if any of that sounds familiar, but
6 if you could recall that incident or that conversation
7 and, and what happened there.

8 [REDACTED] So -- yeah, so, so June month we
9 had a meeting, myself, Mr. [REDACTED] and Mr. [REDACTED]

10 SPECIAL AGENT [REDACTED] Okay.

11 [REDACTED] Referenced a family medical leave
12 request he had.

13 SPECIAL AGENT [REDACTED] Right.

14 [REDACTED] Reference his child, so I don't
15 know -- can I go into details on that or is that
16 something -- I mean, because I don't want to, I don't
17 want to violate any privacy acts. I don't --

18 SPECIAL AGENT [REDACTED] I mean, basically, you -- I
19 mean, you give generalities. I mean, something -- his
20 child had some sort of issue or something?

21 SPECIAL AGENT [REDACTED] Medical issue?

22 [REDACTED] Okay. So we'll say -- well, we'll
23 use the word serious medical issue.

1 SPECIAL AGENT ██████ Okay.

2 ██████ ██████ Okay? Because Mr. ██████ was
3 applying for family medical leave.

4 SPECIAL AGENT ██████ Um-hmm.

5 SPECIAL AGENT ██████ Okay.

6 ██████ ██████ So this occurred I want to say in
7 February of, of '20. There was an injury to his son.
8 The proper documentation wasn't -- paperwork wasn't
9 documented. Mr. ██████ applied for sick leave that
10 he didn't have. Mr. ██████ did not pay attention and it
11 ended up advancing ██████ I think 44 hours of
12 sick leave that was not approved.

13 SPECIAL AGENT ██████ Okay.

14 ██████ ██████ So as we went back to try to look
15 at the totality of that situation, I informed
16 Mr. ██████ via Mr. ██████, you need to do a WH-380
17 Foxtrot form. So it's the request for family medical
18 leave through the -- it's a Department of Labor form,
19 but it's the form we utilize.

20 SPECIAL AGENT ██████ Okay.

21 ██████ ██████ So we did get that paperwork back.
22 There was some issues that wasn't signed here, this box
23 wasn't done, so we got that corrected. We ended up

1 getting that up to the Medical Directorate Office. We
2 forwarded that to CBP, of which CBP nurses returned it
3 and said it's acceptable. He's approved family medical
4 leave.

5 So all of the family medical leave that [REDACTED]
6 requested was approved.

7 SPECIAL AGENT [REDACTED] Okay.

8 [REDACTED] [REDACTED] He did not use all of his 480
9 hours because it's, it's per event, per time start you
10 get 480 hours per year. So again, when we get medical
11 documentation, I don't -- I'm not a doctor. I don't
12 know if that qualifies, so we wanted another party to
13 generate it because what that does is ultimately that
14 protects the person, right? So if [REDACTED] doesn't get his
15 documentation in correctly or somebody finds it later,
16 then he gets jammed up on that. It's, it's really not
17 me. So again, we're trying to protect the employee all
18 the way down.

19 [REDACTED] did ask for, like, 190 some odd hours of
20 advanced sick leave during that meeting. I denied
21 that. I'm not going to advance you any more sick
22 leave. We had already advanced sick leave. At the
23 time, he had 200 plus hours of annual leave. He had

1 plenty of leave. So -- and I had a response that I
2 sent to him which I can gladly provide you --

3 SPECIAL AGENT ██████ Yeah, at the end of this --
4 ██████ ██████ -- if you would like it later.

5 SPECIAL AGENT ██████ -- if you could forward it to
6 us, that would be great.

7 ██████ ██████ Yeah, and you might have to remind
8 me, hey, don't forget about this.

9 SPECIAL AGENT ██████ Don't worry.

10 ██████ ██████ So what I did is I broke it down.
11 I said hey, you've got this many hours of leave.
12 You've got this. We can also entertain flex in your
13 schedule if you need to to help you out. I wasn't
14 going to advance the leave because with taking in
15 everything else, it would be almost two years to get
16 him to pay that leave back to the government, right?
17 So if anything happened during that time, that took
18 that tool out of my tool belt that I couldn't help him
19 with. So really, I'm looking out for ██████ even though
20 ██████ doesn't understand that and I'm trying to do
21 everything within the best interest of him.

22 Now we got him approved for the FMLA, we let him use
23 that. He used a mix of annual leave, LEWOP and the

1 sick leave as he, as he earned it. So some of my
2 concerns with this as I look back, Mr. [REDACTED] was
3 using sick leave as fast as he was burning it. As a
4 matter of fact, when I pulled a leave audit because I
5 had Mr. [REDACTED] pull a leave audit, it showed him in
6 negative sick leave December of '19 because this
7 happened in February of '20, right? So for somebody to
8 have ten years in the program and to be in the negative
9 sick leave, this is an abuse issue, right? That's --
10 and especially when you, when you use it as fast as you
11 earn it, right? That's one of the hits. So I also
12 took the time just to educate Mr. [REDACTED] when I found out
13 it was advanced sick leave and I handed him the LER
14 supervisor's resource guide. Hey, there's checklists
15 in the back. We're aviators. We love our checklists,
16 right? We've got a checklist for everything, right?
17 So utilize the checklist.

18 So I did have a counseling session with Mr. [REDACTED] on
19 that and I said you've got to be better at this. You
20 can't just approve the leave. You have to look at --
21 you need a conversation why this, why are we doing
22 that. And as I peeled back other layers again, layers
23 of the onion, we were approving FMLA from time to time,

1 we were not coding that correctly. So some of the
2 things I found we were approving FMLA was for a --
3 appointment, a doctor's appointment. Hey, that's not
4 family medical leave, that's family friendly leave,
5 right? So it's little things like that.

6 Again, is it, is it harmful to the employee, is it
7 harmful to the agency? No. Are we following policy?
8 There's a lot of confusion with FMLA and Family
9 Friendly Leave Act. We took the time to educate not
10 only [REDACTED], not only [REDACTED], but all the other
11 supervisors, here's the rules, here's the policy.
12 Here's the checklist. All the supervisors were
13 provided the supervisor's resource guide. Here is the
14 checklist for leave. Here's a checklist for this.

15 Now the significance of getting family medical leave
16 approved is now that allowed [REDACTED] to take LEWOP or sick
17 leave or annual leave, whatever he chose as long as he
18 had the balances, you know, with annual leave and sick
19 leave. That gave him the flexibility to input his
20 leave and really in the big picture, it can't be
21 denied, right? As long as you're using the family
22 medical leave which he'd been approved, it can't be
23 denied. So it gave [REDACTED] a lot more ability to utilize a

1 combination of leave. Now [REDACTED] could use LEWOP. Now
2 [REDACTED] was also during this meeting was advised, hey, for
3 every hours of -- 80 hours of LEWOP for that pay
4 period, you will not accrue annual leave or sick leave.
5 If you use too much LEWOP, then you could go into a non
6 good year pay status, right? So we provided [REDACTED] with
7 all this information.

8 [REDACTED] was -- became very irate with me when I
9 wouldn't --

10 SPECIAL AGENT [REDACTED] Was this at that meeting,
11 that June 11th meeting?

12 [REDACTED] Yes.

13 SPECIAL AGENT [REDACTED] So all of this occurred at
14 that meeting?

15 [REDACTED] All of this occurred at that
16 meeting where I denied his -- when I denied his
17 advanced leave, he became extremely irate with me.

18 SPECIAL AGENT [REDACTED] Okay.

19 [REDACTED] And I calmed him down. I said
20 [REDACTED] I'm not doing this to, to poke at you. I'm trying
21 to protect you and he disagreed with that. But he
22 would not see the bigger picture. And again, like I
23 said, if I advance you leave, I can't do that the next

1 time. So if I were to advance him all this leave and
2 then something else would happen to him or another
3 family member, I did not have that option anymore. And
4 so hey, we've got -- and again, why would I advance you
5 all this sick leave when you've had -- I mean, he was
6 in use and lose status 100 some odd hours. So he
7 had -- and again, I can get you all the numbers and I
8 don't want to misquote something.

9 SPECIAL AGENT [REDACTED] Sure.

10 [REDACTED] But I'm generalizing.

11 SPECIAL AGENT [REDACTED] Yep.

12 [REDACTED] He had plenty of leave on the
13 books. It was his choice to utilize LEWOP. It was his
14 choice to do this. I mean, because I gave him the
15 flexibility. Hey, we'll move your shift if it comes to
16 that. We'll take care of it. And he never went down
17 that road. I remember the meeting very well.

18 SPECIAL AGENT [REDACTED] So it seems like it was
19 contentious.

20 [REDACTED] Yes.

21 SPECIAL AGENT [REDACTED] Or at least he was angry.
22 And, you know, I'm not judging whether it was -- were
23 you upset also?

1 [REDACTED] [REDACTED] I was professional the entire
2 meeting, did not elevate my voice, did not yell at him.
3 Nothing like that occurred.

4 SPECIAL AGENT [REDACTED] Okay.

5 [REDACTED] [REDACTED] I provided the facts. He was
6 very -- he was very upset. Hey, he felt it was a
7 personal attack on him. He felt every decision's a
8 personal attack on him. It's not. And I did
9 reiterate, hey, [REDACTED], we're doing this to take care of
10 you. We're trying to watch out for you.

11 SPECIAL AGENT [REDACTED] How about Mr. [REDACTED]?

12 [REDACTED] [REDACTED] Mr. [REDACTED] was very cordial during
13 the meeting. He sat quiet most of the meeting. I did
14 a lot of the talking. I had a lot of documentation
15 with me. Mr. [REDACTED] had been the go between with [REDACTED] and
16 him before and then the biggest -- like I said, the
17 biggest point of contention was me not advancing sick
18 leave. And then, of course, he didn't like that, so
19 that was another accusation made against me because I
20 didn't advance him sick leave. Now in policy, I don't
21 have to advance sick leave, right? It's a tool I can
22 utilize and, and if we would have gone down the road
23 too far and he -- I would have advanced him sick leave.

1 I just wasn't going to make that determination then.
2 We didn't need it.

3 And like I said, he didn't even use all 480 hours of
4 Family Medical Leave Act.

5 SPECIAL AGENT [REDACTED] Okay. Was there a discussion
6 about the OSC investigation or anything like that in
7 that meeting?

8 [REDACTED] No, there was no discussion about
9 the OSC investigation. As a matter of fact, in --
10 April 7th I advised Mr. [REDACTED], Mr. [REDACTED] and
11 Mr. [REDACTED] to stop discussing the OSC
12 investigation.

13 SPECIAL AGENT [REDACTED] This is April of '20?

14 [REDACTED] Yes, sir. And, and that was at a
15 precautionary landing. It was in April of '20. We
16 were doing a hot wash and that's how I started that
17 meeting. I said this needs to stop. You've got an
18 absolute right to file OSC. You've got a right to file
19 GCS (sp). You've got a right to grieve. All those
20 things are protected. You need to stop discussing it
21 with every person at the branch. You need to stop -- I
22 mean, it, it's having a negative morale impact on the
23 branch.

1 SPECIAL AGENT ██████ Sure.

2 ████████████████████ And so I did that and then I
3 talked to chief counsel later and said hey, yes, I did
4 this. If I have done something wrong, please advise,
5 but I have to handle this because it's destroying
6 morale at the branch. And it doesn't need to be
7 discussed because if it's discussed all the time,
8 you're going to infect the branch. You're going to get
9 negative data. How can you get to the ground of
10 everything, right? And --

11 SPECIAL AGENT ██████ Sure.

12 ████████████████████ And it was -- ██████ would work it
13 into almost every conversation you would have with him.
14 He would try to work that OSC involved.

15 SPECIAL AGENT ██████ So did he bring that up
16 during that June 11th?

17 ████████████████████ Not that I recall. Not that I
18 recall. I don't remember having that discussion. I
19 don't -- I never had to tell ██████ not to tell -- talk
20 about it again, even though I was getting a lot of
21 backlash with different people --

22 SPECIAL AGENT ██████ When you say he'd talk about
23 it, what, did he use it as a threat tool?

1 ████████████████████ He would. He would use it as a
2 threat to people. As a matter of fact, he called ██████████
3 ██████████ in April. I've got, I've got a memo from ██████████
4 when he reported he was being DRLED to Representative
5 ██████████, which is a lie. I'm just going to use
6 the word lie, misinformation, whatever you want to say
7 about it, right? ██████████ told ██████████ he was -- his goal was
8 to become infamous and that he was protected under the
9 Whistleblower Act, so he didn't -- didn't bother him.

10 SPECIAL AGENT ██████████ So ██████████ made the statement to
11 ██████████ who in turn generated a memo on your request?

12 ████████████████████ So ██████████ brought that information
13 to me and I said cut a memo. So the reason I do memos,
14 right, is just like we're doing this right here, right?
15 Hey, when somebody brings you information, not that I
16 don't trust people, but when they say it, is it, is it
17 really true? So then you go, I would like a memo on
18 that and they start typing it and they know they're
19 going to sign their name to it.

20 SPECIAL AGENT ██████████ Um-hmm.

21 ████████████████████ It puts a whole new spin on did I
22 interpret that, am I saying this right? You know, so
23 it puts more validity to the statement in my opinion.

1 SPECIAL AGENT ██████████ ██████████ can you make a note to
2 make sure at the end we, we at least make that request
3 to get a copy of that memo?

4 SPECIAL AGENT ██████████ Okay.

5 SPECIAL AGENT ██████████ Okay. So --

6 SPECIAL AGENT ██████████ That was ██████████, that was
7 ██████████ --

8 SPECIAL AGENT ██████████ ██████████

9 ██████████ ██████████ ██████████

10 SPECIAL AGENT ██████████ Sorry, my bad.

11 SPECIAL AGENT ██████████ To the best of your
12 recollection, although the meeting was contentious, you
13 never raised your voice, you never used profanity, you
14 didn't yell at him, you didn't berate him?

15 ██████████ ██████████ No, sir. No, sir, professional.

16 SPECIAL AGENT ██████████ And Mr. ██████████ did not do
17 anything of that nature either?

18 ██████████ ██████████ I don't think Mr. King knows those
19 words.

20 SPECIAL AGENT ██████████ Okay. And did ██████████
21 use profanity and attempt to intimidate or berate you
22 or anything of that nature?

23 ██████████ ██████████ No. ██████████ did not either. As a

1 matter of fact I -- [REDACTED] has never used profanity at me.
2 He's -- he tries to bully things, but that was -- he
3 was just -- he was extremely upset. And, and, and if
4 you put yourself in his shoes, I can almost understand.
5 Hey, he's trying to take care of his family. He thinks
6 somebody's picking on him. We're not. He's very
7 single-focused, single-minded. Again, he's in his
8 three foot world. He's not, he's not looking at three
9 or four steps down the road. He's looking at my
10 problem right now and it's, it's definitely personal to
11 him. Hey, we -- I've got a son too. I mean, if my son
12 was going through a serious medical condition at the
13 time, I would be a little upset too. So again, you
14 have to give him some flexibility, but we need to
15 maintain our professionalism.

16 SPECIAL AGENT [REDACTED] Okay.

17 [REDACTED] Yeah.

18 SPECIAL AGENT [REDACTED] Was your -- and I think
19 you've spoke about it, but I'm going to just straight
20 up ask it, was your denial of the leave on that
21 particular day, June 11th when he was asking for this
22 advanced FLMA, is that correct?

23 [REDACTED] FMLA.

1 SPECIAL AGENT ██████████ FMLA --

2 ████████████████████ He was actually advancing --
3 asking for advanced sick leave.

4 SPECIAL AGENT ██████████ Okay.

5 ████████████████████ That he would then utilize to
6 supplement FMLA.

7 SPECIAL AGENT ██████████ Okay. Was your denial in
8 any way driven by the fact that you were a named
9 subject of this OSC investigation of which, you know,
10 ██████████ was the whistleblower?

11 ████████████████████ I don't think I was named subject
12 yet.

13 SPECIAL AGENT ██████████ Okay.

14 ████████████████████ I was named the subject in June.
15 I don't know the exact dates.

16 SPECIAL AGENT ██████████ Okay.

17 ████████████████████ But to answer your question, no.
18 It had, it had no bearing on my decision. That, that,
19 I -- it's -- that entire thing, as you look at bigger
20 picture, you can't let something like that affect your
21 decisions. You have to stay consistent in your
22 decisions, how we do things. Not -- you don't treat
23 everybody fair because you just can't treat everybody

1 fair. But you have to be consistent. Again, I offered
2 to move his schedule around, hey, we work some
3 flexibility. The main part of that decision was
4 really -- and I've got to -- I think a very well worded
5 email that I sent --

6 SPECIAL AGENT [REDACTED] You mentioned your response
7 and we'll get a copy of that from you.

8 [REDACTED] -- out. And that, that really
9 goes in depth and talks about hey, do you realize if I
10 advance all this sick leave, here's, here's what
11 happens, here's the bigger picture.

12 SPECIAL AGENT [REDACTED] Okay.

13 [REDACTED] And, and the reality of that is it
14 takes one of those tools away from me to be able to
15 help him if something else happens, you know. And
16 until he got -- used all of his leave, I mean, we even
17 discussed, you know, voluntary leave transfer program.
18 Hey, until you have all your annual leave down, until
19 you've got -- we can't even get you that. So that
20 would be another thing we could have utilized if we got
21 to that point and we actually ended up getting to that
22 point with one of our other people last year and the
23 branch rallied around that person and different people

1 contributed and I think it's like 489 hours of leave
2 was donated to that individual. So it's -- we've got
3 some good people here. We really do.

4 SPECIAL AGENT ██████ Okay.

5 ██████████████████ It's pretty impressive.

6 SPECIAL AGENT ██████ To sum up Tom's -- ██████
7 question, was your decision personal in nature?

8 ██████████████████ No, sir, it was not.

9 SPECIAL AGENT ██████ Okay. Was it intended to be
10 any kind of punishment or retribution?

11 ██████████████████ No, sir, it was not.

12 SPECIAL AGENT ██████ Okay. At the conclusion of
13 that meeting, I'm obviously not going to remember the
14 exact details, but my assumption is they returned to
15 Deming or home or, or whatever?

16 ██████████████████ They left the branch.

17 SPECIAL AGENT ██████ Okay. They left the
18 branch.

19 ██████████████████ Yeah.

20 SPECIAL AGENT ██████ After that meeting, did you
21 ever contact the CDO or any of your supervisors and say
22 listen, ████████████████████ he's dead to us; Deming's dead to
23 us; don't call them for anything; keep them out of any

1 action that we get here; we don't want them getting any
2 kind of credit for anything?

3 [REDACTED] [REDACTED] No, sir.

4 SPECIAL AGENT [REDACTED] Did you ever make any
5 statement in an attempt to minimize the Deming Air
6 Branch's effectiveness?

7 [REDACTED] [REDACTED] Deming Air Unit? No, sir.

8 SPECIAL AGENT [REDACTED] Deming Air Unit, I'm sorry.

9 [REDACTED] [REDACTED] That's okay.

10 SPECIAL AGENT [REDACTED] I always think the unit would
11 have a branch instead of the branch having a unit.

12 [REDACTED] [REDACTED] It's, it's -- we like to think
13 we're special. So Air and Marine likes to come up with
14 their own names and -- you know.

15 SPECIAL AGENT [REDACTED] I understand.

16 [REDACTED] [REDACTED] Got you.

17 SPECIAL AGENT [REDACTED] So no order, no directive, no
18 meeting, no discussion about the Deming Air Unit and/or
19 their personnel and specifically the supervisor being
20 minimized or taking away any of his authorities or
21 rights as a supervisor?

22 [REDACTED] [REDACTED] No, sir.

23 SPECIAL AGENT [REDACTED] Fair enough.

1 SPECIAL AGENT [REDACTED] I guess later that --

2 SPECIAL AGENT [REDACTED] Later that evening.

3 SPECIAL AGENT [REDACTED] Same day.

4 SPECIAL AGENT [REDACTED] June 11th.

5 [REDACTED] [REDACTED] Um-hmm.

6 SPECIAL AGENT [REDACTED] 2020. It was approximately
7 11:30 there was a Big Pipe request for air support for
8 an agent who was in distress, Mr. [REDACTED] And
9 ultimately, your CDO [REDACTED] launched out of the
10 El Paso unit. AIA [REDACTED] and is it -- I forget the --
11 [REDACTED] [REDACTED] Herrera.

12 SPECIAL AGENT [REDACTED] [REDACTED] Herrera who was the SAM
13 that launched. The question was -- what, what was your
14 knowledge of that event?

15 [REDACTED] [REDACTED] So I had no knowledge of the
16 event. I mean, I mean, if we're going back to that
17 night --

18 SPECIAL AGENT [REDACTED] Um-hmm.

19 SPECIAL AGENT [REDACTED] Yes. Real time.

20 [REDACTED] [REDACTED] Real time, watched a movie that
21 night. I went to bed probably around quarter after 10,
22 10:30. Lights out, right? I want to say and I would
23 have to look at my phone to find out when my boss,

1 Executive Director ██████████ called me.

2 SPECIAL AGENT ██████████ Okay. Just a generality.

3 ██████████ ██████████ It was after midnight.

4 SPECIAL AGENT ██████████ Okay.

5 ██████████ ██████████ After midnight, my phone rang.

6 I'm a pretty light sleeper. I look over at my phone,
7 it says ██████████ and I'm like oh, crap. Something bad has
8 happened, right? Because that's the only time he's
9 going to call you at night and wake you up. I jump up,
10 grab my phone, hey boss -- you know, generalizing the
11 conversation. Hey boss, what's going on? We have a
12 downed agent. I just got off the phone with ██████████
13 ██████████ I want to confirm we're launching. So this is
14 the first time I've heard about it, right?

15 SPECIAL AGENT ██████████ Okay.

16 ██████████ ██████████ I'm like, I'm like, what, what are
17 we talking about? What -- you know. And I'm trying to
18 wake up and get the cobwebs out of my head, right? So
19 I go, I grab my phone out of the bedroom, shut the door
20 to the front -- I went to the kitchen because that's
21 where my, my work phone was at because it was on the
22 charger on the countertop at my house. I grabbed my
23 work phone, get my glasses because I can't see anything

1 without my glasses. Want to read my phone, right? So
2 I read my phone and I see a message from [REDACTED]
3 that we are launching for an agent down.

4 SPECIAL AGENT [REDACTED] So that had come prior to the
5 call?

6 [REDACTED] [REDACTED] That happened --

7 SPECIAL AGENT [REDACTED] Just, it was already on your
8 phone, that message?

9 [REDACTED] [REDACTED] Yes. So Steve had sent a message
10 out that he was launching [REDACTED] It was a high risk,
11 high wind and it went to all the supervisors.

12 SPECIAL AGENT [REDACTED] Okay.

13 [REDACTED] [REDACTED] So the supervisors included
14 myself, Deputy Director [REDACTED] [REDACTED] I think
15 [REDACTED] was still on at that time, [REDACTED]
16 [REDACTED] and [REDACTED] I think are the messages
17 that went out to.

18 SPECIAL AGENT [REDACTED] Okay.

19 [REDACTED] [REDACTED] I would have to go back and --

20 SPECIAL AGENT [REDACTED] Yeah, if you can find that,
21 that -- [REDACTED] if we could add that to our list of --

22 [REDACTED] [REDACTED] I, I have the message right here.
23 I actually put it down right there for you guys.

1 SPECIAL AGENT ██████ Okay, great.

2 █████ ██████ So, and I want to say that and I
3 looked at it yesterday. I'm in the area, it was like
4 11:50-ish, right?

5 SPECIAL AGENT ██████ Okay.

6 █████ ██████ So I told my boss Mr. ██████, let
7 me find out, I'll get back to you. I, I think I either
8 hit ██████ with a text or I called him first, are we
9 launching? And then I hit the button and he was like,
10 yes. And I go, let me call you because I had things,
11 right? And I want to say I called ██████ two or three
12 minutes after I got off the phone with ██████ by the time.
13 So I'm assuming there was a text in there that -- are
14 we launching?

15 SPECIAL AGENT ██████ Um-hmm.

16 █████ ██████ So I get a hold of Steve and he
17 goes, yes, we're launching. And I go -- I have two
18 questions for ██████ I remember it pretty damn clear.
19 One, is the weather -- are we, are we allowed to
20 launch? Because we had just had a horrendous storm
21 that rolled through El Paso. So I have a house that we
22 just bought and I mean, it was pouring rain, high wind.
23 I mean, it was howling. I mean, it blew the, the

1 cushions off my chairs outside. We had to go get them
2 before they blew into the neighbor's yard. I mean,
3 it -- a lot of wind, right? And he goes, we're
4 marginal. Good enough. Second question, did you
5 consider launching the Blackhawk? And he goes, if I
6 launch the Hawk, it's going to be an hour plus delay.
7 And I go fair enough, thank you.

8 SPECIAL AGENT [REDACTED] What does that mean?

9 [REDACTED] So we have a Blackhawk, so in
10 November of '19, the Blackhawk returned to the El Paso
11 Air Branch. So about 9 years before that, 8, 9 years,
12 the Blackhawks were removed from the El Paso Air Branch
13 and we had had a hodge-podge of medium lift aircraft,
14 UH-1 Hueys, UH-1Ns, UH-12's. So the Hawks came back
15 in, then we got to train, dedicate, get our maintenance
16 people up, get our staff up. The time we had, I want
17 to say we only had four PICs or three PICs up in that
18 aircraft, so we continued to struggle. COVID has not
19 helped us, so we just could not get our training plan
20 up to where we need it to be to be operational with
21 this aircraft. So we didn't have crews sitting here --

22 SPECIAL AGENT [REDACTED] That could operate the Hawk?

23 [REDACTED] That could operate the Hawk.

1 SPECIAL AGENT ██████ So you would have to call
2 someone in?

3 ████████████████████ So we'd have to call people in and
4 we only had a few to choose from. So by the time you
5 started the phone tree and got people in then got the
6 aircraft out of the hangar and got it preflighted and
7 got the risk done, it was going to be an excessive
8 delay. An unacceptable delay.

9 SPECIAL AGENT ██████ Sure.

10 ████████████████████ And that's the way I took it and
11 that's again, putting myself in a command duty officer
12 thought process.

13 SPECIAL AGENT ██████ Yep.

14 ████████████████████ Which I've been a CDO for over 12
15 years for this program. I mean, I've been a CDO for a
16 long period of time. I agreed, I agreed. I said okay,
17 let me know what I can do to help you and then send me
18 the five points. Anytime there's a significant that we
19 generate a what's called a five point. And it goes up,
20 it's a significant event, it goes up to all the SES's.
21 It's high level, this is what's going on, right? Send
22 me the five point, I'll launch it from there because I
23 want to see the five points that are going out. Now

1 either myself or my designee launches the five point,
2 right? Because we've had some verbiage challenges in
3 some of the five points. Some information that got out
4 that shouldn't have got out to the wrong people and
5 that could be everything from hey, you released
6 somebody's name, we can't do that. It's -- it's, it's
7 an internal communication, but that information doesn't
8 need to go out. We need to keep that because it's a
9 significant event closer hold to maybe just the
10 executive director and certain SES's, not to go out to
11 all the GS-15s, right? So I mean, it's close hold
12 information. You send me that, I'm take care of that.
13 Let me know when we're launching, things like that,
14 right?

15 Well, by the time I started talking, the aircraft
16 was already pull and pitch. It was already running
17 pull and pitch, so I talked to my -- I called my boss
18 back again. Yes, we're launching. We've got this
19 going on and we're launching an aircraft out of Tucson.
20 And he goes, who's the crew on Tucson? Let me find
21 out. So instead of calling [REDACTED] because Steve is
22 messing with -- he's involved with everything, right?
23 He is, he is running the shift, right? That's the

1 command duty officer's job. I called Tucson that
2 night. The CDO that night was [REDACTED] [REDACTED] I've known
3 [REDACTED] for many years. Which aircraft is coming? Are
4 you coming? First of all, let me verify, are you
5 coming? Yes. What tail number is coming? Because
6 that's another question I'm going to be asked because
7 my boss is going to want to know which aircraft is
8 coming. Who is the pilot on that aircraft?

9 I ask that for several things. Run -- I know the
10 weather, I have a generalization of the Boot Heel area,
11 even though I haven't been in that area. It can be
12 nasty, the terrain's rough. You're under night vision
13 goggles which are -- I mean, you're literally looking
14 through soda straws when you're operating those things.
15 When I found out the pilot was [REDACTED] (sp),
16 again, my, my, my concern which was way, way high
17 because it's -- with weather and everything else we're
18 going to, and, and you're dealing with an agent down.
19 So it's already an elevated risk, so a lot of times our
20 crews are going to hang things a little bit more out
21 there for an agent, right? For a badge, for another
22 badge that's down.

23 So it's [REDACTED] I was like oh, thank

1 goodness. [REDACTED] is a very experienced pilot. He's an
2 EMT. I think he was trying to get his paramedic at one
3 time. He oversees the EMT program for the Tucson Air
4 Branch. Lot of, lot of NVG hours, lot of night vision
5 goggle hours. He's been on the midnight shift I think
6 since '15 or '16. He's got years on that shift, so his
7 rhythm is set for that, his circadian rhythm. His --
8 he is at his peak when he's working that type of shift.

9 So that put me at ease knowing, okay, this and that.
10 And then I just kind of sat back and answered questions
11 from Mr. [REDACTED]. The chief and I were contacted a
12 couple times. As a matter of fact, one of her
13 messages, I want to say she -- she told me she was
14 hoping we could bring a miracle with us.

15 SPECIAL AGENT [REDACTED] Thank you. That was a lot of
16 information and I appreciate it. I know it's been on a
17 lot of people's minds, so I understand it would be on
18 the tip of your thought process. That being said, as a
19 director and previously as you had mentioned, a CDO so
20 you've, you've run a branch's air operations, you know,
21 24 hours I guess it would go on, did you -- was there
22 anything else you think the branch could have done?

23 [REDACTED] [REDACTED] At that night?

1 SPECIAL AGENT ██████ Yes.

2 █████ ██████ At that time, knowing the
3 information I knew now -- again, at the director level
4 I don't get in the weeds on shift assignments,
5 personnel, anything like that. That's what the command
6 duty officer's for.

7 SPECIAL AGENT ██████ Sure.

8 █████ ██████ At the time, I was happy we were
9 responding. I was happy we had reached out to the
10 Tucson Air Branch and they were responding. I mean,
11 that's real time information. And again, the fact ██████
12 ██████ is responding. Now there's some question of
13 who's going to get there quicker and I know that got
14 discussed later and in my mind I was already playing
15 that out. I knew it was the Lordsburg area, so a
16 generalization. I didn't know exactly what
17 coordinates, where, what part of the Boot Heel, things
18 like that.

19 SPECIAL AGENT ██████ Sure.

20 █████ ██████ So I didn't feel like we were --
21 we weren't shortchanging anybody. We were doing
22 everything we exactly could with what we had at that
23 time.

1 SPECIAL AGENT ██████ Okay.

2 █████ ██████ And I will put this out there

3 also. ██████ I could not ask for a better

4 command duty officer that night. ██████ is an

5 instructor pilot. He is the branch's safety officer at

6 that time. He was a prior GS-15 deputy director at the

7 Tucson Air Branch. He's been a 14 for a long time. He

8 was a command level at his military unit. So he

9 understands personnel action, circadian rhythms,

10 instructor pilots. He's -- I don't know how many

11 thousands of hours he's got in that specific AOR. So

12 you could probably give him coordinates and he'd be

13 like oh, that's over by the -- and I joke about this --

14 that's over by the black rock by the X, Y, Z cactus.

15 He just knows that area so much. So to have him making

16 the decisions, my confidence was through the roof. And

17 I knew if I interjected anything or attempted to help,

18 I'm getting in the way. So I did my role as a

19 director, again, command duty officer, ██████ is, is

20 delegated my authority to make decisions for branch

21 operations.

22 SPECIAL AGENT ██████ Okay. And you were

23 comfortable with the decisions he was making?

1 [REDACTED] Absolutely.

2 SPECIAL AGENT [REDACTED] Okay. The next day, did you
3 have some sort of debrief or discussion as to what,
4 what happened in more detail?

5 [REDACTED] We, we talked about it. We talked
6 about our response. And then questions came out later,
7 but we talked about our response and again, the day
8 after and even today, I'm very confident with the
9 decision we made. We made the -- it was an unfortunate
10 series of events that had a catastrophic outcome, but
11 we did the best we could with what we had. And here's
12 some other facts that, that people kind of overlook a
13 little bit, all right? So weather. Weather is a
14 factor. Weather's a factor with aviation. These are
15 light enforcement helicopters. These are not
16 instrument rated aircraft. They are visual flight
17 regime aircraft only. When you look at where it was at
18 and BP called for medevac first -- this was a, this was
19 a medical emergency. This was not a law enforcement
20 response. This was a medical emergency. So we're
21 sitting -- our aircraft was an EMTB, basic life
22 support, right? Not advanced life support. We don't
23 have defibrillators. We don't -- we can't push drugs,

1 narcotics, you know, anything to keep the -- to
2 reactivate a heart, right? We can't do any of that.
3 The people that do that are the professionals. They're
4 the medevac pilots. They're the, the nurses, the
5 paramedics, whatever they have, their crew, right?
6 They denied that mission. They located, they located
7 two medevac teams, right? One out of Douglas which
8 would have been the closest proximity to Lordsburg area
9 and they also attempted to call Las Cruces.

10 Now in reviewing their aircraft, the Las Cruces team
11 uses an AS-350, same aircraft that we launch, the same
12 aircraft type that Tucson launched. I do believe that
13 Douglas medevac was a [REDACTED] product, very similar in
14 parameters, right? They have their go, no go
15 checklist. The, the professional life saving people
16 denied that mission.

17 SPECIAL AGENT [REDACTED] Okay.

18 [REDACTED] [REDACTED] Both of them. Now, they knew it
19 was an agent, so for them to deny that mission I'm sure
20 is pretty -- hit them pretty hard, right?

21 SPECIAL AGENT [REDACTED] Understood.

22 SPECIAL AGENT [REDACTED] I, I have a question.
23 [REDACTED] on that, that evening June 11th, we're just

1 talking about the same incident, did you ever reach out
2 to or call anyone at the Deming Air Unit?

3 [REDACTED] No, I did not.

4 SPECIAL AGENT [REDACTED] Why not?

5 [REDACTED] It's not my role. It's, it's
6 really not my role. That's the command duty officer's
7 role, right? And he's a designated command duty
8 officer and you have to trust that person, him or her,
9 making the appropriate decisions.

10 SPECIAL AGENT [REDACTED] Okay. Do you know if the
11 CDO that night, Mr. [REDACTED] did he reach out to anybody
12 at the Deming Air Unit that, that evening?

13 [REDACTED] No, he did not.

14 SPECIAL AGENT [REDACTED] Do you know why he didn't?

15 [REDACTED] So, we have a lot of rules with
16 aviation, like I've explained. So we have what's
17 called a 10 hour rule and a 16 hour. It's a duty day
18 rule, right? So the only assigned pilot at Deming at
19 that time was Mr. [REDACTED] He had worked a 05 --
20 scheduled to work a 05 to 13:00 shift. Now we're also
21 on LEAP, Law Enforcement Availability Pay which means
22 we're -- we have to account for two hours of LEAP. So
23 when we look at schedules and we go 05 to 13, we add in

1 two hours of LEAP. So I do it as a command duty
2 officer too and I'm still a command duty officer.

3 So 16 hour day, his duty day would start at 05 in
4 the morning. So at 21:00 hours, he is out of his 16
5 hour duty day. The only way you can get that reset is
6 he have -- he has to do 10 hours of uninterrupted crew
7 rest. So --

8 SPECIAL AGENT [REDACTED] Apologize.

9 [REDACTED] [REDACTED] That's okay.

10 SPECIAL AGENT [REDACTED] Just annoying.

11 [REDACTED] [REDACTED] I'm just making sure -- I just
12 wondered if it was mine because mine does the same
13 thing. Right.

14 SPECIAL AGENT [REDACTED] Sorry. Go ahead.

15 [REDACTED] [REDACTED] So we're -- at 21:00 hours is 16
16 hours, so he's out of his duty day assignment. To
17 reset that, you have to go 10 hours of uninterrupted
18 crew rest. So if you are on any type of pay
19 compensation, rather it be LEAP work or LEAP available,
20 you are in a status where you are still working. Your
21 crew rest does not start until that. So when we look
22 at that, we go okay, 05 to 13:00, plus 2 is 15:00.
23 Take 10 hours from that and check me on my math, pretty

1 sure it's 01:00, right? So, if we were to call him
2 before that 10 hour clock reset his duty day, you have
3 voided his entire crew rest and you have to start that
4 time over.

5 So look at the other facts. That was [REDACTED]
6 Friday, even though it was a Thursday, it was his
7 Friday, the end of his shift. I don't know about
8 anybody else, but at the end of my shift, I go home. I
9 have a couple drinks, right? So, I mean, those were
10 some -- I'm sure those were some thought processes as I
11 would have made those same thought processes.

12 SPECIAL AGENT [REDACTED] Sure.

13 [REDACTED] Right.

14 SPECIAL AGENT [REDACTED] As far as that evening
15 though, real time, were you aware of the -- who was
16 working what shift at, at Deming? Were you personally
17 aware?

18 [REDACTED] Me? No.

19 SPECIAL AGENT [REDACTED] Yeah.

20 [REDACTED] No.

21 SPECIAL AGENT [REDACTED] Right.

22 [REDACTED] No, I don't --

23 SPECIAL AGENT [REDACTED] I think you stated that was

1 the CDO's responsibility.

2 [REDACTED] [REDACTED] CDO's responsibility. I don't, I
3 don't write their schedules. I don't write anybody's
4 schedules. The schedules at Deming is assigned to [REDACTED]
5 He writes those schedules, you know. Just like [REDACTED]
6 wrote the ones down in Alpine at that time.

7 SPECIAL AGENT [REDACTED] But the CDO would be aware of
8 those schedules?

9 [REDACTED] Absolutely.

10 SPECIAL AGENT [REDACTED] Right.

11 [REDACTED] [REDACTED] And the -- so here's some changes
12 we made with CDO, right? I had been, I had been
13 working to get, and it's short-staffed, a CDO on swing
14 shifts, right? Because I didn't want my CDO to be the
15 same one that worked the entire day all the way into
16 the night. So [REDACTED] -- excuse me. [REDACTED]
17 cleared Mr. [REDACTED] flight earlier that day. Now he
18 was also the CDO still working that night from home
19 that cleared the flight to respond to, to [REDACTED] So
20 he had the entire knowledge for the entire day, who he
21 cleared, what time, when they landed, when they
22 launched, who he talked to, who was on the aircraft.
23 That's the CDO's role.

1 SPECIAL AGENT ██████ Okay.

2 ██████ ██████ You know.

3 SPECIAL AGENT ██████ And that, and that's good to
4 know that he, he has inmate knowledge of that full day
5 of the people working. The next portion, we have heard
6 and I know you're a policy guy, so hopefully you'll be
7 able to dig something up -- variations of the LEAP
8 rule. So LEAP worked clearly counts as crew time.

9 ██████ ██████ Um-hmm.

10 SPECIAL AGENT ██████ The, the one that's been
11 divisible was LEAP available.

12 ██████ ██████ Um-hmm.

13 SPECIAL AGENT ██████ Some people say LEAP
14 available, that's just we're always available, doesn't
15 matter. But if you claim LEAP available -- so is there
16 a policy that says if you've claimed an hour of LEAP
17 available, that's -- that your time starts after that
18 hour availability or is that just your understanding of
19 it or a belief (inaudible) --

20 ██████ ██████ So the way I would view that,
21 right, so it's a 10 hour of uninterrupted crew rest.
22 Here's the way I would say -- that's the way the policy
23 is written. That's the way it says in the OH, right?

1 So if you are claiming any time you are working, rather
2 it be available which is a, which is a paid overtime
3 rating, right?

4 SPECIAL AGENT [REDACTED] Yep, understood.

5 [REDACTED] LEAP 5 USC5, or LEAP worked, you
6 are still engaged in work activity and you're available
7 which means you can call me anytime. I have to be
8 ready to go.

9 SPECIAL AGENT [REDACTED] Sure.

10 [REDACTED] So if that is -- you are right,
11 you are not in a 10 hour uninterrupted crew rest. You
12 are available to work. If you're available to work --

13 SPECIAL AGENT [REDACTED] Then you're not resting.

14 [REDACTED] Then you're not resting, sir.

15 SPECIAL AGENT [REDACTED] So that's -- but that's not
16 specific in the, in the policy anywhere that you can
17 recollect offhand?

18 [REDACTED] No. So it doesn't actually split
19 down into that. It would be an interpretation of
20 course.

21 SPECIAL AGENT [REDACTED] Okay.

22 [REDACTED] But I --

23 SPECIAL AGENT [REDACTED] And I know we're splitting

1 hairs here.

2 ████████████████████ Yes.

3 SPECIAL AGENT ██████████ But we're having this
4 discussion and I know there's been differing
5 opinions.

6 ████████████████████ Yep.

7 SPECIAL AGENT ██████████ Whether LEAP available is
8 actually part of crew rest or not part of crew rest.

9 ████████████████████ Here, here's the test I would do
10 on that, right? In the event an incident, accident,
11 mishap occurred, as the safety inspection team were to
12 go in.

13 SPECIAL AGENT ██████████ Right.

14 ████████████████████ I think they would look at that.
15 As a matter of fact, I, I just had a mishap as I was
16 discussing with you guys earlier. We had a wire strike
17 September 29th of last year. The safety inspector's
18 team came in. They, they turned over rocks, they did
19 everything. We got addressed on our schedule. We got
20 addressed on our schedule because the pilot came in at
21 7 instead of his scheduled 9 time frame. Now, it was
22 an error on the pilot's side because he had been
23 working a 7 to 15:00 and just, it, it wasn't that oh, I

1 was trying to do this or do that. It was my schedule
2 got changed and I forgot. It's a human factor, right?
3 It's understandable.

4 SPECIAL AGENT ██████ Um-hmm.

5 ██████ ██████ However, that was addressed by the
6 safety inspection team, why was that pilot in 2 hours
7 before? I'm sure because then again, it did just start
8 16 hour or 10 hour, everything, right? I'm completely
9 confident that a safety inspection team would view that
10 as you are not interrupting crew rest.

11 SPECIAL AGENT ██████ Okay.

12 ██████ ██████ And, and I would also lean back on
13 my safety officer, Mr. ██████ making those command
14 decisions that night.

15 SPECIAL AGENT ██████ And, and basically as you had
16 said with LEAP, it's just understood for the most part
17 that it's commonplace that everyone claims two hours
18 one way or another every single day.

19 ██████ ██████ Well, so in our policy.

20 SPECIAL AGENT ██████ Maybe more but --

21 ██████ ██████ In our policy, you're required to
22 make a cumulative two hours per day. So the basic
23 assumption real quick and I know that assumptions are

1 not always the best things --

2 SPECIAL AGENT [REDACTED] Per practices, right.

3 [REDACTED] [REDACTED] Yep. But when you're doing
4 scheduling and flight planning, you would count every
5 day as two hours. Now it could be more, it could be
6 less, right? It's a cumulative thing.

7 SPECIAL AGENT [REDACTED] Right.

8 [REDACTED] [REDACTED] But when you make quick, quick
9 decisions in real time, you're going to go that's two
10 hours, that crew is unavailable. Now I'll also go to
11 this, who was, who was the air crew member that day?
12 That air crew -- that aircraft cannot be launched
13 single pilot. MBG, going to need two, right? So was
14 it a border patrol SAM who was -- I don't know. I'd
15 have to go back and really dig into who --

16 SPECIAL AGENT [REDACTED] There was a SAM available.

17 [REDACTED] [REDACTED] Okay.

18 SPECIAL AGENT [REDACTED] In the area theoretically.

19 [REDACTED] [REDACTED] Okay. So there was a SAM
20 available. So now if he or she is working a 5 to 13
21 and they're on BAPRA category A, category 1, whatever
22 it is -- I can't remember the numbers, all right?
23 They're required to work 10 hours, which means now they

1 are definitely at 5 to 13 plus 2 makes 15, their rules
2 are the same as ours. They're our air crew, they're
3 designated air crew so they fall under our AOH.
4 They're SF 50 --

5 SPECIAL AGENT [REDACTED] So regardless being a -- not
6 being a pilot, they have to have the same amount of
7 crew rest --

8 [REDACTED] Yes, sir --

9 SPECIAL AGENT [REDACTED] -- and everything else.

10 [REDACTED] They have to have the same amount
11 of crew rest. So, so if we want to get down and split
12 hairs about LEAP available and LEAP stuff, hey, well,
13 maybe, maybe if you want to get there, I would not want
14 to be the one trying to justify that. I find that the
15 more we try to justify something, it's probably a bad
16 idea, you know, and --

17 SPECIAL AGENT [REDACTED] Well, I completely
18 understand.

19 [REDACTED] But so who would be his crew
20 member? You know, I mean, as you get down into that,
21 there's, there's other thought processes in there, too.
22 And again, these are all decisions that were made by
23 the CDO, you know.

1 SPECIAL AGENT ██████████ Do you remember having any
2 conversation that evening with CDO ██████████ about
3 reaching out to anybody in Deming?

4 ██████████ ██████████ No, sir.

5 SPECIAL AGENT ██████████ I think we covered --

6 SPECIAL AGENT ██████████ I, I know, (inaudible) one
7 of the -- did you at any point during that -- the
8 events of that evening tell CDO ██████████ not to get
9 Deming involved?

10 ██████████ ██████████ No, sir.

11 SPECIAL AGENT ██████████ For any reason?

12 ██████████ ██████████ No, sir.

13 SPECIAL AGENT ██████████ Thank you.

14 ██████████ ██████████ And I, and I'm sure if I would
15 have said that to ██████████, he'd have put me in my place.
16 ██████████ is one of those guys, he's not a yes man. He
17 will tell you what is on his mind. He's very
18 passionate about his work and if I would have crossed
19 any line, he would have let me know.

20 SPECIAL AGENT ██████████ Fair enough.

21 ██████████ ██████████ But never came to my mind. Again,
22 that's not my role, right? And that's -- so that's an
23 obstacle, right? So I'm, I'm a new official director,

1 right? I've been a deputy, I've been an acting
2 director. In '19, I was actually promoted to my first
3 command with Air and Marine, right? I had, I had some
4 struggles. I had some struggles in the beginning
5 because I was still in that deputy role, so the deputy
6 controls operations, controls trainings, controls all
7 this. And about two month's into it, I had a big
8 discussion with Mr. [REDACTED] and I apologized. Hey, I'm
9 stepping in your cookies. I'm getting down into the
10 weeds where I don't need to be because I had this
11 vision of where we need to be and we should have been
12 there three days ago. We're not there. It's going to
13 take time to get us there, right? We're still working
14 through things. But I learned pretty quickly my role
15 is at a certain level and I pulled back to it and I
16 think it's really advanced the branch farther. Now
17 we've got a new deputy here now. We've got [REDACTED]
18 [REDACTED] here. [REDACTED] and I have got a lot of time
19 together throughout the program and he, he's a policy
20 guy just like I am. So we're, we're going to continue
21 to make advancements in that area. But it was a, it
22 was a challenge for me to get into my new role because
23 I was so used to my other one and it was different in

1 my comfort zone, right? And I, I -- again, I apologize
2 to [REDACTED] and said okay, you have ops. You have
3 training. Here's the way I need to step into my role.
4 So I -- any accusation that I would come down and
5 critique or direct a CDO to operate a certain way is
6 different incorrect.

7 SPECIAL AGENT [REDACTED] Okay.

8 SPECIAL AGENT [REDACTED] And actually there was
9 another question and if you can dig out the RFI because
10 the RFI was specific to this event, so we'll talk about
11 it after. But there was a lot of discussion about the
12 weather. Obviously the weather here, it was bad, it
13 was marginal. And it was -- talking with the pilot,
14 you know, it was a scary flight.

15 [REDACTED] Um-hmm.

16 SPECIAL AGENT [REDACTED] Bumpy and I believe he had a
17 tailwind that he mentioned to us that he had traveled
18 at 130 miles an hour for a portion of the trip which is
19 fast.

20 [REDACTED] Pretty, pretty quick, especially
21 for an A-Star.

22 SPECIAL AGENT [REDACTED] Sure. That being said, there
23 was also, you know, and it was part of a request, but

1 the pulling up of the weather in Deming and a
2 comparison and so on and so forth. To your knowledge,
3 was the weather in Deming a factor of this decision to
4 launch at all?

5 [REDACTED] No. I don't, I don't --

6 SPECIAL AGENT [REDACTED] So there was no Deming crew,
7 so was that discussed?

8 [REDACTED] No.

9 SPECIAL AGENT [REDACTED] Was [REDACTED] talking about the
10 weather in Deming and that's why he's not going to
11 launch Deming?

12 [REDACTED] No.

13 SPECIAL AGENT [REDACTED] Okay.

14 [REDACTED] No. There was no reason to get
15 down into the weather or get down into aircraft
16 available because we had no crew.

17 SPECIAL AGENT [REDACTED] Correct, understood.

18 [REDACTED] So definitely --

19 SPECIAL AGENT [REDACTED] So had it been daylight,
20 sunny, 70 degrees with no wind in Deming, would it have
21 affected that launch that evening?

22 [REDACTED] No, wouldn't matter. We're -- we
23 still --

1 SPECIAL AGENT ██████ I know I'm saying
2 (inaudible).

3 █████ ██████ I'm trying, I'm trying to run all
4 the calculations like we're, you know --

5 SPECIAL AGENT ██████ (Inaudible).

6 █████ ██████ -- where am I going, but, but the
7 fact is the crew was not within crew rest.

8 SPECIAL AGENT ██████ So didn't matter what was
9 going on in Deming, there wasn't personnel to fly it
10 even if it was perfect conditions?

11 █████ ██████ Exactly, sir.

12 SPECIAL AGENT ██████ Okay. That, that's where I'm
13 getting it because there's been a lot of discussion and
14 arguments of, you know, this weather map and that
15 weather map and, and it's not a factor in this
16 decision?

17 █████ ██████ No, sir.

18 SPECIAL AGENT ██████ Okay.

19 █████ ██████ I do believe it was a factor in
20 the medevac decision, not the launch.

21 SPECIAL AGENT ██████ Absolutely, but, but --

22 █████ ██████ But it wasn't --

23 SPECIAL AGENT ██████ You don't control -- you

1 don't decide if the medevac launches or not; correct?

2 [REDACTED] Yes, sir. I have no authority
3 over them.

4 SPECIAL AGENT [REDACTED] Perfect. Okay. I apologize,
5 we just have so many different documents. We're trying
6 to --

7 [REDACTED] That's okay.

8 SPECIAL AGENT [REDACTED] -- make sure we don't want to
9 have to interview you again.

10 [REDACTED] Hey, guys, (inaudible) might like
11 it down here. There's no snow.

12 SPECIAL AGENT [REDACTED] Yeah.

13 [REDACTED] It's, it's nice. We had snow the
14 other day though. We had -- you know, it was rather
15 unique.

16 SPECIAL AGENT [REDACTED] No doubt. [REDACTED] are we sure
17 this is the document?

18 SPECIAL AGENT [REDACTED] (Inaudible).

19 SPECIAL AGENT [REDACTED] Okay. So we kind of
20 discussed that. So do you recall getting a request for
21 information and it might have been from an OPR Agent
22 [REDACTED] related directly to a response to Congress or
23 Request for Information, RFI as it's commonly referred?

1 [REDACTED] Yes, I do.

2 SPECIAL AGENT [REDACTED] Okay. And if part of that,
3 there was -- obviously this is the same discussion
4 we're having, whether El Paso was an appropriate
5 response or Deming was an appropriate response.

6 [REDACTED] Correct.

7 SPECIAL AGENT [REDACTED] And as part of that also, do
8 you recall pulling up the schedule and I imagine it's a
9 Web TA printout or --

10 [REDACTED] So, so actually this is Schedule
11 Anywhere.

12 SPECIAL AGENT [REDACTED] Okay.

13 [REDACTED] Make sure I'm on camera. This is
14 a Schedule Anywhere and, and I, I actually took a
15 screenshot of this.

16 SPECIAL AGENT [REDACTED] Okay.

17 [REDACTED] And I'm the one that provided it
18 to Mr. [REDACTED].

19 SPECIAL AGENT [REDACTED] Okay. And so [REDACTED] on the
20 day, on the 11th, what, what was his schedule?

21 [REDACTED] So [REDACTED] at -- what you can't see
22 is he was assigned the, the, the BP-07. So on his
23 schedule, it shows 05:00 to 13:00.

1 SPECIAL AGENT ██████ Okay. And 07, that's what it
2 means to you?

3 ██████ ██████ So, so the 07 is a launch time.
4 So when we look at this, so -- and I can read upside
5 down. So BP-07 means it's a border patrol mission and
6 the expected launch time is 07:00.

7 SPECIAL AGENT ██████ Okay.

8 ██████ ██████ Now this would designate it was a
9 local mission.

10 SPECIAL AGENT ██████ Okay.

11 ██████ ██████ All right? FA3 means the aircraft
12 is expected to patrol into Focus Area 3 which is into
13 Arizona and to the Lordsburg AOR. Provided a map for
14 that.

15 SPECIAL AGENT ██████ Sure.

16 ██████ ██████ This day he was not assigned to
17 fly, this day back into FA3 and this day it was a
18 border patrol 07:00 mission. His shift the entire week
19 is a 05 to 13:00. I'm big on shift consistency. What,
20 what I have a problem with and I actually assisted in
21 writing a branch directive of the Tucson Air Branch was
22 to prevent people from being bounced around on their
23 shifts.

1 SPECIAL AGENT ██████ Sure.

2 ████████████████████ One day 5, one day 7, one day 9,
3 the next day, it messes again with the circadian rhythm
4 of the pilots and it puts a -- it's one of the first
5 holes by (inaudible) the Swiss cheese method with
6 safety or you do the weak chain link, whatever you
7 do.

8 SPECIAL AGENT ██████ Right.

9 ████████████████████ I'm a Swiss cheese guy. When you
10 start looking the holes, Swiss cheese when all the
11 holes line up, that's when the accident happens, right?
12 So --

13 SPECIAL AGENT ██████ Absolutely.

14 ████████████████████ It's the first step in that safety
15 chain or safety Swiss cheese, however you want to --

16 SPECIAL AGENT ██████ Okay. So based on that,
17 there's -- you didn't -- you don't know there's any
18 LEAP claimed here or anything of that nature in this
19 particular document?

20 ████████████████████ No, sir.

21 SPECIAL AGENT ██████ Okay. So then part of this
22 and like I said, this, this documentation here -- and
23 I'll let you read it here, but I want to get to some

1 specifics. So AIA ██████ started his day at 05:00
2 hours and completed his 8 hour shift at 13:00.
3 However, his shift continued with one hour of LEAP and
4 one hour LEAP available, making his end time 15:00
5 hours. So we had a lengthy discussion before that.

6 ██████████████████ Yes, sir.

7 SPECIAL AGENT ██████ This is the portion I'm
8 talking about, and I imagine you wrote this because
9 you're speaking highly of Mr. ██████

10 ██████████████████ Yep.

11 SPECIAL AGENT ██████ So based on that document,
12 you couldn't have gleaned that information, so did you
13 look somewhere else or were you back to it's your
14 belief when anyone works 5 to 1 that they make that
15 claim routinely?

16 ██████████████████ So as this was an after the fact
17 thing, in order to get the best information I could, I
18 actually went into Web TA.

19 SPECIAL AGENT ██████ Okay.

20 ██████████████████ Mr. ██████ has 1 hour of LEAP
21 worked and 1 hour of LEAP available. Now that goes in
22 line with the two hour LEAP --

23 SPECIAL AGENT ██████ Policy.

1 [REDACTED] Cumulative number, the policies,
2 where we have to maintain in order to keep LEAP in our
3 pay.

4 SPECIAL AGENT [REDACTED] Sure.

5 [REDACTED] So --

6 SPECIAL AGENT [REDACTED] So you noted that that was in
7 there after the fact obviously and certified that he
8 put that in there because we're talking months later
9 so --

10 [REDACTED] Yes, sir.

11 SPECIAL AGENT [REDACTED] Okay. In Web TA, does it
12 delineate the actual hours?

13 [REDACTED] No, sir, it does not.

14 SPECIAL AGENT [REDACTED] Okay. So it's just a ticky
15 mark, one hour worked, one hour available?

16 [REDACTED] Yeah. And unfortunately this
17 is -- yes, it is to answer your question. In the old
18 cost system that we used to use before Web TA came
19 online, it would actually --

20 SPECIAL AGENT [REDACTED] Specific, yes.

21 [REDACTED] -- identify when you put your
22 marks in.

23 SPECIAL AGENT [REDACTED] Which I prefer (inaudible).

1 ████████████████████ I'm a big fan of Costs, right?
2 Costs gave us the ability to do a lot more things. It
3 also allowed us to certify LEAP and do CM 81. We used
4 to have that, so I mean, we're aging ourselves here
5 with some of these discussions, but I'm a big fan of
6 Costs.

7 SPECIAL AGENT ██████████ Okay. So that being said,
8 you noted that -- and we'd had a lengthy discussion, so
9 back to what you mention earlier, is it fair to say
10 that you assumed that those two hours were worked at
11 the term -- at the end of the shift?

12 ████████████████████ Yes, sir.

13 SPECIAL AGENT ██████████ Okay. You didn't call ██████████
14 ████████████████████ to verify that or call Mr. ██████████ to verify
15 that, it was just based on your belief in normal
16 practices that that's what it was?

17 ████████████████████ Yes, sir. I searched Web TA. I
18 knew he was scheduled and scheduled anywhere to work a
19 05 to 13:00. There were no additional marks in Web TA
20 that would, would differentiate if he would have come
21 in earlier or later, right?

22 SPECIAL AGENT ██████████ Right.

23 ████████████████████ So that's where I went.

1 SPECIAL AGENT ██████ Okay. So it was an
2 assumption. You weren't trying to declare a fact or --
3 because later on Mr. ██████ declared to Mr. ██████
4 that he came in at, at 4 a.m. versus staying late and
5 he actually left at 13:00 hours; therefore, you know,
6 discussing that the LEAP was beforehand.

7 ██████ ██████ Um-hmm.

8 SPECIAL AGENT ██████ That being said, you couldn't
9 have gleaned that from Web TA?

10 ██████ ██████ No, sir.

11 SPECIAL AGENT ██████ Would it have changed
12 anything if you knew that he came in at 4 a.m.
13 versus --

14 ██████ ██████ It wouldn't change the loss issues
15 that I -- it would not have -- I mean, now I'm, I'm,
16 I'm speaking hypothetical. Obviously I'm not the CDO,
17 I'm not making that decision.

18 SPECIAL AGENT ██████ Correct.

19 ██████ ██████ But now if you put me in that CDO
20 role, I'm not calling Deming. I'm not calling Deming.
21 They're a daytime crew only. Even when they do their
22 night vision goggle reset, they were coming in early to
23 do their night vision goggle reset. They weren't

1 working at that time of day. Circadian rhythm and I
2 mention it several times, it's very important in the
3 aviation world. You take a daytime person only, now if
4 you say okay, well, he, he came on at 4 now. All
5 right, so now we're at midnight, almost midnight,
6 right? I'm just going to use midnight because it's
7 easier numbers.

8 SPECIAL AGENT [REDACTED] Sure.

9 [REDACTED] [REDACTED] That means 4 hours later he would
10 have been up, available coherent for 20 hours and you
11 expect me to put him on the flight controls of an
12 aircraft? Not happening. It's, it's, it's extremely
13 unsafe.

14 SPECIAL AGENT [REDACTED] Sure.

15 [REDACTED] [REDACTED] Right? And that's one of our, our
16 primary pillars, if you want to call it pillar, safety
17 of operation. Safety of our flight crew, right?
18 Especially when I have other options.

19 Now if we want to Monday morning quarterback
20 something, okay, now you take away my options from El
21 Paso and you take away my options from Tucson that we
22 could utilize or you take away all my other options,
23 would I call Deming if that was my last ditch? Maybe.

1 Maybe. Because I've got to -- I've got to waive so
2 many things in the AOH, right? Getting the aircraft
3 out of the hangar. Hey, it takes three people by the
4 AOH, so I've got to waive that. What if they ding
5 something getting the aircraft out of the hangar,
6 right? I mean, there's so many -- again, you're lining
7 up --

8 SPECIAL AGENT [REDACTED] And we'll get into the
9 hangar, because it's more specifics on it. And I
10 appreciate what you're saying, I didn't mean to cut you
11 off.

12 [REDACTED] That's okay.

13 SPECIAL AGENT [REDACTED] I wanted to, to, to drill
14 down a little bit more.

15 [REDACTED] Okay.

16 SPECIAL AGENT [REDACTED] Based on your knowledge of
17 obviously the CDOs sitting here, was there any way for
18 Mr. [REDACTED] to know that [REDACTED] came in at 4 a.m.?

19 [REDACTED] No.

20 SPECIAL AGENT [REDACTED] Is there any rules or
21 directives in the air branch here to notify when
22 someone starts their shift?

23 [REDACTED] Yeah, so with, with COVID that

1 came up, we've had some unique anomalies, right? I
2 mean, we've had to try to weigh, expand our, our crews
3 and protect our crews and be safe to where we could
4 respond with healthy people, right? We've even gone
5 down as far as we're not going to pick up people in the
6 field unless it's exigent circumstances. We put
7 together a PPE kit that we started and -- is my drink
8 in the way?

9 SPECIAL AGENT ██████████ No, I just wanted to make
10 sure we had enough battery power here.

11 ████████████████████ All right. A PPE kit that has a
12 hand sanitizer, gloves, mask for our crews to wear if
13 they have to encounter an alien in distress, they can
14 mask up and protect themselves, right? So with that,
15 we instrumented a kind of a duty at home thing. Hey,
16 I'm going to allow you to leave work maybe a little bit
17 early so I expand my crew's flexibility, not have too
18 many people in the office. You have to be available to
19 be recalled back. With that in order so I can track
20 it, we -- I instrumented -- I instituted, thank you,
21 a -- when you get to the office in the morning, you
22 need to put it in the duty log. Now, El Paso's duty
23 log, right? So and, and I sent a message out to ██████████

1 and [REDACTED] I expect you to make sure we're
2 adhering to this.

3 SPECIAL AGENT [REDACTED] Who's [REDACTED]?
4 [REDACTED], sorry, the supervisor
5 at Alpine.

6 SPECIAL AGENT [REDACTED] Okay.
7 [REDACTED] So I put that to those two
8 gentlemen because they run their shifts, they run their
9 units. But it's my direction, this needs to be in. So
10 that's a way we know who's coming and going and at what
11 times.

12 SPECIAL AGENT [REDACTED] Okay.

13 SPECIAL AGENT [REDACTED] When, when was that -- do
14 you remember when approximately you sent that message
15 out to [REDACTED] and [REDACTED]?

16 [REDACTED] April-ish. I want to say -- I've
17 got a memo.

18 SPECIAL AGENT [REDACTED] April --

19 [REDACTED] I've got a, I've got an email.

20 SPECIAL AGENT [REDACTED] Okay. We'll get a copy of
21 that to you.

22 [REDACTED] I'll get it to you. I want to say
23 it's April time frame I'm thinking.

1 SPECIAL AGENT ██████████ Of 2020?

2 ██████████ ██████████ Of 2020, yes, sir.

3 SPECIAL AGENT ██████████ So it would have been
4 before this --

5 SPECIAL AGENT ██████████ This incident.

6 ██████████ ██████████ It was before this incident,
7 sure.

8 SPECIAL AGENT ██████████ What was -- were they not
9 documenting things like they should have as far as
10 these hours as you were suggesting?

11 ██████████ ██████████ So, so the reality of why --

12 SPECIAL AGENT ██████████ Implementive?

13 ██████████ ██████████ So as we got down to it, so we had
14 a lot of discussions at the director level with the
15 southwest region, executive and chief counsel got
16 involved in some of these discussions. So what we were
17 concerned with is accountability of our folks. So we,
18 we got an 8 hour requirement with two hours of LEAP,
19 some sort of combination, it's really about protecting
20 our folks. So if, if one of our folks leaves early
21 from their shift and just walks out the door, right?
22 He -- him or her gets in a car crash, are they, are
23 they covered by Department of Labor? Are they covered

1 by this? So it's really an effort to put the umbrella
2 and protect our people, hey, you came in at this time.
3 We've got it documented. Part of the -- the other part
4 of that conversation is when you leave, you have to put
5 your current phone number of which I can recall you and
6 you have to contact the command duty officer. You have
7 to get approval for this. It's not just I'm walking
8 out on my own. And, and then my instructions were hey,
9 you need to go straight home. You need to have your
10 phone charged, you need to be available for call out.
11 Don't go -- like I said, don't go to Lowe's or Home
12 Depot. You know, don't go shopping and enjoy your time
13 off. You are still required, I'm just allowing you to
14 continue your duty at home to protect our agents here
15 from the pandemic spread, right? Because it's --

16 SPECIAL AGENT [REDACTED] Sure.

17 [REDACTED] -- still with everything going on,
18 we're still doing it right now and it's been practiced
19 throughout just in different spots with the different
20 directors kind of doing something similar. Not
21 everybody because our branch is small. You compare
22 this branch versus Tucson and they've got twice the
23 people we do, right? So they're going to have

1 different challenges than we do. I can spread out for
2 shifts. We went from basically two shifts to a third
3 shift. We have an in between shift now and we --
4 we're, we're moving people around. Again, it's to
5 prevent that contact and that close contact as we, as
6 we move in. So if we can stop that portion, then we
7 protect our crews.

8 SPECIAL AGENT [REDACTED] Okay.

9 SPECIAL AGENT [REDACTED] Where -- but it sounds like
10 maybe people weren't following that, that instruction
11 or guidance that you gave or as far as -- because
12 then -- because obviously we kind of run into this
13 issue we're talking about on the night of June 11th
14 where --

15 SPECIAL AGENT [REDACTED] Let me rephrase that
16 question.

17 SPECIAL AGENT [REDACTED] Okay.

18 SPECIAL AGENT [REDACTED] Was it your belief that your
19 personnel were doing that?

20 [REDACTED] Absolutely.

21 SPECIAL AGENT [REDACTED] Okay.

22 [REDACTED] Yeah.

23 SPECIAL AGENT [REDACTED] So if someone came in at 4 in

1 the morning and didn't do that, was there any way for
2 your CDO or yourself to know that they came in at 4 in
3 the morning?

4 [REDACTED] No, sir.

5 SPECIAL AGENT [REDACTED] Okay. So it's fair to say
6 that even though after the fact we're being reported
7 that the individual potentially may have reached his
8 crew rest at 11 p.m., 20 minutes before the incident
9 call came in, there was no way for the CDO to know
10 that?

11 [REDACTED] No, sir.

12 SPECIAL AGENT [REDACTED] Okay.

13 [REDACTED] No way. Not if it's not
14 documented, not if that information's not passed on.

15 SPECIAL AGENT [REDACTED] And if we could pull the log
16 from that day to see if there was any report of a 4
17 a.m. arrival, that would be important for us to know
18 that was the CDO notified of a 4 a.m. arrival or was it
19 a 5 a.m. arrival noted? So at the end of this, we'll,
20 we'll bring that up.

21 [REDACTED] Okay.

22 SPECIAL AGENT [REDACTED] But that's -- does that sum
23 up, I think?

1 SPECIAL AGENT ██████████ Yeah, I guess, I guess
2 because in your, in, in your response and I think
3 you've already stated that basically you assumed it was
4 one, one hour before and one hour after?

5 SPECIAL AGENT ██████████ No, two hours after --

6 SPECIAL AGENT ██████████ It was two hours after, I'm
7 sorry.

8 ██████████ ██████████ (Inaudible).

9 SPECIAL AGENT ██████████ We're, we're coming to find
10 out that the claim is that it was one hour before and
11 one hour after. But there was no way for you to know
12 that.

13 ██████████ ██████████ No, sir.

14 SPECIAL AGENT ██████████ Especially on that date.

15 ██████████ ██████████ No, sir.

16 SPECIAL AGENT ██████████ Later I guess we could have
17 confirmed if we called ██████████ or whatever. Didn't
18 matter, didn't launch him so --

19 ██████████ ██████████ No.

20 SPECIAL AGENT ██████████ -- we couldn't go back in
21 time and launch him.

22 ██████████ ██████████ Exactly. And there, and there --
23 again, there are -- and I know I've talked about it

1 before, there are other qualifying factors. Would you,
2 would you put that crew out there at that time during
3 that event when we had other options available? And I
4 would say much safer options available.

5 SPECIAL AGENT [REDACTED] Right. And [REDACTED] was
6 currently on a shift where he flew at night pretty
7 regularly?

8 [REDACTED] Yes, sir. As a matter of fact,
9 once [REDACTED] became designated, he's been on that shift
10 for a pretty good length amount of time. And even,
11 even discussing with [REDACTED] after the fact, even [REDACTED]
12 was, hey, this is -- we're marginal in what we're,
13 we're -- and you guys had the opportunity to fly with
14 Mr. [REDACTED]

15 SPECIAL AGENT [REDACTED] Right, right.

16 SPECIAL AGENT [REDACTED] Yes. So he -- and then he
17 would be obviously regardless, all pilots are
18 professionals and they do their job and they do it
19 safe. That being said, NVG is a talent and a skill
20 that is perishable?

21 [REDACTED] Absolutely, right? And so we
22 have, we have within the AOH, Aviation Operations
23 Handbook, you've heard me refer to that several times,

1 we have a currency requirement. Now currency and
2 proficiency are two different things. So a currency
3 means I have to go out and reset my night vision
4 goggles. So every, every 90 days I'm required to do
5 one hour of night vision goggle time, three take offs,
6 three landings, right? Now, Mr. [REDACTED] the pilot at
7 Deming that was available, he'd been with us for
8 several years, military before that. He's got NVG
9 time, but not a large amount of NVG time. Especially
10 when, when the Deming Air Unit is historically a day
11 only operation. So the real time he's only getting NVG
12 is during his initial 50 hour training, which you have
13 to have 50 hours in order to get qualified to be an NVG
14 PIC, and then it would be his NVG reset.

15 So they worked a couple of night missions, but not
16 on a regular basis. Not like Mr. [REDACTED] would be or
17 Mr. [REDACTED] coming out of, of Tucson.

18 SPECIAL AGENT [REDACTED] So these guys were qualified,
19 comfortable, proficient NVG operators?

20 [REDACTED] Absolutely. And I would also
21 carry that over to their air crew member, right? So
22 depending on the SAM that's there, I, I would -- I
23 mean, if I pulled their numbers, they probably don't

1 have much NVG time.

2 SPECIAL AGENT [REDACTED] Okay. And you rely on that
3 SAM to, to look to your left or what have you to ensure
4 that what you think is happening is happening?

5 [REDACTED] Yeah. It's all about a scan,
6 right? So when you're under NVGs, again, I've referred
7 to it as looking through a soda straw, you've got to do
8 a lot of movement, a lot of heads up movement. Things
9 look differently. It's green, it's grainy, it's dark.
10 You miss bushes, you miss trees, now you're putting in
11 wind. If you get into a brown out condition, a brown
12 out condition's where an aircraft settles in, the dust
13 comes up into the rotor wash and it is blacked out.
14 You -- it literally goes dark with your night vision
15 goggles, that's a bad day. That's a bad day. Are you,
16 are you already committed to your landing because if
17 you are, there's a good potential of you hitting
18 something on the ground.

19 Now the A-Star is a very complicated aircraft. It's
20 a complex aircraft. Now, not as multiple engines,
21 multiple pieces of parts, the problem with the A-Star
22 is the tail rotor. The tail rotor sits pretty low on
23 the A-Star, unlike the O86 or the Lakotas, or the

1 Blackhawk that has a much higher tail, right? So when
2 you set low, now as I come into the landing zone and I
3 settle, an ocotillo bush or something small can get
4 into the tail rotor and you just did \$10-, \$15,000
5 worth of damage to an aircraft and that aircraft is now
6 down and it's out of the fight.

7 SPECIAL AGENT ██████████ So at night, you've got to
8 really make sure your area's clear versus in the day
9 where you can make --

10 ████████████████████ Absolutely.

11 SPECIAL AGENT ██████████ -- more finite adjustments?

12 ████████████████████ At night it's a unique challenge
13 under night vision goggles. Having been there, done
14 that, lot of hours under night vision goggles, things
15 get missed.

16 SPECIAL AGENT ██████████ Makes sense to me.

17 SPECIAL AGENT ██████████ Do we need John to initial
18 these or anything or --

19 SPECIAL AGENT ██████████ You could, yeah. If you
20 don't mind. If it looks like, you know, and basically
21 we can -- you know this page. If you could read that
22 statement and I believe you -- I don't know if you
23 wrote it all, but if you could, put an arrow to it and

1 initial that portion of it. I find the part of -- was
2 in the RFI also where it shows the policy discussing
3 the movement.

4 SPECIAL AGENT [REDACTED] This one here?

5 [REDACTED] This one looks like my writing.

6 SPECIAL AGENT [REDACTED] Is there any -- do you
7 disagree with anything that's written there?

8 [REDACTED] No, sir, I don't disagree with any
9 of it, and especially with the time I wrote it with the
10 information I had.

11 SPECIAL AGENT [REDACTED] Okay, yep. If you could just
12 initial that.

13 [REDACTED] Yes, sir.

14 SPECIAL AGENT [REDACTED] And that's on the record what
15 you just said.

16 [REDACTED] Okay.

17 SPECIAL AGENT [REDACTED] And then that first page
18 was just the --

19 [REDACTED] So this is Schedule A --

20 SPECIAL AGENT [REDACTED] Yeah, what you talked
21 about --

22 [REDACTED] This is it?

23 SPECIAL AGENT [REDACTED] -- I think.

1 [REDACTED] [REDACTED] Yep. And I'm the one who actually
2 took the snip.

3 SPECIAL AGENT [REDACTED] Yeah.

4 [REDACTED] So --

5 SPECIAL AGENT [REDACTED] And that was what was
6 attached to the RFI as one of the attachments. Okay.
7 Thank you.

8 [REDACTED] [REDACTED] And I can also if you would like
9 me to, I can also forward you the message that I sent
10 to Mr. [REDACTED]

11 SPECIAL AGENT [REDACTED] That would be great.

12 SPECIAL AGENT [REDACTED] Yeah, yeah.

13 [REDACTED] [REDACTED] Just put a mark down, make sure --

14 SPECIAL AGENT [REDACTED] Yep. I'll make another
15 note --

16 [REDACTED] [REDACTED] I have no problem with that.

17 SPECIAL AGENT [REDACTED] Okay.

18 SPECIAL AGENT [REDACTED] Perfect. You mentioned this
19 and this was also part of the RFI, aircraft parking or
20 movements.

21 [REDACTED] [REDACTED] Um-hmm.

22 SPECIAL AGENT [REDACTED] And you had stated that it's
23 your belief it's -- the policy states it's three

1 personnel, but if there's 10 foot on either side, it
2 could be two persons.

3 [REDACTED] [REDACTED] It could be.

4 SPECIAL AGENT [REDACTED] It could be.

5 [REDACTED] [REDACTED] Um-hmm.

6 SPECIAL AGENT [REDACTED] So we want to, I guess,
7 clarify that. It was brought and it was described in
8 Mr. [REDACTED]'s RFI that it had to be three. But in the,
9 in the Deming AOR and the way their hangar's set up, is
10 it your understanding that two could do it safely?

11 [REDACTED] [REDACTED] It's a pretty open hangar.

12 SPECIAL AGENT [REDACTED] Yeah.

13 [REDACTED] [REDACTED] Again, two could do it.

14 SPECIAL AGENT [REDACTED] Okay.

15 [REDACTED] [REDACTED] Two could do it. I mean, so
16 again, now we're, now we're getting into what I call
17 exigent circumstances, right?

18 SPECIAL AGENT [REDACTED] Sure.

19 [REDACTED] [REDACTED] Are we going to allow certain
20 things to be waived, are we going to allow certain
21 things to be done if we had a crew, if we had -- in a
22 perfect world, hey, could it be done? It could be
23 done.

1 SPECIAL AGENT ██████ Absolutely. So it wasn't an
2 exclusion that it would have been 100 percent violation
3 of policy if only two people had pulled that out?

4 ██████ ██████ No, sir.

5 SPECIAL AGENT ██████ All right. And that's like I
6 said, RFIs sometimes, they just have information and
7 they don't have context. So a reader could read it two
8 different ways. One reader could read it as saying
9 that you're saying that there's no way Deming could
10 have done it without three people and clearly there was
11 only two people in the area that could have responded
12 in a reasonable amount of time, excluding that?

13 ██████ ██████ Um-hmm.

14 SPECIAL AGENT ██████ But you're not saying that,
15 you're saying that --

16 ██████ ██████ No, sir.

17 SPECIAL AGENT ██████ -- two people could have done
18 it absolutely and you would have been fine with that?

19 ██████ ██████ As long as they -- so a lot of
20 times what we'll do and sometimes there's actually
21 waivers in place, right? That way it clarifies other
22 things.

23 SPECIAL AGENT ██████ Sure.

1 ████████████████████ Hey, if you have this stripe on
2 the, on the hangar and you've got this much feet and
3 you've got this much distance -- and I'm pretty sure at
4 the time of the event, Deming only had one aircraft
5 over there.

6 SPECIAL AGENT ██████████ Sure.

7 ████████████████████ So it wouldn't have been multiple
8 aircraft with, with blades interconnected or anything
9 like that, so the hangar's pretty large. So I know
10 what we used to do in Yuma and some different places,
11 we called it the alert aircraft. If it goes to hell in
12 a handbasket, we're going to roll out here and this
13 aircraft is striped, there's marks on the ground and
14 it's got 10 foot clearance and as long as the two
15 people walk in there and they go that's correct, it's a
16 verification.

17 SPECIAL AGENT ██████████ Okay.

18 ████████████████████ Right? Out comes the aircraft.

19 SPECIAL AGENT ██████████ So -- and that's what I
20 wanted to clarify here.

21 ████████████████████ Um-hmm.

22 SPECIAL AGENT ██████████ Like I said, you can read
23 this many different ways.

1 [REDACTED] [REDACTED] Um-hmm.

2 SPECIAL AGENT [REDACTED] But it is your belief and
3 your understanding that let's say the crew was
4 available that night, you would have not have made them
5 wait for three people, you would have allowed it to
6 push with two if they believed they had the clearances
7 and they were within policy?

8 [REDACTED] [REDACTED] Absolutely.

9 SPECIAL AGENT [REDACTED] Okay.

10 [REDACTED] [REDACTED] That, that, that, that would not
11 have been a factor on not launching that aircraft.

12 SPECIAL AGENT [REDACTED] Perfect. That clarifies
13 that. Okay. Thank you.

14 [REDACTED] [REDACTED] Um-hmm.

15 SPECIAL AGENT [REDACTED] [REDACTED] was there anything else
16 as part of the RFI that was -- it was the weather.

17 SPECIAL AGENT [REDACTED] Yeah.

18 SPECIAL AGENT [REDACTED] And I think we covered that,
19 so there was, you know, variations. There's printouts
20 of the weather showing it at 9 p.m. in Deming versus 11
21 p.m. here and we show 11 p.m. and we can look that up
22 and that's factual that we can't change the historical
23 weather data.

1 [REDACTED] [REDACTED] Right.

2 SPECIAL AGENT [REDACTED] Bottom line is the weather
3 was not a factor in your understanding of the
4 situation?

5 [REDACTED] [REDACTED] No, sir, was not a factor.

6 SPECIAL AGENT [REDACTED] It was a factor for the pilot
7 leaving here that was operational.

8 [REDACTED] [REDACTED] Um-hmm.

9 SPECIAL AGENT [REDACTED] But not a factor in whether
10 you decided Deming would launch or not?

11 [REDACTED] [REDACTED] Absolutely. And that, and that
12 comes down to crew not available.

13 SPECIAL AGENT [REDACTED] Perfect. Okay. I think
14 we've covered this ad nauseam. It's an extremely
15 important event.

16 [REDACTED] [REDACTED] Um-hmm.

17 SPECIAL AGENT [REDACTED] It deserves our attention,
18 but I believe we've covered it as well as we can. Is
19 there anything we've missed that you think we maybe
20 glanced over or didn't discuss that's important?

21 [REDACTED] [REDACTED] You know, it's truly an
22 unfortunate series of events that just had a
23 catastrophic outcome. It's -- so many things between,

1 you know, the individual started to cramp and --
2 obviously dehydration issue. We don't know -- I mean,
3 we know later because we've Monday morning
4 quarterbacked the hell out of everything, we know now
5 kind of when he, he started cramping. The only -- my
6 only suggestion to everything, you got to call a
7 certain (inaudible). You got to get us (inaudible).
8 Right? I mean, if, if the call would have happened
9 four to five hours earlier and -- and this is all
10 hypothetical. If you would have called us, we could
11 have got out there, we would have been within the 16
12 hour crew day. We would have launched that asset. I
13 mean, if you really want to play split hairs and
14 devil's advocate on things, if you called us earlier,
15 we've got different available things we could do.

16 We could launch that aircraft single pilot at that
17 time, right? Because we don't require another -- it's
18 a daytime operations. I mean, all those things, but
19 again, you never know what happens. They made
20 decisions and you know, the agents there made
21 decisions. You have to trust their decisions. They're
22 working with what they have.

23 When you call us so late in the night, you have

1 really put us in an area where we have limited
2 resources of what we can do.

3 SPECIAL AGENT [REDACTED] Understood.

4 [REDACTED] [REDACTED] And the reason those rules are
5 there is because there's been fatal crashes time and
6 time again.

7 SPECIAL AGENT [REDACTED] That being said, it always
8 seems, at least in the law enforcement world and our
9 environment that bad things always happen at the worst
10 possible time.

11 [REDACTED] [REDACTED] Yes, sir.

12 SPECIAL AGENT [REDACTED] So as a director and you
13 know, this is your opportunity because we're, we're
14 here discussing what you did with what you had.

15 [REDACTED] [REDACTED] Um-hmm.

16 SPECIAL AGENT [REDACTED] That being said, as a
17 director, what would you have like to have had on that
18 night?

19 [REDACTED] [REDACTED] In a perfect situation, what I
20 would have liked to have had was a UH-60 crew here. My
21 UH-60 runs 150, 160 knots. I'll beat an A-Star coming
22 out of Deming with a Hawk any day of the week. That
23 Hawk is such a machine that can do that. If in a

1 perfect world if I had unlimited resources and
2 unlimited, you know, X, Y, Z, I would have utilized a
3 Hawk for that.

4 SPECIAL AGENT [REDACTED] Right.

5 [REDACTED] Or a Blackhawk out of Tucson.
6 Blackhawk out of Tucson would have beat me to the
7 scene. Now that was discussed at one time, I do
8 believe. They didn't have a crew available. So that
9 was another option (inaudible) taken.

10 SPECIAL AGENT [REDACTED] And I guess my question,
11 you're answering it as a director understanding your
12 resources. I'm talking what resources would you have
13 liked to have had, perfect world, like you can ask for
14 anything you want?

15 [REDACTED] Oh, perfect world? I mean, we
16 would go 24-7 operations. We would have it at all
17 locations. We would have crews readily available,
18 weather cooperating. I mean --

19 SPECIAL AGENT [REDACTED] And you would have a
20 Blackhawk, I would assume, or whatever's better than
21 that? I don't know what it is.

22 [REDACTED] So medium lift aircraft, right?
23 So again, why would I use one engine that's not IFR

1 capable, instrument flight capable, when I could have
2 an aircraft that's instrument flight capable. I'd have
3 a Hawk there with crew ready to go.

4 SPECIAL AGENT ██████████ At every branch?

5 ████████████████████ At every branch, every unit, all
6 the way across because that is our rapid response
7 platform. That has been proven. The military uses
8 them, it just -- it's the advantage of that aircraft
9 breaks through a lot of barriers that the A-Star just
10 can't do.

11 SPECIAL AGENT ██████████ Okay. And, and that's the,
12 that's the bottom line. You did what you could with
13 what you had on that night.

14 ████████████████████ Yes, sir.

15 SPECIAL AGENT ██████████ In your estimation. But if,
16 if we were going to question what could be done, it
17 would be having those assets.

18 ████████████████████ Um-hmm.

19 SPECIAL AGENT ██████████ And having the personnel to
20 run 24-7.

21 ████████████████████ Right. And so all the resources.
22 I would just sum it up as the appropriate resources due
23 it. You know, and even with those resources, weather

1 can play on us.

2 SPECIAL AGENT [REDACTED] No doubt.

3 [REDACTED] But, but the weather has to be
4 much worse than what it was that night to stop a
5 Blackhawk.

6 SPECIAL AGENT [REDACTED] Understood. So --

7 [REDACTED] You can just -- if you just want
8 to --

9 SPECIAL AGENT [REDACTED] You didn't want to talk to
10 them?

11 [REDACTED] We can, you can open the door.
12 Just want to make sure who it is.

13 UNIDENTIFIED SPEAKER: Hey, sir, I apologize.

14 SPECIAL AGENT [REDACTED] That's okay.

15 UNIDENTIFIED SPEAKER: Is -- I got a short notice
16 HSI request, just need your concurrence so I can send
17 them.

18 SPECIAL AGENT [REDACTED] If you need to go --

19 SPECIAL AGENT [REDACTED] Go ahead, go ahead.

20 SPECIAL AGENT [REDACTED] If you need a minute.

21 SPECIAL AGENT [REDACTED] Sorry, yep.

22 SPECIAL AGENT [REDACTED] Make sure it's right --

23 [REDACTED] Let me just step out. I'm going

1 to -- you know what? I'm going to use the restroom
2 while I'm out.

3 SPECIAL AGENT [REDACTED] No problem.

4 SPECIAL AGENT [REDACTED] That's perfect.

5 [REDACTED] [REDACTED] Let me get my mask so I'm within
6 compliance. Put that on the -- there we go. See, in
7 compliance.

8 SPECIAL AGENT [REDACTED] Perfect.

9 [REDACTED] [REDACTED] Thank you, be right back.

10 SPECIAL AGENT [REDACTED] Do we need to note the time?

11 SPECIAL AGENT [REDACTED] The time is approximately
12 10:32 a.m.

13 (Brief pause in proceedings.)

14 SPECIAL AGENT [REDACTED] The first thing is, I believe
15 we got a copy of your log from June 11th.

16 SPECIAL AGENT [REDACTED] 2020.

17 SPECIAL AGENT [REDACTED] Which would indicate when
18 people claimed to have arrived at the office. Is this
19 familiar to you?

20 [REDACTED] [REDACTED] Yes, sir.

21 SPECIAL AGENT [REDACTED] Okay. And on June 11th,
22 looks like 5:13 because this is the DAU?

23 [REDACTED] [REDACTED] Yeah. The 5:13, so the name in

1 blue is who input it.

2 SPECIAL AGENT [REDACTED] Okay.

3 [REDACTED] [REDACTED] Ron [REDACTED] was the one who typed
4 it in. DAU, Deming Air Unit, 05:00 shift, [REDACTED]
5 [REDACTED] [REDACTED] and [REDACTED]

6 SPECIAL AGENT [REDACTED] Okay.

7 [REDACTED] [REDACTED] And that was done at 5:13.

8 SPECIAL AGENT [REDACTED] So if they'd come in at 4,
9 that would have said or even if it was reported then,
10 it could have had a comment, started at 4 a.m.?

11 [REDACTED] [REDACTED] Absolutely. So you, you could put
12 a late entry. As a matter of fact, right here, late
13 entry, right? This is fully acceptable. Late entry
14 and then what happened.

15 SPECIAL AGENT [REDACTED] Okay.

16 SPECIAL AGENT [REDACTED] Okay.

17 SPECIAL AGENT [REDACTED] Now this is a printout that
18 looks like I could type it up in a Word document. Is
19 there some means of, of screenshotting that it comes
20 from some log or record that was generated on that
21 date?

22 [REDACTED] [REDACTED] Okay. So what you're looking at
23 here is you're looking at our, our -- the El Paso Air

1 Branch duty log which is in Big Pipe.

2 SPECIAL AGENT [REDACTED] Okay.

3 [REDACTED] [REDACTED] So once you put stuff in Big Pipe,
4 you can't go in and change it. You can't go in and
5 take it out. You have to make an adjustment to the
6 next name.

7 SPECIAL AGENT [REDACTED] Okay.

8 [REDACTED] [REDACTED] What they do at the end of the day
9 is they save this in PDF form.

10 SPECIAL AGENT [REDACTED] Okay.

11 [REDACTED] [REDACTED] And then, then it's archived,
12 that's the way it's done.

13 SPECIAL AGENT [REDACTED] Okay.

14 [REDACTED] [REDACTED] Now I can actually go in and I can
15 have a Big Pipe user, super user, whatever it is and
16 you could have this data pulled and --

17 SPECIAL AGENT [REDACTED] Or if you could provide me
18 the original PDF because that has properties that will
19 show it was saved on that date.

20 [REDACTED] [REDACTED] Okay. So you would just like to
21 get a copy of --

22 SPECIAL AGENT [REDACTED] Not that I'm questioning
23 it -- yeah, if you could just slide me the full PDF.

1 [REDACTED] Okay.

2 SPECIAL AGENT [REDACTED] Then we can, we can just show
3 because it's going to have a record stamp of when it
4 was generated.

5 [REDACTED] When it was created, who created
6 it maybe --

7 SPECIAL AGENT [REDACTED] Yep, yep.

8 [REDACTED] It might say authorized user or
9 whatever, right?

10 SPECIAL AGENT [REDACTED] There -- yeah, there's a ton
11 of information in the metadata.

12 [REDACTED] Okay, absolutely.

13 SPECIAL AGENT [REDACTED] So that would be great.

14 SPECIAL AGENT [REDACTED] I might have you just sign
15 and initial that too, but --

16 [REDACTED] Okay.

17 SPECIAL AGENT [REDACTED] Yeah.

18 SPECIAL AGENT [REDACTED] That -- because that's what
19 we're talking about --

20 SPECIAL AGENT [REDACTED] That's what we're talking
21 about right now, yeah.

22 [REDACTED] All right.

23 SPECIAL AGENT [REDACTED] Just initial and date, I

1 believe, end date.

2 [REDACTED] All right, end date. 2-5 -- I
3 didn't date the (inaudible).

4 SPECIAL AGENT [REDACTED] Yeah, I already date that
5 one as well, please. And we'll attach all these things
6 that we're referring to.

7 [REDACTED] Sign by this number here,
8 2-5-20.

9 SPECIAL AGENT [REDACTED] Okay.

10 SPECIAL AGENT [REDACTED] Weren't these somehow --

11 SPECIAL AGENT [REDACTED] Yes. Well, it's listed as a
12 rumor, so I don't know. But did you ever believe or
13 did you ever purport that the aircraft in Deming was
14 unavailable or out of service or being maintained or
15 anything of that --

16 [REDACTED] No, sir.

17 SPECIAL AGENT [REDACTED] So you didn't have any belief
18 that that -- if there was a crew there, that that
19 aircraft had any issues?

20 [REDACTED] No, sir.

21 SPECIAL AGENT [REDACTED] Okay. And you haven't heard
22 that being reported at all?

23 [REDACTED] No, sir.

1 SPECIAL AGENT ██████████ And again, this is all with
2 regards to the June 11th --

3 ██████████ ██████████ Right.

4 SPECIAL AGENT ██████████ -- incident, yeah.

5 SPECIAL AGENT ██████████ So that doesn't come to mind
6 to you that, that that would be an issue?

7 ██████████ ██████████ So I did inquire, was the aircraft
8 available. Now this was months later as they started
9 pulling the data. Hey, was the aircraft even available
10 because it's a question that's going to come up.

11 SPECIAL AGENT ██████████ Sure.

12 ██████████ ██████████ We verified the aircraft had been
13 dailied. So it flew that morning on a mission, 5.3
14 hours I think is what it flew. It came back,
15 maintenance turned it. Now, now the significance of
16 that, right, so, so what happens to our aircraft is
17 that midnight, if they have been flown the previous
18 mission or previous preflight, from maintenance is
19 good. If the aircraft hasn't been flown, that
20 preflight from maintenance expires at midnight, so it's
21 one of those things, right? Hey, the aircraft was
22 flown, okay. So now did maintenance do a through
23 flight or turn the aircraft. (Inaudible) is turn the

1 aircraft. So that was the question. I head to my
2 SAMO. My SAMO goes yep, it was turned. Check, good
3 enough.

4 SPECIAL AGENT [REDACTED] So it was ready to go?

5 [REDACTED] But, but it was -- that was months
6 later when we were --

7 SPECIAL AGENT [REDACTED] Right, right, right,
8 yeah.

9 [REDACTED] Again, the day of, was that a
10 factor, was that a concern --

11 (Phone rings.)

12 [REDACTED] I apologize.

13 SPECIAL AGENT [REDACTED] That's all right.

14 [REDACTED] (Inaudible). Chief counsel.

15 SPECIAL AGENT [REDACTED] So the day of, you don't know
16 that -- you don't believe it was a factor?

17 [REDACTED] No factor. Again, no crew
18 available. Doesn't matter if the aircraft is good, no
19 crew available.

20 SPECIAL AGENT [REDACTED] Okay.

21 SPECIAL AGENT [REDACTED] Yeah, I mean, I don't know
22 if we covered the other, the other --

23 SPECIAL AGENT [REDACTED] Crew limitations --

1 SPECIAL AGENT ██████████ -- reasons.

2 SPECIAL AGENT ██████████ We went over crew duty
3 limitations, you know, the distance of where they
4 lived.

5 SPECIAL AGENT ██████████ Right.

6 SPECIAL AGENT ██████████ Once again, you weren't going
7 to call them, didn't matter where they lived?

8 ██████████ ██████████ Didn't matter.

9 SPECIAL AGENT ██████████ They could have lived right
10 there?

11 ██████████ ██████████ Um-hmm.

12 SPECIAL AGENT ██████████ They weren't going to get
13 called, okay. Crew rest, the movement out of the
14 hangar.

15 ██████████ ██████████ Right.

16 SPECIAL AGENT ██████████ We've covered that. Two
17 individual, okay. Weather, weather wasn't a factor
18 because you weren't going to call them. Okay.

19 SPECIAL AGENT ██████████ I just wanted to make
20 sure --

21 SPECIAL AGENT ██████████ Yep. No, I think we've hit
22 it all.

23 SPECIAL AGENT ██████████ -- cover them all.

1 SPECIAL AGENT ██████████ All right. So we're in
2 possession of an email that came out on June 18th and
3 this is an email discussing the AMAP response and
4 having your hours, I believe, over, overextended or
5 something of that nature.

6 ██████████ Yes, sir.

7 SPECIAL AGENT ██████████ And can you explain the
8 nature of the email, why you sent it and --

9 ██████████ Okay. So, so what we have is as
10 we were pulling our data and we were looking for the
11 remaining at FY 20, we only had so many allocated
12 hours. So we can't go over our budgetary allocated
13 hours. So what we started doing is because we noticed
14 that we were so far up and I want to say at this point
15 we were probably 400 hours over our linear line. Now
16 the linear line is, is a generic way to track things,
17 right? So if you take 6,000 hours and you divide it by
18 12, it needs this many hours per month. Well,
19 smuggling in the desert doesn't occur on a linear line,
20 right?

21 So what we have is we have elevated times during the
22 winter, more smuggling activity, more nefarious
23 activity if you want to use that word and then it

1 tapers off in the summer. Now in the summer, we
2 really -- we kind of move to like a rescue type
3 platform, right? So we do a lot of hours toward that,
4 but we're still patrolling. We're still doing law
5 enforcement work. But we don't fly as many hours.
6 It's also very hard on the crews to be out there in a
7 bubble aircraft at 105, 110 degrees and now it's 120,
8 125. So we try to match the performance of border
9 patrol, their peak times with our peak times and you
10 get maximum efficiency of the aircraft.

11 So at this time, we had some unique anomalies
12 happen, right? COVID came in, we had to surge up, I
13 want to say it was during April. And there were a
14 couple days where this branch put up 40 hour flights
15 per day. So if you take our linear line and to support
16 El Paso sector, we're supposed to be flying 9 to 10
17 hours. So when you fly 40, now you've significantly
18 impacted operations on the back end. So in an effort
19 for us not to just park our aircraft for the last two
20 months of the fiscal year, we had to do rolling standby
21 days when we had to limit our operations to law
22 enforcement emergencies, priority type missions.

23 Now I don't go in and define what I, what I call law

1 enforcement priority missions. I expect the command
2 duty officers, the clearance authorities, clearance
3 authorities being the two units, to make those
4 decisions. They have full ability to make those
5 decisions, that's why they have that designation. So a
6 clearance authority and a command duty officer is the
7 designation. You have the authority to launch that
8 aircraft on a mission you feel a priority.

9 Now with the AMAP, so in '18, '19 -- I'll back it up
10 even farther. Okay. So in 2006, customs aviation
11 program and the border patrol aviation program merged
12 into one program. Lot of growing pains, a lot of, lot
13 of issues regarding how operations were being
14 accomplished and were we maximizing what we could do in
15 support of the border enforcement mission. Now I'm
16 going to use that because it's a southwest border
17 thing, right?

18 SPECIAL AGENT [REDACTED] Um-hmm.

19 [REDACTED] Which is where we're at. So now
20 advance to where we've had some issues, some reporting,
21 some I will say accusations, border patrol and Air and
22 Marine got together and I want to say it's in '18. I
23 think I've provided you a copy of the documentation.

1 If not, I will get it to you. It went all the way to
2 the commissioner. The commissioner signed it. Here's
3 how you're going to run operations. Directors, you are
4 going to have so many hours per each sector. Chief
5 patrol agents, you're going to tell the directors what
6 your prioritization is.

7 Now, I do have an email from Chief Chavez that came
8 out later after this message that said here's my new
9 prioritizations, and I have some input on those. So
10 that's getting way, way down into it, but that's kind
11 of how the AMAP and why the AMAP is done. So when,
12 when the priority for the chief is Santa Teresa, New
13 Mexico which, by the way, is the number two station in
14 the nation right now for apprehensions, she is going to
15 want the majority of her aviation support into that
16 area.

17 Now as we look across the El Paso sector, I'm just
18 going to stick in the El Paso sector, a lot of our area
19 here in the immediate El Paso area or pretty close
20 proximity is a population area. You get up on, on
21 Cristo Rey and there's no fence there, so they're going
22 to pop across pretty quick. People are going to try
23 to -- they're going to try to exploit holes in, in a

1 wall, fencing system, whatever word you want to
2 utilize.

3 Now, as you get down in the area, there's going to
4 be other incursions that happen, right? Now when you
5 look in the Deming, Lordsburg, Boot Heel area that has
6 some other type of surveillance built into that area,
7 and we have an ability to effect apprehension at a much
8 longer time frame. So it takes you if you're crossing
9 the Boot Heel area, it might take you two days to get
10 to civilization walking versus you crossing Santa
11 Teresa, New Mexico and there's a house right there and
12 a road right there and you're going to, you're going to
13 get in and go faster, right?

14 So, so she maximizes her officers-agents into this
15 area, OFO does something similar and then she utilizes
16 our assets at her request to go into that area. And
17 that's what the whole AMAP is about, right?

18 So I put in my message, hey, so CDP is in the red.
19 Now why are we in the red? Hey, what happened was
20 trade was an issue, right? One of CBP's main things is
21 trade. Hey, we get funds from trade. So we ended up
22 being in the hole and CBP went back to each of the
23 components and said we're going to ask you to turn back

1 some money. Where are you going to get it from? So
2 there's salary shortfalls. Flight hours were discussed
3 at one time. Air and Marine offered up aircraft. Hey,
4 we've got new aircraft coming in, we're going to give
5 up that.

6 So it's big picture stuff, right?

7 SPECIAL AGENT ██████████ Um-hmm.

8 ████████████████████ So in order to facilitate that,
9 the reason I put that information out is they're not
10 going to give us any more flight hours. If we burn
11 through our hours, we are done. So it's up to me to
12 manage the hours of mine. I'm the only responsible one
13 for the hours of this branch.

14 So after talking with the chief, both chiefs because
15 El Paso works with two sectors, I said we're going to
16 have you some rolling standby days. Now what is a
17 standby day to me? My standby day means, we're going
18 to come in, we're going to preflight the aircraft and
19 we're going to wait for the -- we're going to wait for
20 it to go off, right? So law enforcement emergency.
21 What's a law enforcement emergency? Alien in distress
22 maybe, depending on what it is. Large groups, officer
23 safety issues, agent down, officer down. Those are

1 emergencies, right? Tracking a group of two, not an
2 emergency, right? So it's puts and takes. We have to,
3 we have to articulate why we're going to launch the
4 aircraft.

5 I got a message from one supervisor, hey, we want to
6 send a fixed wing down here to do training on this and
7 this and this on one of the standby days. Mission
8 denied. We're not doing that. We are standing by
9 because if we don't watch our hours, we're going to
10 punch through our number.

11 Now in the long run, actually last year, El Paso Air
12 Branch punched through its number by like three hours,
13 four hours, maybe 10, all right? Resulting from a wire
14 strike issue we had. We had to respond, we had to move
15 our aircraft out. Again, it's an unforeseen issue,
16 right? It wasn't a schedule. So we have a schedule
17 and we even pulled our hours back on our schedule. So
18 instead of flying four hours or two, maybe we flew one
19 and a half or we didn't fly this type of aircraft,
20 right? But that was sent down to each of the, of the,
21 of the clearance authorities, manage your time, manage
22 your aircraft, you know.

23 SPECIAL AGENT [REDACTED] Okay. That's a good

1 explanation. That being said, you discussed
2 emergencies.

3 [REDACTED] [REDACTED] Yes, sir.

4 SPECIAL AGENT [REDACTED] We want to get specific with
5 an alien in distress.

6 [REDACTED] [REDACTED] Um-hmm.

7 SPECIAL AGENT [REDACTED] That's something that's
8 fairly commonplace, especially in the Boot Heel. I
9 would imagine that you're traveling for two days in the
10 summer time, that's a concern. So do you get those
11 calls?

12 [REDACTED] [REDACTED] We do. We get those calls and if
13 Deming is not being utilized, we try to utilize other
14 assets, right? So -- and so the AMAP, I referred to
15 that several times. All the border enforcement
16 aircraft that are working, those types of missions are
17 on the AMAP, National Guard out of New Mexico, Civil
18 Air Patrol, Title 10 guys now with Operation Guardian
19 support. All the extra -- the UAS aircraft that are
20 flying in and out of our AOR, all those are in the
21 AMAP. So just because we don't launch an asset out of
22 Deming doesn't mean we're not trying to utilize an
23 asset from somewhere else. Hey -- so we weren't

1 scheduled to be in this blocked time, and we talked
2 about blocked time already. So I'll use Lordsburg.

3 Lordsburg at 07:00 on a Tuesday, we weren't assigned
4 to be there. Maybe New Mexico guard was assigned to be
5 there. So when we get a call that comes in, we're not
6 going to launch. Can the New Mexico guard handle that
7 call? So the CDO then would contact the New Mexico
8 guard, hey, are you responding to this? We've got it.
9 Roger that. That's done. Even though we didn't
10 utilize one of our assets, we made sure the message was
11 being passed.

12 To answer your question, 911 calls are common. We
13 get, we get several of them. We don't track those.
14 That's not something that Air and Marine does. BP
15 utilizes those, maybe the sheriff's department, not
16 sure exactly who, operations center, something like
17 that, right?

18 SPECIAL AGENT [REDACTED] Okay.

19 [REDACTED] So when we get a 911 call and
20 okay, alien in distress here, we've pinged a
21 triangulation, we've done this. We're going to try to
22 get as much information as we can. How many times has
23 the person called? Can we get a call back number?

1 What's a better description, what's a better location?
2 Can you leave your phone on? Can we get a GPS? Is BP
3 actively engaged in this? Is it something they can do?
4 Can they go out, hey, hey, do you realize you're by the
5 rest area? There's no reason for us to launch an
6 aircraft when BP can drive up to the rest area and pick
7 the person up.

8 SPECIAL AGENT ██████ Right.

9 ██████ ██████ You know. And if you give us an
10 area in such a remote desert, that we're going to
11 utilize a lot of hours. Again, flight hours are a
12 finite resource. We have to pick and choose missions,
13 you know. And I know that sounds kind of harsh, and
14 all human life is precious. I don't care, race, color,
15 ethnicity, I don't care, right? I have an obligation
16 to make sure we are available for the worst case
17 scenario, right? And I'm probably going to get a lot
18 of complaints on that comment right there, but those
19 are the facts. I have limited resources. We have to
20 balance the need versus the request, can we launch, can
21 we not launch, can we utilize somebody else? All those
22 decisions are made at the command duty law officer
23 level. It's not at my level, right? I'm well above --

1 I'm two stages above that, right?

2 Now I, I give that authority to the command duty
3 officer and my expectation is they will utilize the
4 assets to the correct facility they can, or call it. I
5 can point to probably a lot of my logs, the El Paso
6 logs or Big Pipe logs where the operations duty officer
7 is chatting and saying hey, we're not available, but
8 National Guard is responding, but Civil Air Patrol,
9 hey, this person's responding, that person's
10 responding. Or I think I've got a couple that shows
11 Alpine trying to come up to facilitate a Las Cruces
12 rescue, right? Hey -- and we don't care if it's an
13 illegal, a U.S. citizen, an agent. Hey, if we get
14 enough information and we have the asset again, we're
15 going to go out there or we're going to try to find
16 somebody.

17 The hard ones are we've got a 911 and it's a hang up
18 and we didn't get enough information, but we kind of
19 triangulated it and here's where it is and nobody's
20 actively working that. Am I going to launch that
21 aircraft and put two to three, four, five hours of
22 blade time on that when I'm trying to watch my blade
23 time? Probably not. Not unless I get more

1 information. Now as you -- as the caller comes back or
2 BP gets on some sort of sign and goes hey, we've got it
3 here. Can we do something? All right.

4 Now I'm going to also move that one more tick up.
5 Is rescues and survival something Air and Marine should
6 be doing or are we a law enforcement? Remember, our
7 aircraft does not have advanced life support on it. So
8 a lot of times what we'll do is we'll stop and we'll
9 pick up a BORSTAR agent who's got IV bags, because the
10 majority of our stuff is dehydration, right?

11 SPECIAL AGENT [REDACTED] Yeah.

12 [REDACTED] That's, that's the majority of the
13 stuff we get. So if we can get them hydrated, we can
14 save a life. Have we done it? I think most recently I
15 think [REDACTED] (sp), as a matter of fact, my CDO
16 today launched Deming Air Unit I want to say October
17 3rd. I think I provided you with a snip, a tweet.

18 SPECIAL AGENT [REDACTED] Yep.

19 [REDACTED] And it was on a standby day. So
20 they, they weren't scheduled to fly. He got enough
21 articulable facts. He launched that aircraft, they
22 found -- and he was a young kid. He was 17. And they,
23 they got a BORSTAR agent to him and ultimately they got

1 him off the mountain top where they were at down to an
2 awaiting ambulance. So that is our role with some of
3 those.

4 So if we have enough information, we're going to
5 launch. If we don't have enough information, we've got
6 to gather that data and get it and sometimes it's
7 successful and sometimes it's not. But I just -- we
8 just don't have the resources to launch on every single
9 thing and to go out every time and put 5, 6, 7 hours of
10 blade time on something.

11 SPECIAL AGENT ██████████ Understood. And now we're
12 talking about times when we don't launch and you
13 mentioned this one in October and I know -- to get to
14 specifics. But do you launch, do you go and, and
15 rescue UDAs?

16 ██████████ Absolutely.

17 SPECIAL AGENT ██████████ So you don't always find a
18 reason to say no?

19 ██████████ No, no, sir.

20 SPECIAL AGENT ██████████ If you can say yes, you say
21 yes?

22 ██████████ We, we are trying -- and my goal
23 is how can I get a no to a yes, all right? But I need

1 facts. I need articulable facts or we can't get to the
2 yes. So are they actively engaged in it? Yes. Do we
3 have the person on the phone call? Because some of the
4 other times they've done to us and this is well
5 documented, especially on the southwest border, is
6 they're going to do a ruse. Hey, we're going to push
7 this large group of dope, but we're going to push this
8 large group of people past you. We know there's
9 aircraft in the area and/or border patrol agents in the
10 area, so we're going to make a phony 911 call to this
11 area and we're going to get all law enforcement assets
12 out to that area and then we're going to push, right?
13 So that's why it's so important for us to balance the
14 information that's coming in. What facts can we
15 articulate, you know?

16 Hey, yep, hey, BP's on sign, they're on sign of a
17 group of 10 -- and this is just a generic scenario,
18 right? They're on a group of sign 10, they caught 8.
19 One person from the group said hey, there was two left
20 behind. All right, now they've got 10 footprints.
21 Sandy silt out there is very nice to track, right? The
22 footprints kept going on. They've been without water
23 for two or three days. All right. BP's still active

1 on it, let's go. So again, we have to have enough
2 facts to justify the caller's request, you know, what
3 we can do and are we successful?

4 SPECIAL AGENT [REDACTED] Okay. Is it fair to say
5 that, let's say a UDA passes, doesn't make it. Is that
6 something the border patrol would track or pay
7 attention to?

8 [REDACTED] Yeah, absolutely.

9 SPECIAL AGENT [REDACTED] Keep statistics on?

10 [REDACTED] They, they do.

11 SPECIAL AGENT [REDACTED] Do they -- I mean, and we'll
12 talk to the border patrol, but just based on your
13 understanding, do they do, you know, an after action
14 type thing or an SIR to say hey, what happened here,
15 how did we miss this?

16 [REDACTED] Yeah, I'm, I'm sure they talk
17 about it. We're not involved in that conversation, so
18 I'm going to make some assumptions.

19 SPECIAL AGENT [REDACTED] Right, and that's fine,
20 that's what I'm asking for.

21 [REDACTED] And, and I would expect them
22 because how can we do it better the next time, okay?
23 So instead of having the same event to keep recreating,

1 recreating, recreating, how can we do it? Hey, maybe
2 it's we need a different section of, of X, Y, Z or we
3 need more personnel or we need better staff or how did
4 this even happen, right? So they're going to try to
5 figure that out and, and I'll go back to the Arizona
6 Border Patrol Initiative days when I first came in. I
7 mentioned that before. So I became an EMT for the
8 program. They asked for some volunteers. I became an
9 EMT. Life is precious to all of us, right? We saved a
10 lot of lives. Our EMT program, BORSTAR expanded. We
11 saved a lot of lives. We went, I mean, there were -- I
12 can remember when I got there in 2004, it was not, not
13 a stretch to say a thousand bodies died in the desert,
14 just in the Arizona corridor, right?

15 SPECIAL AGENT [REDACTED] Um-hmm.

16 [REDACTED] Huge. As I left Tucson, that
17 number was way down. Now hey, any number over zero,
18 okay, is a shame. Some things we can prevent, some
19 things we can't, right?

20 SPECIAL AGENT [REDACTED] Understood.

21 [REDACTED] We have assets, we respond.
22 BORSTAR has come about, they're better. We've got
23 EMTs. Matter of fact, we just sent out a solicitation

1 for EMTs in this office because I'm expanding the
2 program. One person took it, went down, got his class.
3 He's certified, so we're, we're going on that. This
4 summer, with our, with our UH-60 program, we've already
5 started talking with, with BORSTAR starting in May,
6 we're going to have an agent come over here. We're
7 trying to get the -- again, this is details we're still
8 working out, right? We want an agent for 30 day detail
9 with their gear and they're going to standby in the
10 Hawk and we'll patrol a couple days. But again, we're
11 going to watch our blade time, right, because we still
12 have to be available, but then we can respond with that
13 platform in an effort to our BP on sign or they're at a
14 scene, hey, we've got again, three, three aliens in
15 distress. We've got them here. We need a BORSTAR
16 agent. The Hawk launches, we call it the fire truck
17 thought process, right? We launch, BORSTAR agent on
18 board. We can, we can assist to them. Maybe move them
19 to a higher level of care, right?

20 And again, we have to be also cautious with doing
21 that because that's not our role, that's a medevac
22 role. So but we can assist with that and we have no
23 problem. So I mean, we're talking with the BORSTAR

1 commander on that already now to try to get those
2 pieces in play. So again, it's how can we do it
3 better? Always want to do it better.

4 SPECIAL AGENT [REDACTED] Okay. We discussed
5 Ms. Chavez, that's the border patrol chief, correct?

6 [REDACTED] Yes, sir. The El Paso sector
7 border (inaudible).

8 SPECIAL AGENT [REDACTED] And you had -- you have a
9 working relationship with her?

10 [REDACTED] Absolutely.

11 SPECIAL AGENT [REDACTED] Is it open, back and forth?

12 [REDACTED] It's very open.

13 SPECIAL AGENT [REDACTED] Okay. So fair to say that if
14 the El Paso Air Branch denied launch on something that
15 she felt was viable based on their after action report,
16 would she communicate that information to you?

17 [REDACTED] Yes, sir. I'm, I'm sure -- I
18 would just say one of a couple things would happen.
19 One, she has my personal cell phone number. She is not
20 afraid to use it. We talk frequently. She would call
21 me and she would give me the butt chewing that more
22 than likely we would have deserved if, if we would have
23 missed a proper opportunity with BP. If she didn't

1 like my answer, she would turn around and call my boss,
2 Executive Director [REDACTED]. She would have the
3 same conversation with him, he then would call my phone
4 and give me another butt chewing, right? I can tell
5 you, it's never happened. As a matter of fact, we have
6 a lot of appreciation letters from, from Chief Chavez,
7 thank you. And we also got them from [REDACTED] [REDACTED] who
8 was down at -- he was the acting down in Big Ben sector
9 for a while. [REDACTED] (sp) who was the chief who
10 eventually went to Laredo. So we have a very good
11 working relationship down here.

12 The communication is not an issue. Hey, we want to
13 do the job. We want to do the job better. We want to
14 maximize our efforts, not to just the border
15 enforcement mission, but how else can we -- and this is
16 our community, right? We live here, we love our
17 community. So how can we do things better? How can be
18 take better care of our community?

19 So it's not just an enforcement, it's also -- and we
20 have to watch what they're doing with the rescues and
21 all those things, but hey, we're going to do what we
22 can with, with the allocation of resources we have.

23 SPECIAL AGENT [REDACTED] Understood. But based on --

1 you said it in the middle of that response, you have --
2 to your knowledge, you haven't been called or
3 recollection by Ms. Chavez saying hey, you guys really
4 screwed us here, we could have saved this life had you
5 launched?

6 ████████████████████ I have never received that phone
7 call from Chief Chavez.

8 SPECIAL AGENT ██████████ Okay. Fair enough.

9 SPECIAL AGENT ██████████ Okay. I just want to talk
10 about a couple more things in this, this email that you
11 were -- that started this whole, this whole portion of
12 the conversation. Again, it was on June 18th of
13 2020.

14 ████████████████████ Um-hmm.

15 SPECIAL AGENT ██████████ Email was sent at 8:56 a.m.
16 And you talked about some of the budgetary constraints
17 and how that was going to be affecting your ability to
18 operate flights. And in particular on this email,
19 there's a line or a sentence circled about -- in red
20 that states the Deming, Deming Air Unit will fly FA3
21 missions only through the end of July and will observe
22 the standby day.

23 ████████████████████ Um-hmm.

1 SPECIAL AGENT ██████████ Was, was that decision in
2 any way a punishment to, to -- meant to punish the
3 Deming Air Unit because of you being upset with either
4 Mr. ██████████ or the unit as a whole in any way?

5 ██████████ No, sir. So we were, we were
6 aligned by the southwest region to fly FA3. We were,
7 we were scheduled to fly three times a week into FA3
8 and that was -- again, we start talking flight hours
9 and why. So let me get into the, the whys a little bit
10 more for you. Tucson Air Branch was allocated, we'll
11 just say just because of easy math, 5,000 flight hours,
12 all right? To support the border enforcement mission.
13 By the time we got into the June, July month, Tucson
14 Air Branch did not have enough allocated hours left in
15 their bucket to facilitate the border patrol
16 requirement.

17 So Executive Director ██████████ contacted me,
18 Mr. ██████████ you, you are high on your flight hours
19 in your AOR. You're going to be okay. We want you to
20 go in and support FA3 in order to increase those hours.
21 This is not uncommon, right? Yuma moves between El
22 Centro and Tucson, San Diego supports El Centro.
23 Tucson is Tucson, they kind of support Tucson just

1 because it's such a high allocation of what needs to be
2 done. So El Paso floats over to FA3.

3 Now before I came in, that really didn't happen.
4 They didn't have that communication nor understanding
5 of the policies and procedures and where we were going
6 to go. Before making this decision that the region
7 sent me, I also communicated that decision with Chief
8 Chavez. Because in that letter that I sent you,
9 anytime I move an aircraft or anytime I have to, I have
10 to discuss that with Chief Chavez, right?

11 SPECIAL AGENT ██████ Okay.

12 ██████████████████ I provided her with the data. She
13 responded back, I'm going to summarize, thank you very
14 much for the information. We understand, let me know
15 what else we can do to help type thing, right? So we
16 have a very open conversation. There's a lot of trust
17 between Chief Chavez and myself. I trust her to work
18 with me, she trusts me to take care of her people out
19 there in the field.

20 SPECIAL AGENT ██████ Where is FA3?

21 ██████████████████ So FA3 is -- it starts in Arizona
22 and it starts around Sasabe area maybe, in Arizona.
23 And then -- I'm sorry, Naco area, Naco area. Sasabe's

1 the other side of Interstate 19. Naco area and it goes
2 all the way to Lordsburg. I provided you with a map,
3 it's a good map. So even though it's in it's in New
4 Mexico, so focus area groups, those are, those are
5 oversaw by the Joint Intelligence Operation Center
6 which is staged out of Tucson.

7 So once the aircraft is assigned FA3, when it clears
8 and it launches, it now command -- now, when I say
9 command, aircraft is assignments. We'll say aviation
10 assignments -- mission assignments. All right? I
11 don't want to say command. Mission assignments come
12 from the JIOC. So the JIOC and I goes okay, aircraft
13 1, 2, 3, you're now under my overview, right? I have a
14 mission in this area, I have a mission in this area, I
15 have a mission in this area. Okay. Or we don't have
16 anything big going on right now so -- but stay in the
17 area because you never know when something's going to
18 happen, right?

19 SPECIAL AGENT [REDACTED] Um-hmm.

20 [REDACTED] So now I sent out a message also
21 kind of explaining that a little bit more that hey, if
22 the JIOC releases that aircraft, and that would be a
23 JIOC conversation with the command duty officer here in

1 El Paso, so we have a mission say in, in Deming of a
2 group of five, a group of ten, whatever, and there's
3 nothing going on in FA3, JIOC can release that
4 aircraft, have a conversation with the command duty
5 officer and that aircraft then can come back out. The
6 issue is assigned aircraft in certain areas again, what
7 was our expectation. And then part of my message when
8 I also talked about that was I directed my deputy who
9 runs operations, hey, when that's going on, if we could
10 push an aircraft west out of El Paso, let's do that on
11 the days Deming is down range, right? Because we don't
12 want to leave any of our -- we want to cover the best
13 gaps we can, right? Maximize effective -- what's going
14 on.

15 So we sent fixed wing aircraft out there. And we
16 did a lot of different things we could within the
17 preview and a lot of those came back zero app, zero
18 results. Zero app, zero results. But that's okay
19 because there's a presence. There's a value in
20 presence, right?

21 SPECIAL AGENT [REDACTED] Sure.

22 [REDACTED] So that's some things that kind of
23 gets lost in a message. It's implied.

1 SPECIAL AGENT ██████ Um-hmm.

2 █████ ██████ But when you read words for just
3 the words, you don't capture the entire meaning. So
4 the FA3 goes along with the AMAP. That's the only
5 missions we're going to support at this time, scheduled
6 missions. Emergencies, exigent circumstances, still
7 are in play. It doesn't matter. The clearance
8 authority goes, hey, we've got this and this going on,
9 we need to launch. Full authority. Launch aircraft.

10 SPECIAL AGENT ██████ And was Deming, was Deming
11 primarily the FA3 coverage unit?

12 █████ ██████ Yes, sir, yes, sir.

13 SPECIAL AGENT ██████ And why was that?

14 █████ ██████ So, so close proximity. So
15 it's -- there's no reason for me to launch an aircraft
16 out of El Paso that will take me an hour of blade time
17 to get into the, the FA3 area when I could launch
18 Deming that's there in 30 to 40 minutes or less,
19 depending on the weather and everything (inaudible).

20 SPECIAL AGENT ██████ So you weren't picking on the
21 Deming guys, didn't want them working their AOR?

22 SPECIAL AGENT ██████ Or weren't trying to punish
23 them?

1 [REDACTED] [REDACTED] No, sir.

2 SPECIAL AGENT [REDACTED] Diminish their, their
3 role --

4 [REDACTED] [REDACTED] No, sir. As a matter of fact, it
5 was closest proximity and maximum effectiveness of the,
6 of the allowed blade time.

7 SPECIAL AGENT [REDACTED] Okay. And then obviously
8 without leaving that area open, you were able to push
9 El Paso into that area if necessary to cover?

10 [REDACTED] [REDACTED] Yes, sir.

11 SPECIAL AGENT [REDACTED] Okay. But it wasn't to
12 glorify El Paso, was it?

13 [REDACTED] [REDACTED] No, sir.

14 SPECIAL AGENT [REDACTED] To bolster El Paso's stats
15 and, and, and maybe diminish Deming's statistics in any
16 way?

17 [REDACTED] [REDACTED] No, sir. As a matter of fact, I
18 think it made Deming more valuable. As a matter of
19 fact, we've got a lot of comments from the JIOC that
20 they appreciated us being down there. We were
21 reliable. So some of the obstacles we had was the
22 Sierra Vista Air Unit were, were getting back into the
23 helicopter game. So the Sierra Vista Air Unit used to

1 be attached to the Tucson Air Branch and that's who
2 controlled the rotowing aspect of that. And I know all
3 this because when I first became the supervisor in
4 2010, I was the supervisor at the Sierra Vista area, so
5 I have a, a good working knowledge of, of what happens
6 down there.

7 So the air unit was, was being merged with the
8 unmanned aircraft program. So as the pilots were also
9 trained to operate the unmanned aircraft, they were
10 flying the helicopters when they could. The issue was
11 they were supposed to be in this AOR and they were not
12 very reliable because of scheduling, training, a lot of
13 factors. Like COVID didn't help anything. So, so what
14 they did was they reached out to us and we became the
15 very reliable asset. As a matter of fact, they
16 utilized us eventually as the time went on, they
17 utilized us in that 07 to 10:00 shift which when the
18 most activity was there, which when they needed the
19 highest level of, of aircraft and they pushed Sierra
20 Vista into a later schedule which ran into some weather
21 issues and things like that.

22 So I mean, we were definitely better utilization of
23 that and also expanded our guys's horizons, our

1 (inaudible) horizons, right? So instead of getting out
2 of just in your AOR, now you're working another AOR.
3 You're gaining more knowledge. Hey, how can we do
4 things better? You're working with another group of
5 agents. You're finding different trails. All those
6 things are extremely important because hey, we've
7 already had, we already talked about the [REDACTED] issue,
8 the [REDACTED] death, right? Catastrophic event. What if
9 that happened in Douglas? Now the Deming Air Unit has
10 a working knowledge of Douglas, close proximity AOR.
11 What if we had an aircraft that went down? I mean,
12 you, you can name the thing. Hey, our guys now have
13 the working knowledge of that area. They know where
14 the fuel, refuel spots are. They know where the
15 hospitals are. They know which agent on the ground,
16 they've probably developed a relationship with those
17 people. So to respond, it's -- it's just better
18 effective use of aviation assets and personnel as a
19 whole.

20 So people get stuck in their three foot world and
21 they only -- this is the only thing I want to deal
22 with. These are national assets. We can go anywhere
23 at any time and work anything. These are pilots. So

1 you can start out your day in Deming and you can end up
2 being in Yuma. I mean, it's just -- things happen that
3 way. That's why you have to be a professional pilot to
4 be able to utilize our aircraft, right?

5 SPECIAL AGENT [REDACTED] Yeah.

6 SPECIAL AGENT [REDACTED] Makes sense.

7 SPECIAL AGENT [REDACTED] Okay. Thank you for that.

8 [REDACTED] [REDACTED] Um-hmm.

9 SPECIAL AGENT [REDACTED] Explanation. Same email,
10 last large sentence, I guess. It says finally, I will
11 request if you have flight hour questions, please ask.
12 Don't make assumptions or spread non fact-based
13 information as those are proven counterproductive.

14 [REDACTED] [REDACTED] Um-hmm.

15 SPECIAL AGENT [REDACTED] As demonstrated Thursday,
16 June 11th, El Paso Air Branch will always launch in
17 support of an agent/officer who is in distress or down
18 providing we are within policy. However, in stating
19 that, the facts need to support the launch and not be
20 embellished in an attempt to draw any conclusions or
21 make allegations.

22 [REDACTED] [REDACTED] Um-hmm.

23 SPECIAL AGENT [REDACTED] What, what was going on

1 there and what did you mean by that?

2 ████████████████████ Okay. So as we went down this,
3 there's a lot of -- we're a very small agency. I mean,
4 even CBP as a whole, so there's a lot of minutiae that
5 gets caught up. Hey, they didn't launch this, they
6 didn't call this person, they didn't do this. Those
7 aren't the facts. Don't be spreading rumors. That's
8 counterproductive. Stick with the facts. If you don't
9 know them, maybe you don't need to know them.

10 SPECIAL AGENT ██████████ Right.

11 ████████████████████ If you have questions, bring it up
12 one on one to the people that were involved. Don't
13 make assumptions. There was a lot of assumptions going
14 on during this time at this branch and in different
15 places. And we hear a lot of the information, right?
16 So I was encouraging people, hey, stop. If you don't
17 know the facts, find out the facts. Don't just spread
18 rumors. Rumors have a negative impact on operations.
19 Everybody was extremely upset that we lost an agent,
20 right? Especially a young kid that's 26 years old, not
21 even a year on the program. Hey, you know, and why
22 didn't we launch this, why didn't we launch this?
23 There was no reason to launch that. Again, you have to

1 trust your command duty officer. You have to trust
2 your leadership standard. Hey, we're not going to do
3 decisions to spite someone or hate. These aren't,
4 these aren't personal decisions, these are professional
5 decisions. And that's been one of the biggest
6 obstacles here is getting people to understand policy.
7 We don't do this because of policy, guys. When you
8 operate out of policy, you take a lot of things out of
9 my hand. I don't have much control. And I'll go back
10 to the September 29th wire strike event. The
11 individuals operating outside of policy when that went
12 down. That took a lot of things out of my control. So
13 again, we stay within policy, we stay within
14 procedures, it gives me the umbrella to protect the
15 people underneath my command, which is a very important
16 part for me.

17 And so don't spread rumors, know the facts. Again,
18 I'm not picking on anybody. I'm not trying to haze
19 anybody. I've been, I've been accused of all those
20 things, right? They're not true. Get people in line
21 and report the events as they go on and trust in the
22 leaders making the decisions. They have the real time
23 information.

1 SPECIAL AGENT ██████████ Was that portion of the
2 email, was that directed or targeted at any specific
3 individual?

4 ██████████ No, sir. No, that was, that was
5 an information to the entire -- and that's why this
6 message went to the entire branch, right? So everybody
7 at the branch I sent this to, hey, remember, we all
8 play a role in, in supporting each other, supporting
9 the -- and we all, we all want to do the mission. We
10 all love the mission here. Everybody -- I don't have
11 anybody here that doesn't want to do the mission.

12 Now, we have to balance the mission versus resources
13 and we've talked about that in detail here. But that
14 was sent to the entire branch as a hey, hold on. Trust
15 in your command structure. Trust in policy. We're
16 okay. Don't spread rumors. Rumors, rumors demoralize
17 and then rumors predicate rumors and then rumors on top
18 of rumors, and then you've got a bunch of -- it really
19 tears apart a branch and you've got dysfunctional
20 operations and you've got a safety concern because I'm
21 not going to talk to this person and I'm not -- and
22 even though we've got to fly together, I don't like
23 you. And then we've got a crew resource management

1 failure.

2 SPECIAL AGENT [REDACTED] Okay. Anything else?

3 SPECIAL AGENT [REDACTED] We'll hit on those specific
4 dates --

5 SPECIAL AGENT [REDACTED] Incidences? Yeah, I guess.
6 Yep. Okay. And then in our -- and through the
7 whistleblower complaint, there's four specific
8 incidents all involving UDAs and essentially instances
9 where air support was requested, specifically air
10 support from the Deming Air Unit and those requests
11 were on three occasions denied and on one occasion
12 there was not an aircraft available on the last one,
13 Deming had no aircraft available which allegedly was
14 because you out of spite took their aircraft from them.

15 [REDACTED] Um-hmm.

16 SPECIAL AGENT [REDACTED] So we'll talk about that
17 last. So we can --

18 [REDACTED] Okay.

19 SPECIAL AGENT [REDACTED] -- go through each of
20 these. Now I guess we'll just talk about it and see
21 what, what you know about the incidents, if you had any
22 direct involvement with them.

23 [REDACTED] Okay.

1 SPECIAL AGENT ██████████ And kind of just go
2 through.

3 ██████████ ██████████ All right.

4 SPECIAL AGENT ██████████ So the first is a July
5 10th, 2020 fatality of an Oscar Alonzo Lopez.

6 SPECIAL AGENT ██████████ You can flip to the next
7 page --

8 SPECIAL AGENT ██████████ Yeah, you can --

9 SPECIAL AGENT ██████████ Go through the --

10 SPECIAL AGENT ██████████ I'm sorry.

11 SPECIAL AGENT ██████████ So I don't know how much
12 information that gives you. That being said, if you go
13 through that, does it strike you in any way? Do you
14 have any knowledge of --

15 ██████████ ██████████ So, so right off the bat, Deming
16 Air Unit, daily operations report. Why are they doing
17 that? There is not a requirement for that. The branch
18 reports all the units, right? This is, this is Deming
19 doing something not at my direction. This is Deming
20 operating their own way and not being part of a branch,
21 that they are trying to be an autonomous unit still.
22 Okay? So that strikes me off the bat. I've never seen
23 this, didn't know this was in existence. Looks very

1 official.

2 SPECIAL AGENT [REDACTED] Um-hmm.

3 [REDACTED] [REDACTED] It's not.

4 SPECIAL AGENT [REDACTED] Okay.

5 [REDACTED] [REDACTED] There's only one branch report and
6 everybody in Deming has access to that. So why would
7 you be creating, recreating a report which you're the
8 only one having? He never shared this with anybody,
9 right? So how would we know that this is going on if
10 you don't share the information up to the branch,
11 right?

12 So CDO, [REDACTED] okay? Clearance authority is
13 [REDACTED] okay? Extremely important. Who's the
14 clearance authority at this unit at this time, right?
15 [REDACTED] [REDACTED] has identified himself as that, right? Which
16 I concur. [REDACTED] is the clearance authority at the Deming
17 Air Unit, right?

18 Flight crew, BP-10 standby emergency only. Maybe
19 this is the TOMIS number, I don't know. Obviously they
20 have an aircraft. No launch. Okay.

21 SPECIAL AGENT [REDACTED] And I think there was a,
22 there was a no launch on the, on the 05:00 to the 13:00
23 shift and then there was again, another denied launch.

1 But it goes more involved into the details. Do you
2 have any -- did you have any specific involvement with
3 this?

4 [REDACTED] No. I'd have to -- I, I -- if I
5 couldn't find, so I would go back and I would look at
6 the R log, right? Which I think I've provided you guys
7 a copy of R logs for those days. That is my knowledge
8 of that.

9 SPECIAL AGENT [REDACTED] Okay.

10 [REDACTED] I didn't -- CDO has all those
11 knowledge.

12 SPECIAL AGENT [REDACTED] And that CDO was, was --

13 [REDACTED] Was [REDACTED]

14 SPECIAL AGENT [REDACTED] okay.

15 [REDACTED] Yes, sir. I don't, I don't make
16 those decisions, I don't --

17 SPECIAL AGENT [REDACTED] Which date was that?

18 SPECIAL AGENT [REDACTED] It's July 9, 2020.

19 [REDACTED] July 9, did I send you that?

20 SPECIAL AGENT [REDACTED] Yep.

21 [REDACTED] Okay. Yeah, so --

22 SPECIAL AGENT [REDACTED] So this document here, July
23 9, okay. Deming Air Unit listed as standby. And then

1 call sign Omaha, I don't know what that means and then
2 it just says Deming LOB, Deming, Lordsburg.

3 [REDACTED] Um-hmm.

4 SPECIAL AGENT [REDACTED] So that's all this says.

5 SPECIAL AGENT [REDACTED] Okay. So, I mean --

6 [REDACTED] So as I look at this, okay, so
7 denied launch, request for alien distress. Where?

8 SPECIAL AGENT [REDACTED] Right.

9 [REDACTED] Where's the information, right?
10 Was the information passed to the CDO? I mean, these
11 are all the questions I would have.

12 SPECIAL AGENT [REDACTED] Right.

13 [REDACTED] Was the information passed to the
14 CDO? Was it an active mission? Was people on it? How
15 many days was it down? Again, all of these things,
16 right?

17 SPECIAL AGENT [REDACTED] And it's, it's probably
18 going to be the same for all four of these specific
19 incidences that were cited. I believe [REDACTED] was
20 the CDO on all of them. They're similar in nature. Is
21 it fair to say that every, every different 911 call and
22 every request for air support is different?

23 SPECIAL AGENT [REDACTED] Unique?

1 ████████████████████ They're very unique. They're
2 very -- because some will have more information than
3 others, right? We'll get 911 calls and the person will
4 be on the phone and, and hangs up. We don't have
5 enough time to triangulate those spots, right?
6 Sometimes we do, but it doesn't make sense. And if a
7 person never calls back or -- you know. I've been out
8 in the desert, I mean, I think we have one in one of
9 our logs that I pulled for another day that I was --
10 similar accusations were made against me, right? And,
11 and border patrol agent putting his stuff in Big Pipe
12 talks about the person in distress and that -- and then
13 right next to it it says more than likely deceased,
14 something like that, right?

15 SPECIAL AGENT ████████████████████ Um-hmm.

16 ████████████████████ Boom, boom, boom, boom, boom, hey,
17 again, but they never asked for a launch. Oh, we got a
18 launch request and my ODO, officer -- operational duty
19 officer is trying to get more information. Hey, what's
20 going on? Where's it at? How's this, how's that?
21 Because we're trying to get to the yes, we can launch,
22 right? Again, aircraft are a finite resource. We have
23 to watch what we're doing, how we're doing it. If we

1 launched on every single 911 call at every time and we
2 put five to six hours on every aircraft, one, we would
3 run all of our aircraft into inspection and we'd be
4 broke, right? We'd all be sitting here looking at each
5 other. I've got three in 600 hour right now because
6 we're trying to push hours to try to maximize the
7 effectiveness during this time and we had other
8 unscheduled maintenance happen. And we'll get into
9 some unscheduled maintenance because that really
10 hammered us in August.

11 So we have to monitor that. We have to watch that.
12 We have to be available for, for other calls, other
13 significant calls, for daily operation. Not that our
14 911 call and an alien in distress is not a significant
15 call. I don't want, I don't want anybody to
16 misunderstand what I'm saying. We have to weigh what
17 we launch on when we launch.

18 SPECIAL AGENT [REDACTED] Let me -- so you'd mentioned
19 the Big Pipe type stuff.

20 [REDACTED] Um-hmm.

21 SPECIAL AGENT [REDACTED] So if I'm watching Big Pipe,
22 obviously there's all kinds of information flowing
23 through there. One of the ones that would -- me if I'm

1 Air and Marine, if the request was hey, we're
2 requesting launch, right?

3 [REDACTED] Um-hmm.

4 SPECIAL AGENT [REDACTED] But let's say there's
5 something that as a pilot, I feel that boy, if I
6 launched, I could probably help with this. Is that
7 something that, that your guys will come up to you and
8 say hey, we were watching Big Pipe, do you think we
9 should launch on that without a request?

10 [REDACTED] So to me, the director? No.
11 You're not -- they're not going to come down the hall
12 and go hey, we found this. We think we should launch,
13 right? Now the CDO, they might talk to the CDO about
14 it, right? Hey, we saw this event. We heard this and
15 this is going on. So now they might spark, do you want
16 us to launch on that, okay?

17 Now here's the issue, right? With, with the other
18 logs that are being run and this, this information
19 being kept quiet from the branch, we don't know what's
20 going on, right? So there could be six different logs.
21 So this is what I've been working on since I got here.
22 I want all that information coming into El Paso Air
23 Branch Big Pipe chat. We need to be tracking it. We

1 need to be doing a better job. How do we know what's
2 going on? Are you monitoring all the stations?

3 So this is where the JIOC in Tucson hits it out of
4 the park. So the JIOC has watch commanders and air
5 coordinators that coordinate all the missions to a
6 centralized point and then they utilize the asset
7 that's closest to respond. Military's been doing it
8 for years. It's not, it's not a huge concept. We're
9 not there in El Paso. We don't have that many people
10 on board with it. We're looking at trying to get
11 there. We're working with BP on how we could do it,
12 how we could take a model and mimic that. That way you
13 would have more oversight.

14 The issue becomes also that they'll make a phone
15 call to somebody, hey, we want this aircraft and it's
16 not put in Big Pipe. Well, how are we supposed to
17 track that? We can't track it. And then three days
18 later, well, you didn't launch on that. We didn't
19 know. You have to provide us the data and the
20 information and you have to give us enough data to, to
21 utilize the aircraft effectively to maximize that
22 aircraft, right?

23 SPECIAL AGENT [REDACTED] Sure. One more follow-up on

1 that and I don't know if you can answer this question.
2 So let's say I'm in Deming and I'm monitoring Lordsburg
3 Big Pipe and I pick up on something and I, I want to
4 launch and I call the CDO. And the CDO says no, we
5 don't have enough information on that. You're not
6 launching.

7 [REDACTED] Um-hmm.

8 SPECIAL AGENT [REDACTED] Click. Is there any log to
9 that or is that just a conversation?

10 [REDACTED] It's a conversation. Now, what,
11 what I've been working on very hard on my CDOs is
12 putting that information back in Big Pipe. That is a
13 significant conversation that has occurred. Why did
14 you make that decision? You need to annotate those
15 kinds of things, right? Maybe, hey, you can't launch
16 because you've got three hours left on that aircraft
17 before it goes into a 600 hour inspection and we're
18 trying to hold that aircraft for a large X, Y, Z. Put
19 in the blank, right? And we don't have an aircraft
20 here to facilitate that. So unless we get more
21 information, we're going to hold on that.

22 Now is a hold a no? A hold is no, let's go find --
23 a hold is we're going to try to get more information,

1 right? We're not to yes yet. Now if you come back and
2 go hey, BP's active on it. They've got this, they've
3 got that. Hey, they found the group, they're in a
4 remote area. The person's going to die if we don't get
5 them here. Green light launch, grab a BORSTAR guy on
6 your way out.

7 SPECIAL AGENT [REDACTED] Okay.

8 [REDACTED] So we can get there if the data
9 comes back in enough for us to launch.

10 SPECIAL AGENT [REDACTED] Sure, and I understand that
11 you would on those. But in these particular -- so we
12 have this note, hey, I asked and I got denied.

13 [REDACTED] Um-hmm.

14 SPECIAL AGENT [REDACTED] You're not aware of any
15 documentation where that conversation would have been
16 annotated somewhere?

17 [REDACTED] The only thing I would do is I
18 would go to the log. I'd go to the duty log and look.
19 Probably not there.

20 SPECIAL AGENT [REDACTED] Okay.

21 [REDACTED] So that's one tasking I've put to
22 Mr. [REDACTED], my new deputy, clean up the logs.

23 SPECIAL AGENT [REDACTED] Okay.

1 SPECIAL AGENT [REDACTED] So that was the first one.
2 There was the second cited fatality was July 14th, 2020
3 of a [REDACTED].

4 [REDACTED] Um-hmm.

5 SPECIAL AGENT [REDACTED] Do you have any direct
6 knowledge of this incident?

7 [REDACTED] No, sir.

8 SPECIAL AGENT [REDACTED] And I believe again it was
9 CDO was, was [REDACTED] And again, here's the, the daily
10 operations from the Deming Air Unit which you say is
11 not -- indicated as not a --

12 [REDACTED] Yeah. So I'm going to question
13 this, right? When you're, when you're quoting me --

14 SPECIAL AGENT [REDACTED] Yeah --

15 [REDACTED] All right?

16 SPECIAL AGENT [REDACTED] Yeah.

17 [REDACTED] So, I have an issue with that. I
18 don't get in that mix.

19 SPECIAL AGENT [REDACTED] And then just for the
20 record, this is the Deming Air Unit's daily operation
21 report for July 14th of 2020. And it appears that
22 there was again, [REDACTED] was the CDO.

23 [REDACTED] Um-hmm.

1 SPECIAL AGENT ██████████ All day.

2 ████████████████████ Yep.

3 SPECIAL AGENT ██████████ And on the 05:00 to 13:00
4 shift and then again on the 07:00 to 15:00 shift, there
5 were reportedly according to this report, request to
6 launch and these launches were in support of the
7 individual. They were both denied and I think the
8 comment that you're -- you say you have an issue with
9 is -- and you could read it, I guess, if you would.

10 ████████████████████ Yeah. So it says, it says
11 results, no launch. Request a launch on search and
12 rescue of alien in distress denied by CDO ██████████ per DAO

13 ████████████████████ That's making a lot of assumptions.
14 That's making an assumption that Mr. ██████████ came to me
15 and goes hey, Deming wants to launch and I'm going no.
16 I don't get in those conversations. And, and I'm going
17 to throw bullshit on that and I'm going to use that
18 word and if I offend anybody, I apologize but that's
19 just the way it is. That's -- that is not the truth.
20 So why is it in this log and why is it not in the other
21 logs, right? So that's inaccurate. That is an
22 inaccurate statement.

23 SPECIAL AGENT ██████████ And I guess essentially

1 it's -- it was, it was alleged by ██████ that, that
2 you -- you know, there was essentially a standing order
3 from you again, to -- that Deming wasn't going to fly
4 on instances. Is that the case?

5 ██████████ No, that's not the case.
6 Mr. ██████ is a very malcontent employee who did not
7 like direction or policy, did not like anybody coming
8 in and telling the Deming Air Unit you will follow
9 these directions. You will fly to the AMAP. That is
10 our grade sheet. I mean, I've talked about the AMAP a
11 lot. If anything is going to jam me up as a director,
12 it's going off the AMAP and doing whatever we want to.
13 Now that's the way this branch was run years ago,
14 before I walked in and I -- so ██████ figured it
15 out. ██████ started addressing it, right?

16 So it started with some of the acting directors that
17 came in, peeled those layers of the onion back. Wait a
18 minute, you can't be operating autonomously like that.
19 We have to be at certain areas at certain times, right?
20 That's a requirement the chief is setting with us and
21 we're in agreement. This is the way we're going to
22 operate.

23 So to try to use that against shows that he really

1 goes against the policies and procedures that he's
2 going against the thought -- and the direction. I
3 mean, I don't know if I'm explaining it good. I hope I
4 am. When I see something like this, it's an attempt to
5 undermine the leadership, the undermine the
6 instruction, the undermine the policies and he's not
7 just undermining my authority, he's undermining the
8 chief's authority. He's undermining headquarters, DHS.
9 I mean, you can keep going because that's who we
10 agreed, this is the way we're going to run operations
11 and why? It's more effective. Saves more lives in the
12 future, you know.

13 And I also like to look at this, so he's got 27.1
14 hours on his aircraft to 100 hour, right? So we'll
15 look at this, now is it just 100 hour or is it a 100
16 and a 6 and a 300? So when you start putting numbers
17 down like this, a 100 hour can take 3 to 5 days. So if
18 we were to fly 5 hours per mission every time we
19 launch -- I'm just going to use that for very generic
20 times -- in 5 missions, we're out of time. So now we
21 get a group of 10 that's in distress. Can I respond to
22 that? Don't have an aircraft.

23 You know, and I'm putting out hypotheticals there

1 because we're trying to balance what we have and what
2 we can do. In a perfect world with unlimited resources
3 and unlimited everything, hey, we'd launch on
4 everything. There's, there's no doubt about it. We've
5 got people that are dedicated and we also have to watch
6 their flight times. Are they going to go through a
7 hundred hour time? Are they going to go through a
8 thousand hours in a year? Are they going to bust so
9 many hours in the AOE, right?

10 Fliers out there -- fliers, air crew, at this
11 branch, it's not a problem. Everybody loves to fly.
12 Our issue is, hey, hold on. We don't need to go out
13 there. We've got to watch our resources. We've got to
14 make sure we're good to go.

15 SPECIAL AGENT [REDACTED] So did you, did you ever give
16 [REDACTED] a standing order that you will not launch
17 Deming?

18 [REDACTED] No, sir.

19 SPECIAL AGENT [REDACTED] Did you ever give an order
20 that they will fly FA3?

21 [REDACTED] Absolutely.

22 SPECIAL AGENT [REDACTED] Okay.

23 [REDACTED] Yeah.

1 SPECIAL AGENT ██████ And, and that was a standing
2 order.

3 ██████████████████ Yes, sir.

4 SPECIAL AGENT ██████ They're going to fly FA3.

5 ██████████████████ Yes, sir.

6 SPECIAL AGENT ██████ And if they don't like it,
7 well, that's unfortunate, but they're going to fly --

8 ██████████████████ And we documented that, right? So
9 it was in our AMAP and it was also in the JIOC's ATO,
10 Air Tasking Order. I might have provided you with one
11 of those. If not, I can provide you with one of those.
12 And it shows Deming Air Unit flying FA3 Monday,
13 Wednesday and Friday during, during the July time.

14 SPECIAL AGENT ██████ Yep. And that was at your
15 direction?

16 ██████████████████ Yes, sir, that was at my direction
17 coming down from southwest region. You will go in and
18 assist Tucson.

19 SPECIAL AGENT ██████ Okay.

20 ██████████████████ Roger that, sir. We will go and
21 assist --

22 SPECIAL AGENT ██████ And that CDO would have been
23 aware of that?

1 [REDACTED] [REDACTED] Yes, sir.

2 SPECIAL AGENT [REDACTED] So any, any deviation from
3 that would have had to have been one of your criteria
4 that you would discussed earlier, would be an emergency
5 with detailed information that could be acted upon?

6 [REDACTED] [REDACTED] Absolutely.

7 SPECIAL AGENT [REDACTED] Is that correct?

8 [REDACTED] [REDACTED] Absolutely.

9 SPECIAL AGENT [REDACTED] So it's fair to say that [REDACTED]
10 [REDACTED] could tell [REDACTED] sorry, [REDACTED] said you
11 are flying FA3; I don't care if you want to go into the
12 Boot Heel and look around for somebody, you're flying
13 FA3?

14 [REDACTED] [REDACTED] He could have, he could have, he
15 could have utilized my name doing that.

16 SPECIAL AGENT [REDACTED] And he wouldn't be making it
17 up and --

18 [REDACTED] [REDACTED] He wouldn't be because that was my
19 direction, right? But now, does it meet one of my
20 qualifying factors? Is it a law enforcement emergency?
21 Is it this, is it -- do we have actionable intel --

22 SPECIAL AGENT [REDACTED] So at that point, it would be
23 on [REDACTED] to dereliction of duty if he did not act on

1 something that was actionable?

2 [REDACTED] [REDACTED] I would say yes. If he failed to
3 action -- and I would even push that all the way down
4 to Mr. [REDACTED] Now Mr. [REDACTED] the clearance
5 authority at Deming Air Unit. He has authority to
6 launch that aircraft. If he has enough actionable
7 intelligence, he can launch that aircraft. Now, if it
8 goes against X, Y, Z, now we're going to have a
9 discussion. And I say discussion because maybe he
10 thought he had enough action, enough intel, but he
11 didn't. Okay. So now we're going to take the time to
12 educate, mentor, develop, right? And I do this with my
13 CDOs. I do this with other clearance authorities when
14 they make a bad decision. I've never done that to [REDACTED]
15 [REDACTED] -- well, [REDACTED] had one bad decision and we discussed
16 it during a precautionary landing. But it was a miss.
17 I don't think, I don't think it was malicious. I don't
18 think anything like that. I think it was a miss. I
19 think the pilot made an error and [REDACTED] didn't catch it
20 and then [REDACTED] tried to wash it out. That's not the way
21 we do things. We address it, how do we do it better?
22 Out came branch directives after that point. Here's
23 how we're going to do our operations better, safer,

1 more effectively.

2 CDOs, clearance authorities, they have authority to
3 launch that aircraft. If they feel that strong and
4 I'll push it all the way down to the PIC. If the PIC
5 goes I can't get a hold of the clearance authority, I
6 disagree with what the command duty officer is saying.
7 There's somebody dying and I know where they're at,
8 they can get in that aircraft. They better be able to
9 articulate those facts, right? Because that is going
10 to come in a memorandum form past me to the regional
11 director for review.

12 SPECIAL AGENT [REDACTED] Is there a flip side to that?
13 Lordsburg calls, actionable information, someone's in
14 distress and that clearance authority doesn't launch
15 and they should?

16 [REDACTED] And they should have?

17 SPECIAL AGENT [REDACTED] Yeah.

18 [REDACTED] Okay. And again, that then -- my
19 phone rings, it's the chief. We had this, this, this
20 going on and you failed to launch. Did you have an
21 aircraft? It would be 20 questions why, why didn't you
22 do this, why didn't you do that?

23 SPECIAL AGENT [REDACTED] So, so it works both ways?

1 ████████████████████ Yes, sir, it would work both ways.
2 And then I would go into why didn't we launch that
3 aircraft?

4 SPECIAL AGENT ██████████ So if I'm the clearance
5 authority and I call the CDO and I believe I have 100
6 percent actionable information and that CDO says you
7 know what, no, I want you to fly in Tucson; isn't the
8 onus -- is the onus still on the clearance authority to
9 launch anyhow?

10 ████████████████████ The onus comes back to the
11 clearance authority. Yes, sir.

12 SPECIAL AGENT ██████████ Okay. Fair enough, thank
13 you.

14 SPECIAL AGENT ██████████ Third incident was again --
15 and these are all in the same pretty close time period.
16 This was July 17th of 2020. Individual ██████████
17 ██████████ (sp). Do you have any intimate or specific
18 knowledge of this incident?

19 ████████████████████ I don't know anything about it.

20 SPECIAL AGENT ██████████ Again, it appears that the
21 Deming Air Unit was on emergency call on the, only this
22 is during that same time period.

23 ████████████████████ Um-hmm, um-hmm. Okay. So, so

1 this -- I don't know who typed this up, right? Just
2 like the other ones.

3 SPECIAL AGENT [REDACTED] Right.

4 [REDACTED] [REDACTED] Don't know where this information
5 came from.

6 SPECIAL AGENT [REDACTED] Right.

7 [REDACTED] [REDACTED] I -- I've never seen this type of
8 stuff before. This is a snip from obviously a Big Pipe
9 log.

10 SPECIAL AGENT [REDACTED] Okay.

11 [REDACTED] [REDACTED] Okay? 7-16 at 5:30 in the
12 morning. [REDACTED] [REDACTED] Deming Air Unit on standby
13 emergency only. Deming Air Unit will forward request
14 to El Paso Air Branch at 06:00 hours when they go 10-8,
15 okay? Did they?

16 SPECIAL AGENT [REDACTED] This is the first time
17 seeing it --

18 [REDACTED] [REDACTED] (Inaudible) so those are questions
19 I'm looking at as just I review a general write up --

20 SPECIAL AGENT [REDACTED] Yeah, this is just a
21 quick --

22 [REDACTED] [REDACTED] Did, did they?

23 SPECIAL AGENT [REDACTED] Sure.

1 [REDACTED] [REDACTED] Right.

2 SPECIAL AGENT [REDACTED] -- A day or two before.

3 [REDACTED] [REDACTED] So this is a July 14th and then a
4 July 15th --

5 SPECIAL AGENT [REDACTED] Correct.

6 [REDACTED] [REDACTED] So the next day? Okay.

7 SPECIAL AGENT [REDACTED] Correct.

8 [REDACTED] [REDACTED] Okay. I'm just -- and again --

9 SPECIAL AGENT [REDACTED] Yeah, I mean --

10 [REDACTED] [REDACTED] -- you know, it's kind of hard to
11 figure it all out --

12 SPECIAL AGENT [REDACTED] Right.

13 [REDACTED] [REDACTED] -- when, when there's not a lot of
14 information here. It's a, it's a one-sided
15 information.

16 SPECIAL AGENT [REDACTED] I guess -- and, and this is
17 a question I'll put out there, but you've mentioned
18 that this Deming Air Unit daily operation's report,
19 that's not a -- you said why are they doing that or --
20 I mean, it doesn't sound like it's an official --

21 [REDACTED] [REDACTED] It's not an official document.

22 We -- I had -- as a matter of fact, until I'd saw this,
23 I mean, we talked about it when you guys first came in,

1 you kind of flipped -- I'm -- I've never seen this
2 document before. This is not a requirement at the
3 branch and again, I'm going to go back to this is a
4 unit trying to operate autonomously, creating their own
5 documentation.

6 SPECIAL AGENT ██████████ Well, I'm just wondering if
7 there's any way to even know if it's not an official
8 document and it's not saved or recorded somewhere when
9 it was even --

10 SPECIAL AGENT ██████████ Generated.

11 SPECIAL AGENT ██████████ -- drafted or generated for
12 sure?

13 ██████████ ██████████ Yeah, I have no knowledge of this
14 so I don't know. I can't go back in and validate that.
15 I mean, again, you know, you're, you're, you're --
16 there's a lot of assumptions that are being made
17 here.

18 SPECIAL AGENT ██████████ And the CDO was, was ██████████
19 ██████████ again and again.

20 ██████████ ██████████ Was ██████████ Yet again, ██████████
21 ██████████

22 SPECIAL AGENT ██████████ Again, again. Emergency
23 only, standby for Deming and again, the results it says

1 no launch. Denied launch. Clearance by CDO [REDACTED]
2 per DAO [REDACTED]
3 [REDACTED] Yeah.
4 SPECIAL AGENT [REDACTED] And I think you've already
5 stated that you find that to be a somewhat concerning
6 or interesting statement?
7 [REDACTED] Yeah, because it's skewed data,
8 right? That's making -- I mean, when you read that,
9 you would swear that every time the CDO gets
10 information, he comes down the hallway, hey,
11 Mr. [REDACTED] can we launch for this? Hey,
12 Mr. [REDACTED] can we launch -- if you have to get my
13 approval for a launch, I don't need you as a command
14 duty officer. You have failed step 1, delegation of
15 authority, right? If you have to ask mother, may I,
16 you're in the wrong spot. I would, I would -- as a
17 matter of fact, about the third or fourth time that
18 somebody asked me that, I'd probably look into either
19 retrain them or remove that designation because that's
20 not the role, right? You have to be able to trust and
21 develop that person and that person -- and [REDACTED] an
22 experienced CDO. And when I say experienced CDO, he's
23 been probably a CDO for over ten years. He doesn't

1 have to come down and ask mother, may I. He knows.

2 Right now I'm using the term mother, may I, as a --

3 SPECIAL AGENT [REDACTED] And he doesn't, does he? Has
4 he?

5 [REDACTED] He does not.

6 SPECIAL AGENT [REDACTED] Do you recall any event where
7 he asked?

8 [REDACTED] I have never heard [REDACTED] come
9 down a hallway and go [REDACTED], hey, hey, can we please
10 really, really support this or can we launch this? The
11 only time he's asked me is when we had a media event or
12 when we had something out of the -- out of the norm,
13 right? Hey, border enforcement missions is controlled
14 at that level. Now when you start talking media event
15 or a school event or a, you know, X, Y, Z that requires
16 an aviation support request, hey, that's a whole new
17 character. Then you actually have to come to me and I
18 have to approve those missions. But for an everyday
19 mission? And -- you don't have to.

20 Now Mr. [REDACTED] knocked on the door earlier, that
21 was to support Homeland Security investigations.
22 That's an anomaly event. Now as a command duty
23 officer, what I'm working on is educating, that's a

1 real time event. That's not a, that's not a preplanned
2 mission. So here's where it comes to the aviation
3 support request, that's not a preplanned event. Real
4 time, right now, we've got to go, that's a command duty
5 officer discussion. That's a command duty officer
6 thought process. Are you good to go support that? Is
7 it high risk? Now if it's high risk, now it comes up
8 to my level, right? Hey, can we support it? It's
9 exceeded this many numbers on our risk assessment and
10 you've got to see our risk assessment --

11 SPECIAL AGENT [REDACTED] Yes.

12 [REDACTED] -- and how it's done, right? Then
13 it comes to my level, all right? ACRO, active shooter
14 case. Those come up to my level, right? Because now
15 there's a much higher risk of injury to assets,
16 personnel, blah, blah, blah, blah, blah, right? So now
17 that comes up to me. Day to day missions, those don't
18 come to me.

19 Now if we're going to do an HSI mission or FBI or X,
20 Y, Z, name the three digit government agency or state
21 and local and it's going to be two or three days down
22 the road, now that comes to me because it's a
23 preplanned mission. Am I going to approve that

1 aircraft being used for that mission because I've got
2 to balance all these other stuff against it, right? So
3 that's when it would come to me. And if I'm speaking
4 too fast or anything like that, ask me to repeat. I --

5 SPECIAL AGENT [REDACTED] No, makes perfect sense.

6 [REDACTED] [REDACTED] Because for me, I've been doing
7 this for years. So I mean, I helped write the initial
8 ASR policy. That's how long I've been doing this.

9 SPECIAL AGENT [REDACTED] Okay.

10 [REDACTED] [REDACTED] It's long (inaudible) time.

11 SPECIAL AGENT [REDACTED] I get it. So to your
12 recollection, [REDACTED] has never come to you for
13 anything of this, that would be -- not that it's
14 mundane, but it's routine stuff that happens here.
15 People die here, people get lost here, people are in
16 distress, there's requests of all sorts. This region
17 is very active. Those normal type of requests, you
18 don't recall [REDACTED] coming to you and saying --
19 [REDACTED] [REDACTED] -- I do not recall [REDACTED]
20 [REDACTED] ever coming to me and go Director [REDACTED] can
21 we support this?

22 SPECIAL AGENT [REDACTED] Okay. Fair enough.

23 [REDACTED] [REDACTED] And, and to your point about the

1 AOR, we have the largest AOR in the southwest region,
2 right? Three operating locations, Deming, El Paso,
3 Alpine. We have almost 800 miles of international
4 linear border. It's, it's a huge -- we patrol New
5 Mexico, Oklahoma and the western part of Texas. We are
6 the biggest in the southwest region and we do not have
7 the assets and personnel and resources to attain the
8 goal of that.

9 SPECIAL AGENT [REDACTED] Sure.

10 [REDACTED] [REDACTED] And it's unfortunate, but we do
11 the best with what we have and I'm confident in my CDOs
12 making decisions, confident in my air crews. I have --
13 if I didn't have confidence, they wouldn't have the
14 designation.

15 SPECIAL AGENT [REDACTED] Makes sense.

16 [REDACTED] [REDACTED] Okay.

17 SPECIAL AGENT [REDACTED] And the last specific
18 incident was a -- or that was cited was an individual
19 by the name of [REDACTED], August 17,
20 2020 fatality. And, and what is essentially is
21 [REDACTED] is saying is that you prevented the Deming Air
22 Unit from responding to an emergent air support request
23 for this, this woman through -- because of your removal

1 of all aircraft from the Deming Air Unit. He's
2 basically saying you retaliated against them because
3 you were mad at them for -- him, him and the Deming Air
4 Unit possibly, you took their aircraft away. And if
5 there would have been an aircraft available, they would
6 have responded and saved this woman.

7 [REDACTED] First of all, it's a pretty bold
8 statement, right? That you know all the qualifying
9 factors to save a life and that you're going to get
10 there in time to do that. That's a pretty bold
11 statement, all right? Again, no aircraft available, no
12 scheduled flight, search and rescue, unable to respond.
13 Did they pass this information at the El Paso Air
14 Branch? Did we maybe try to outsource that to another
15 aircraft, right? Aircraft hours, aircraft inspections,
16 time frame.

17 Now it's pretty, pretty comical here, right? So
18 here we've got no aircraft available, but he's got an
19 AS-350 status on his report. I'm looking at the
20 aircraft 4 Bravo Papa, I'm seeing 100 hours. It's got
21 22.3 hours to that and 100 hours to that.

22 Now this, if this were taken into account for its
23 value, I would say why didn't you have an aircraft?

1 Now I know the whole story.

2 SPECIAL AGENT [REDACTED] Okay.

3 [REDACTED] [REDACTED] But I, but I, but I'm playing the
4 here's the documentation stuff, right? So I know that
5 aircraft was not there. I know it was in El Paso,
6 right? So what was going on? Okay.

7 SPECIAL AGENT [REDACTED] All right. Okay. So then
8 take you back and this is something that was generated
9 by Mr. [REDACTED] or he provided by Mr. [REDACTED] at least
10 and it talks about an August 4, 2020 Deming aircraft
11 relocated to El Paso and no replacement provided until
12 August 19 of 2020. Do you remember that?

13 [REDACTED] [REDACTED] Oh, absolutely.

14 SPECIAL AGENT [REDACTED] Time frame or --

15 [REDACTED] [REDACTED] So we had a lot of issues going
16 on, right? And, and I talked briefly about scheduled
17 maintenance and unscheduled maintenance. So scheduled
18 maintenance is the larger inspections, 100 hour, 150
19 hour, 600 hour, 300 hour, those are real easy to manage
20 if your aircraft all stay up at the time, right? So we
21 have 7 AS-350 light enforcement aircraft at the time.
22 We have one UH-60, two fixed wing aircraft. That was
23 our, that was our cadre of aircraft. On this day,

1 August 4th -- I'm going to assume it's August 4th. It
2 says August 4th, no replacement, so I'm going to make
3 some assumptions, right?

4 SPECIAL AGENT [REDACTED] Okay.

5 [REDACTED] The branch operational ready rate
6 from maintenance is 30 percent. That's significantly
7 low. That's an F in anybody's grade book. Don't care
8 care, right? So looking at our aircraft, El Paso, we
9 had an AS-350 up, we had another one up here. Alpine
10 had one aircraft, it was up and it was in the yellow.
11 What's the yellow mean? 18 hours to inspection. Once
12 you get to certain levels of inspection, the color
13 chart goes, goes -- changes colors.

14 This is a PAE product, okay? So our, our contractor
15 is PAE. They submit this contract -- submit this
16 paperwork. Now, now let's go down the road. AS-350
17 down, AS-350 down, AS-350 down, AS-350 down, UH-60
18 down, 3DR fixed wing 206 down, another 206 down. Of
19 the 10 aircraft assigned to the El Paso Air Branch, 1,
20 2, 3, 4, 5, 6, 7 are in some sort of broken status.
21 One is in Alpine, two are in El Paso. When I look back
22 at the prioritization of what aircraft needs to be
23 where, supporting the chief's prioritization, the first

1 three prioritization of flights are Santa Teresa, New
2 Mexico. Number 4 becomes Deming and then number 6
3 becomes Deming, all right? So of the 6, 4 are in Santa
4 Teresa, right? 1, 2, 3 and 5. If I have limited
5 aircraft available, I have an obligation to support
6 Santa Teresa, New Mexico.

7 SPECIAL AGENT [REDACTED] That's El Paso?

8 [REDACTED] That is El Paso. Yeah, that's --
9 so, so as you come right out of El Paso, when you cross
10 over as you come up over Cristo Rey, boom, you're in
11 Santa Teresa station. That is the now the number 2
12 station in the nation for apprehensions. Obviously
13 that is a much higher priority for the chief than
14 Deming and Lordsburg. So it's not that I'm picking on
15 Deming here, it's my aircraft available status.

16 Now what were my aircraft down for? 4 Bravo Papa
17 had a transmission and a chip in an engine, right? So
18 what we had was Deming flying an aircraft -- we back it
19 up. 4 Bravo Papa which is their aircraft as identified
20 on the sheet was at Deming, all right? There's an El
21 Paso Air Branch asset, not a Deming Air Unit asset.
22 There's been a lot of discussion about that too and
23 you're taking my aircraft. It's not a Deming aircraft,

1 it is a branch asset, right? Those move at the
2 direction of the director.

3 It was, it was having engine troubles. Brand new
4 engine installed in this aircraft. Came back over here
5 during an inspection of a -- called a through flight.
6 One of the mechanics noticed that two pieces of the
7 transmission was twisting. How did he notice it? It
8 had little X's, what we call X's in the sealant that
9 goes around the two pieces, right? Deming was flying
10 that aircraft. The pilots missed it on inspection.
11 Maintenance missed it on inspection. We have a brand
12 new mechanic here that just got signed off to work on
13 our aircraft, he's like, that's an anomaly. Goes and
14 gets a -- goes and gets a QC. What the heck's going
15 on? What happened was the manufacturer, when they put
16 that transmission back together failed to torque that
17 transmission at the appropriate specification.
18 Essentially, the 33 bolts, I think the 33rd, the 33.
19 I'm not an A-Star mechanic -- had come loose and the
20 transmission was doing this, okay? Catastrophic event
21 waiting to happen, all right? Caught here by PAE, some
22 of the best maintenance in that unit.

23 So, so what happened is now, we have to contract the

1 people that manufactured the transmission, hey, what's
2 going on with this? Okay. Test this, test that.
3 Ultimately that transmission came out. We got another
4 transmission from another place. Transmission failed
5 inspection, hadn't been inspected in the last five
6 years. We can't use that, so we have to send that out.
7 So now we've got an engine, we've got an engine having
8 problems. We've got a transmission out in the same
9 aircraft. We've got another engine on another aircraft
10 that comes up time change. We've got another
11 transmission coming up time change. These are all
12 heavy items. It's not -- the aircraft pretty much gets
13 disassembled to change one of these transmissions. I
14 mean, it's -- we can walk out there and you can look,
15 it's 600 hours in inspection. It's amazing what these
16 guys do, the guys and gals. They pull them apart, they
17 put them back together and we fly the heck out of these
18 aircraft.

19 The reality, it's a lot of heavy, unscheduled
20 maintenance. If I had the ability to replace that
21 aircraft out there, I'd do it. So I've already asked,
22 I've asked the region, can I have another B3 aircraft?
23 Hey, it's hard right now. Everybody's hurting for

1 assets, right? So what we do is I want to have a spare
2 B3 here that I can float to the units. So the priority
3 is the units fly. When the aircraft breaks, goes into
4 heavy maintenance, I can send a spare, a floater
5 aircraft down there. That's resources, right? Hey,
6 these aircraft are \$4.5 million a pop. They're not
7 going to let me have a plethora of spares, right?

8 Now why do I use just a straight B3 aircraft? The
9 straight B3 aircraft have more power, more available
10 oomph to maneuver, right? So that's the goal. As a
11 matter of fact, we had, it was December? I think it
12 was December we had something very similar that went
13 into inspection and we couldn't get Deming another
14 aircraft out there. Hey, it's, it's, it's just, it's
15 cyclical. It's an unfortunate series of events, but
16 when we have four, five, six of our A-Stars down, El
17 Paso's the priority. El Paso is the priority by the
18 chief. And that's what I'll support.

19 SPECIAL AGENT [REDACTED] Where -- did you remove
20 that aircraft from Deming as punishment?

21 [REDACTED] No, sir. No, sir. It's an
22 operational requirement to have that here to support
23 the top priorities of the chief.

1 SPECIAL AGENT ██████ Okay. So that particular
2 aircraft you were discussing, it had an engine issue
3 and then they noticed the transmission afterward?

4 █████ ██████ It's -- I'm in the area, right?
5 Hey, there was a -- I think we swapped two engines on
6 that -- on 4 BP. So 4 BP came in, we put a new engine
7 in it and it didn't -- the aircraft didn't like the
8 engine I'll just say and so there was some puts and
9 takes back and forth. We ended up putting another
10 engine in that aircraft, swapping another aircraft's
11 engine and it was, it was a pretty big mess for a few
12 months here.

13 SPECIAL AGENT ██████ So here's the -- the
14 allegation is that that engine or that, that aircraft
15 failed its power check and regardless of that safety
16 issue, you in particular, Mr. ██████ ordered SIA
17 ██████ to fly it here anyway for inspection not to be
18 done in Deming.

19 █████ ██████ Okay. So here we go. So sounds
20 pretty serious.

21 SPECIAL AGENT ██████ It does.

22 █████ ██████ Sounds very serious, okay. So the
23 aircraft failed its power check on the vehicle

1 management VM engine display, VEMD. So essentially, I
2 can operate the aircraft, push a little button and the
3 computer calculates that engine's good to go or that
4 engine failed. So what happens when the engine fails
5 is then the pilot is required because we have sand
6 filters on our aircraft. It's a modification Air and
7 Marine did. So once we modify it, we have different
8 rules. So a pilot then is to go through and document
9 by hand power availability on that.

10 Okay. Now did it pass that? It was passing the
11 handwritten documents, all right? Did it pass this
12 day? Maybe not. So I can authorize a one time flight,
13 okay? Which I do. I do that, that happens. Hey,
14 we're going to authorize a one time flight. Here comes
15 the questions. Mr. Safety Officer, are you good with a
16 one time flight? Yes, sir. CDO, are you good with a
17 one time flight? Yes, sir. Pilot, are you good with a
18 one time flight? Yes, sir. We're going to ask every
19 person, are they good with a one time flight. If they
20 are, then we're going to launch that aircraft.

21 Mr. Tulley was good with a one time flight. As a
22 matter of fact, when he landed here, I was out there on
23 the front line to greet him. And I said Mike, what's

1 wrong with that aircraft? He's like, I'm not sure, but
2 I got power for days. Those were his words. And I
3 won't ever forget it because we didn't know if the
4 aircraft engine had a problem or if it was the aircraft
5 itself. They check -- we had that thing in maintenance
6 for a long time. As a matter of fact, Mr. [REDACTED] out
7 here is probably one of the best A-Star mechanics in
8 the entire program, he went through every sensor,
9 everything. He was talking to tech reps. They
10 actually took that aircraft engine, put it on another
11 aircraft. I do believe it's on 7 BP and guess what
12 aircraft is operating in Deming right now? 7 BP, with
13 that engine that came out of 4 BP. No issues.

14 So we never did find all the things out with 4 BP.
15 It came back from the tech rep that hey, your
16 modification is going to require your pilots to do the
17 written report.

18 SPECIAL AGENT [REDACTED] Did that, did that movement
19 of that aircraft from Deming to, to here in El Paso,
20 did that require some type of permit or waiver?

21 [REDACTED] It requires my authorization.

22 SPECIAL AGENT [REDACTED] Okay.

23 [REDACTED] So -- and again, we have the

1 checks and balances in place to where -- here's the way
2 I look at things, right? I'm going to ask a pilot --
3 now, Mr. [REDACTED]'s the maintenance test pilot, so I'm
4 not asking Joe Pilot out there to do something
5 different. Hey, we're going to waive -- I'm going to
6 authorize this, okay? My authority, but I get
7 everybody involved. Supervisory aviation maintenance
8 officer, are you good? PAE, are you good? The pilot,
9 are you good? Aviation safety officer, all those were
10 put in place after I walked in here.

11 SPECIAL AGENT [REDACTED] Do they feel comfortable
12 saying no to you?

13 [REDACTED] Oh, I guarantee they do. I
14 would -- so here we go, back it up. We had a Huey down
15 in Alpine that was operating several months ago that
16 had a C combined gear box. I'm going to back it up to
17 that was May of last year. I'm in the area, right?
18 The aircraft, the box made metal, all right? So making
19 metal in an aircraft is bad, right? So the two engines
20 come to a combined gear box, they go to the
21 transmission. So if this part fails, the engines are
22 ineffective, right? It's going to be a bad day. UH-1
23 November, not the greatest design, right?

1 In the process of this, we did oil samples, we did
2 this, we did that. We, we -- so maintenance has --
3 this the way we're going to do maintenance, right? So
4 they do it. The contract -- it's the contractors to
5 give us the aircraft is operational. We can't tell
6 them how to do it, right? Because that would be a
7 contract violation. So as we went down the process, I
8 said okay, we're going to fly that aircraft to El Paso
9 and we're going to watch it. The aircraft were going
10 away. We're not going to sink \$6-, \$700,000 in an
11 aircraft when it's going to be sold and we're not going
12 to get pennies for it anyway, right? So we're going to
13 fly it until it's broke or fly it until it's out of
14 time. We advanced three of the five into phase, some
15 sort of phase because again, why not maximize the
16 flight time on something that's going away. You know,
17 that's not free hours, but it's, it's, it's hours that
18 aren't going to count against us in a great big
19 picture, right?

20 So I said I want that aircraft flown up here. The
21 pilot, the first capable pilot said I'm not comfortable
22 with that, Mr. [REDACTED] Okay, why? Well, hey, I
23 would like another oil sample done then I'll feel

1 comfortable. We did another oil sample. All right,
2 bring it up here. They also put that thing into a
3 hover. Hey, it's only -- we call it a penalty run.
4 Only required a 10 minute, 15 minute penalty run. They
5 put it in a hover for an hour, all right? Eventually
6 that aircraft came up, Mr. [REDACTED] flew that aircraft
7 up and we flew it a couple more times here and then it
8 went to pasture, right? But those people are
9 comfortable with going hey, I don't want to do that or
10 I disagree with that and here's why. Okay. How can I
11 then make you more comfortable? I'm not going to go,
12 hey, well, I'm the director and you're going to do what
13 I want to do and you have to do that or I'm going to,
14 I'm going to fire you. That's not the way it is. Each
15 pilot has a different skill set. Each pilot has a
16 different comfort level.

17 If Mr. [REDACTED] said Mr. [REDACTED] I don't feel
18 comfortable flying that aircraft, I would have said
19 okay, fair enough. Maybe your comfort level isn't
20 there. I'd go to another pilot, hey, are you
21 comfortable with doing that? Again, why did we bring
22 that aircraft over here? We brought that aircraft over
23 here because the mechanic that's here, Mr. [REDACTED]

1 [REDACTED], is the ace on that. And there was a problem
2 with that aircraft and this level of maintenance --
3 again, it's a higher level of maintenance, right? So
4 the units have, I call it routine maintenance. Next
5 level of maintenance will be at the branch. Higher
6 level, better trained mechanics, better equipment,
7 faster response for parts. We can get that aircraft
8 back up or operational faster here than we could at
9 other units. And those are facts, hey, those are,
10 those are -- and so I can either send Frank Whistler
11 out to Deming to, to put his intelligence on that
12 aircraft or I can bring that aircraft here and maximize
13 his time on that aircraft.

14 And then ultimately what happened? We ended up
15 swapping engines, right? I mean, so the bigger
16 picture, we end up swapping engines. Because we had an
17 engine sitting right here out of another aircraft and
18 we swapped that to that aircraft and then we put that
19 engine as a test cell and sent that out again, right?
20 We were able to do that here much faster. Did it delay
21 some things? Yeah, because we were trying to make sure
22 we had a safe, operational aircraft.

23 So did I take that aircraft out of -- yeah, I did.

1 Was it a higher maintenance level? Yep, sure did. Was
2 that aircraft unsafe to fly? No, that aircraft was
3 creating a lot of power. It wasn't recording on the
4 VEMD and they had to hand jam it. Which is acceptable
5 practice in maintenance and I can get you a copy of
6 that if you want it, don't have a problem with that.

7 SPECIAL AGENT [REDACTED] Comfortable with that?

8 SPECIAL AGENT [REDACTED] Yeah.

9 [REDACTED] [REDACTED] And if you'd like to talk to [REDACTED]
10 [REDACTED] -- I don't know with that contract, but if you
11 talk to him, he's, he's going to -- it will be a while.
12 He's very thorough.

13 SPECIAL AGENT [REDACTED] Understood. We just --

14 SPECIAL AGENT [REDACTED] Okay.

15 SPECIAL AGENT [REDACTED] Yeah. I mean, you know, and
16 that question was, you know, are they comfortable
17 saying no to you. Have you ever threatened an employee
18 if, if they didn't have a valid reason that they
19 weren't comfortable, it was just they had a bad
20 feeling?

21 [REDACTED] [REDACTED] No, sir.

22 SPECIAL AGENT [REDACTED] Have you ever said hey, you
23 got to articulate why you don't want to do it other

1 than you just don't want to?

2 [REDACTED] [REDACTED] No, sir. As a matter of fact,
3 I'll give you a really good example. I was in Yuma as
4 a deputy director. A pilot by the name of [REDACTED]
5 [REDACTED] was assigned to fly an OIT mission, all right?
6 So here's the information, ASR comes in, I approve the
7 mission, we assigned the pilot. About three days
8 before the mission was to go, [REDACTED] did a run up
9 there, Mr. [REDACTED], AI [REDACTED], whatever you want to call
10 him, right? He flew up there with an aircraft, he came
11 into my office. Mr. [REDACTED] I do not feel
12 comfortable doing that. I don't think my skill set can
13 handle that mission. I'm like, hey, fair enough. Hey,
14 I appreciate that information. First of all, that
15 takes a lot for a pilot -- have egos, right? Large
16 egos, pilots especially, right? To go I don't feel
17 comfortable with that.

18 So now my confidence level in Mr. [REDACTED] just went
19 through the roof because when he doesn't feel
20 comfortable with something, he's going to come and go
21 hey, I don't think I have the skill set. For the pilot
22 to say I don't have the skill set to make that happen,
23 that's a significant thing. That's part of that whole

1 self-assessment process. Do I have the right person
2 going? Do I have this, do I have that? Each, each
3 pilot has a different skill set, right? This is why
4 you got to get to know your people and know everything
5 you can do. But when a pilot says something like that,
6 that's impressive. And, and, and I -- and I use that
7 story a lot of times when I talk to people.

8 SPECIAL AGENT [REDACTED] And (inaudible) probably.

9 SPECIAL AGENT [REDACTED] Yeah, this goes to the --

10 SPECIAL AGENT [REDACTED] Okay. All right. Okay.

11 SPECIAL AGENT [REDACTED] You know what I mean?

12 SPECIAL AGENT [REDACTED] All right. Just to make
13 sure.

14 SPECIAL AGENT [REDACTED] Looking down that road
15 where --

16 SPECIAL AGENT [REDACTED] All right. Maybe this one.
17 Yeah, I think it's probably --

18 SPECIAL AGENT [REDACTED] You've covered it, but one of
19 the allegations is, is working, working that FA3 or the
20 Tucson hours.

21 [REDACTED] [REDACTED] Um-hmm.

22 SPECIAL AGENT [REDACTED] Was basically because you
23 used to work out of Tucson and they were your buddies

1 and you were looking to make yourself look good in
2 their eyes. Is that -- was that the case?

3 [REDACTED] [REDACTED] No, that's not the case. I don't
4 have to make myself look good in their eyes. They
5 know me. That's not a concern -- that's never a
6 concern of mine, right? I don't care if you like me.
7 I don't care if you don't like me. That's not, that's
8 not, that's not a gig on anybody. Hey, I'm going to be
9 professional. We're going to do our job. We've got a,
10 we've got a very important job in what we do here and
11 how we do it. I treat people professionally. I don't
12 treat people fair, I treat them consistent. I treat
13 everybody the same, right? There's different words in
14 there, right? But no, I'm -- no desire. That's,
15 that's not -- doesn't pass my mind on (inaudible).

16 SPECIAL AGENT [REDACTED] And back to the FA3, that was
17 a direction from region?

18 [REDACTED] [REDACTED] Yes, sir, that was a direction
19 from region, yeah. I'm not going to volunteer going
20 into FA3, right? I'd rather keep all my assets and
21 that's possessive, I know, and that's, that's -- I'm
22 getting into a what I've been saying about a three foot
23 world, right? I'd rather keep my aircraft at home

1 because I'd rather be doing operations for the chief,
2 either one I'm working directly for, right? Or working
3 with, you know. I mean, when I have to send that
4 aircraft out there, that's just another tool that I
5 have -- I had officially been taken out of my tool
6 belt.

7 Now do I understand the bigger picture? Absolutely.
8 Was I on board with when my, when my director, when my
9 boss talked to me, this is why? And again, he didn't
10 even have to articulate why. He, he says [REDACTED], you're
11 sending an aircraft into FA3, it's roger that, we're
12 going.

13 SPECIAL AGENT [REDACTED] I think we pretty much
14 covered ad nauseam here. Is there anything that we
15 haven't asked you that you think is important as it
16 relates to the questions we've been asking?

17 [REDACTED] I tell you guys, my brain's fried
18 right now working with the --

19 SPECIAL AGENT [REDACTED] Right.

20 [REDACTED] -- questions, right? I will say
21 this, and I've said it and I've alluded to it, June
22 11th was just a hard day. Unfortunate series of
23 events, still chokes me up. We could do nothing for

1 that kid. Hey, that's just -- those are the facts of
2 life, man. If we could, if we could roll back time and
3 get him before he started cramping, hey, he'd be okay,
4 right? The facts are we didn't do that. We couldn't
5 do that. We weren't called in time. We couldn't get
6 out there fast enough. I mean, by the time we got
7 called, they were already doing CPR on that kid. I
8 mean, it's unfortunate everything about that event. So
9 it's just a shame.

10 SPECIAL AGENT ██████████ Completely understood. And
11 when we began here, you've mentioned that you have an
12 open door policy.

13 ████████████████████ Yes, sir.

14 SPECIAL AGENT ██████████ And your door was open both
15 times we've arrived at this -- do you believe that the
16 employees of the air branch here would feel comfortable
17 voicing concerns?

18 ████████████████████ Yes, I do. Yes, I do. As a
19 matter of fact, we've also -- the AMSP program, Air and
20 Marie Safety Program, right? We've had people put in
21 AMSP things on operations here at the branch and we've
22 addressed those. Big believer in the AMSP. Big
23 believer in safety. Hey, we have to address those

1 seriously, right? People have no problems stopping by
2 my office. We have to get opinions from facts, right?
3 But I firmly believe that some of the best information
4 of how we can do operations better comes from the field
5 level. It doesn't come from people at headquarters.
6 They just don't understand the environment we're in on
7 a day to day basis.

8 SPECIAL AGENT [REDACTED] Understood. To wrap this
9 up --

10 [REDACTED] Yes, sir.

11 SPECIAL AGENT [REDACTED] At any time, did you ever
12 treat the Deming Air Unit any differently than you
13 treated the other units in your branch?

14 [REDACTED] No, sir.

15 SPECIAL AGENT [REDACTED] At any time, did you
16 specifically target [REDACTED] or any of his
17 employees for any personal gain or any vendetta of any
18 nature of that?

19 [REDACTED] No, sir.

20 SPECIAL AGENT [REDACTED] Did you like [REDACTED]

21 [REDACTED] I do like [REDACTED] I, I
22 was -- I tried to mentor and develop [REDACTED] I
23 tried to protect [REDACTED] at every opportunity I

1 could. I would have liked to see him be more
2 receptive to the mentoring and to the guidance. And,
3 and you can see from emails I've sent and conversations
4 with him, he was very cordial, very cordial and then
5 when he named me as a subject of the OSC which
6 eventually happened, right, then the conversations
7 stopped.

8 SPECIAL AGENT [REDACTED] Um-hmm.

9 [REDACTED] [REDACTED] And then it was much more, I'll
10 just say noncordial from him. But I tried to guide,
11 tried to direct, tried to, try to put -- mentor -- he's
12 never been mentored. He was assigned pretty quickly as
13 a supervisor, put in a unit with little influence
14 and -- you know, the old phrase, he didn't know what he
15 didn't know. And it was unfortunate that he resisted
16 so much and I know he resisted because I had
17 Congressional, I had OSC complaints. I had all those
18 things. And even though all that was going, I was
19 still trying to watch out for him, trying to mentor
20 him, trying to develop him. I mean, even when he, he
21 filed the Congressional to [REDACTED]'s office about
22 a DRL which was erroneous data and --

23 SPECIAL AGENT [REDACTED] What's a DRL?

1 ██████████ ██████████ Direct Reassignment Letter.

2 SPECIAL AGENT ██████████ Oh.

3 ██████████ ██████████ So he, he accused me of DRLing
4 him. First of all, I don't have the authority to DRL,
5 right? That comes from way above me, right? It starts
6 with me, but there was no, there was no DRL. There was
7 no -- but he, he was using that as some sort of
8 traction against me with OSC, right? We were trying to
9 put a plan together to mentor him and to get him up to
10 a standard level of what he should be and he resisted
11 everything. And it's a shame because you can only
12 provide so much information to someone. If they're not
13 receptive to that, you can't do anything with that
14 person.

15 I mean, it's unfortunate. I wish it would have been
16 different. I wish he would have, would have been
17 receptive to the ideas. Hey, it sucks when we get told
18 we're not doing things right.

19 SPECIAL AGENT ██████████ Sure.

20 ██████████ ██████████ And, and I've had, I've had --
21 told me that. But that's when you have to look and go,
22 what's the reason behind that? Are you trying to -- is
23 it a personal attack? No, it's not a personal attack.

1 They're trying to make you a better manager, better
2 leader, better performer, right? So I've had SCSEs
3 take me and go hey, you know, yes, that's a good
4 decision. There's other ways to make that decision.
5 And I don't want to forget the conversation, it was in
6 2014, it was (inaudible). At the time, he was the
7 northern region executive director and I was an acting
8 deputy director for the northern region. Worked for
9 him for about four and a half months in that role and
10 then part of my outreach. And he pulled me aside and
11 he goes [REDACTED], you did a very good job. I appreciate
12 it. You got a good career, you got a good thought
13 process on your shoulder. The only thing I'm going to
14 tell you as you move forward, remember, your idea is
15 not the only idea. And I'm like, what do you mean? He
16 goes, just because your original thought process is
17 here, doesn't mean you don't gather more information
18 later and you adjust your thought process. And I go,
19 explain.

20 So we had a good conversation on that and he goes,
21 he goes, when you get an idea in your head, he goes,
22 you start to block off other ideas. He goes, don't do
23 that. He goes, you're going to miss something

1 important. He goes, and here's a good example, and he
2 provided me with an example and I was like, I did do
3 that. From that point moving forward, I have taken the
4 opportunity, yes, I've got this idea and we're going to
5 go this way. Now if I get other information that says
6 hey, maybe that's not the right thing, we're going to
7 adjust course. Now it doesn't mean I've changed my
8 mind, right? That means now I've got new data coming
9 in and there's a better way to do it, all right? Where
10 did we get that? Hey, did we get that from a GS-9,
11 brand new employee, a GS-14, maybe another director?
12 All those things come, so I'm very receptive to those
13 ideas. And I, I've learned and it's developed to good
14 mentoring, that process. And I've had good people
15 above me that have taken the time to go all right,
16 yeah, you're -- you answered this problem right here in
17 front of you. Now, what are the unintended secondary
18 causal effects of that decision?

19 What do you mean? What is that -- you threw the
20 proverbial pebble into the pond and here comes the
21 ripples. Did you calculate your decision based on
22 those ripples?

23 So I learned to get out of my three foot world and

1 start expanding the horizons. What about this, what
2 about this? And I, and I teach and I educate and I
3 mentor and I pass on that information. I don't want to
4 hold that. Hey, eventually, we're going to, we're
5 going to leave. We're going to retire. We're going to
6 go away. If we don't pass on our knowledge, our
7 knowledge is lost to the next person. So it's up to us
8 as leaders to train, develop, mentor the next person
9 up, right? Pass on that knowledge. And some people
10 are receptive and some people aren't. But I will never
11 forget that discussion from Mr. [REDACTED] (sp) about
12 expand your thought process. Remember, your idea -- it
13 might be a good idea, it's not the only idea. And you
14 need to listen to other people. And that's a hard,
15 that's a hard shot to somebody who's working toward a
16 certain level and who has a lot of knowledge and a lot
17 of information and, and making decision -- they were
18 good solid decisions. But again, it's about
19 improvement.

20 SPECIAL AGENT [REDACTED] Sure.

21 [REDACTED] [REDACTED] How can we do it better.

22 SPECIAL AGENT [REDACTED] Understood.

23 [REDACTED] [REDACTED] So --

1 SPECIAL AGENT ██████ And, and that was a good
2 assessment and in closing, were any of your decisions
3 as they related to ██████ done for anything other
4 than the better of the branch?

5 ██████████████████ No, sir. They were always about
6 the betterment of the branch, betterment of the
7 mission, better execution.

8 SPECIAL AGENT ██████ And do you feel that there
9 were consistent, equitable -- I know you don't use the
10 word fair, but you know, fair is a common vernacular
11 that we would use, you weren't treating him any
12 differently than anybody else?

13 ██████████████████ No, sir, I did not treat him any
14 differently than anybody else. As a matter of fact,
15 FMLA, I know we discussed that earlier, we've had three
16 FMLA cases in this office last calendar year. All
17 three of them submitted the WH 380 either F or Echo,
18 depending on if it was for family member or person.
19 All three of those were sent up to the medical director
20 and received the information back that they were good
21 to go.

22 SPECIAL AGENT ██████ So they're treated exactly
23 the same?

1 [REDACTED] Yes, sir.

2 SPECIAL AGENT [REDACTED] Okay. Fair enough. Anything
3 else, [REDACTED]

4 SPECIAL AGENT [REDACTED] Nope.

5 SPECIAL AGENT [REDACTED] Okay. Would you like the
6 opportunity to review this recording in whole or in
7 part to ensure that it was properly recorded?

8 [REDACTED] No, sir, I don't need that.

9 SPECIAL AGENT [REDACTED] Okay. Is there anything you
10 would like to add or clarify?

11 [REDACTED] No, sir, I think we clarified
12 quite a lot today. Again, words can get taken out of
13 context, right? And as I understand, you guys are out
14 here, I understand the totality of the situation and
15 everything we're trying to do and everything, the
16 questions, right? So I think we've explained that. I
17 think I've explained that, the branch's point of view,
18 the command structure, all those things. I think we've
19 clarified a lot. I'm glad that you were able to come
20 out and witness our operation here. I think that gives
21 you guys a much better sense and understanding of what
22 it takes because you can read stuff on paper all the
23 time and you can talk to people on the phone. Until

1 you see it with your own eyes, it puts it in a
2 different perspective.

3 SPECIAL AGENT ██████████ Understood, you're right.
4 Very good. Then this concludes the interview of
5 Director ██████████ and the time is now 12:15 p.m. and
6 the date is still February 5th, 2021. The recording's
7 being stopped.

8 (Whereupon, the interview was concluded at 12:15
9 p.m.)

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C E R T I F I C A T E

1
2
3 I, [REDACTED] do hereby certify that I
4 was authorized to transcribe the foregoing recorded
5 proceeding, and that the transcript is a true and accurate
6 transcription of my shorthand notes to the best of my
7 ability taken while listening to the provided recording.
8

9 Dated this 19th day of February, 2021.
10
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12 [REDACTED]
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Supplemental Report

DI-20-001009

Exhibit 11

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TRANSCRIPTION OF INTERVIEW WITH SAIA [REDACTED]
FEBRUARY 11th, 2021.

APPEARANCES: **SPECIAL AGENT [REDACTED]**
 SPECIAL AGENT [REDACTED]
 SAIA [REDACTED]

TRANSCRIBED BY: [REDACTED]

1 SPECIAL AGENT [REDACTED] This interview's being
2 recorded. Today's date is February 11th of 2021. The
3 time is now 6:30 p.m. Eastern Standard Time. This is
4 the statement of Supervisory Air Interdiction Agent
5 [REDACTED] for Case Number 2021 00445 which is being
6 given via the Teams application. Present at this
7 interview is Special Agent [REDACTED]

8 SPECIAL AGENT [REDACTED] [REDACTED]
9 SPECIAL AGENT [REDACTED] Special Agent [REDACTED]
10 [REDACTED] and SAIA [REDACTED] Could you spell your
11 last name, please?

12 [REDACTED] Sure, [REDACTED].

13 SPECIAL AGENT [REDACTED] Perfect, thank you.
14 Questions will be asked by Agents [REDACTED] and [REDACTED]
15 responses will be provided by SAIA [REDACTED] unless
16 otherwise specified.

17 We have provided you with your warning forms via
18 email prior to the interview. Did you have a chance to
19 look at those and sign it?

20 [REDACTED] I sure did, yeah. You didn't receive
21 that?

22 SPECIAL AGENT [REDACTED] I did receive it. I just
23 want to get it on the record that you reviewed it.

1 ██████████ Yes, I did.

2 SPECIAL AGENT ██████████ Okay. Perfect. Do you have
3 any questions as it relates to that document?

4 ██████████ No.

5 SPECIAL AGENT ██████████ Okay. Could you please stand
6 and raise your right hand? Do you solemnly swear or
7 affirm that the statements you're about to provide will
8 be true and correct to the best of your knowledge and
9 belief?

10 ██████████ I do.

11 SPECIAL AGENT ██████████ Okay. Have a seat. Please
12 state your complete name.

13 ██████████ Sure, ██████████ as in ██████████

14 SPECIAL AGENT ██████████ Okay. What is your position
15 title?

16 ██████████ I am a Supervisory Air Interdiction
17 Agent.

18 SPECIAL AGENT ██████████ Job series?

19 ██████████ 18-81.

20 SPECIAL AGENT ██████████ Pay grade?

21 ██████████ GS-14.

22 SPECIAL AGENT ██████████ And duty station?

23 ██████████ El Paso Air Branch, El Paso, Texas.

1 SPECIAL AGENT ██████ Okay. You are advised that
2 this is an official investigation being conducted by
3 the CBP Office of Professional Responsibility.
4 Knowingly providing false or fictitious statements may
5 subject you to criminal prosecution under Title 18,
6 United States Code 1001 or administrative discipline up
7 to and including dismissal from federal service. Do
8 you understand this requirement?

9 ██████████ I do.

10 SPECIAL AGENT ██████ Okay. You are hereby
11 notified that any discussion or disclosure of the
12 matters under review by the Office of Professional
13 Responsibility to unauthorized personnel is prohibited.
14 Further, you are cautioned that any discussion or
15 disclosure of the substance of the interview or any of
16 the circumstances surrounding any of the incidents
17 discussed during this interview may result in
18 disciplinary action being taken against you. Do you
19 understand this nondisclosure requirement?

20 ██████████ I do.

21 SPECIAL AGENT ██████ Okay. Do you have any
22 questions before we begin?

23 ██████████ No, sir.

1 SPECIAL AGENT ██████ Okay. So we're going to
2 start back in April of 2019. Do you recall an incident
3 where an acting director Mr. ██████ had taken a
4 flight to Deming and then on his return flight he ended
5 up diverting and entering restricted air space?

6 ████████ I do.

7 SPECIAL AGENT ██████ Okay. And what is your
8 knowledge of that incident?

9 ████████ There was a flight with ██████ and
10 another recent hire. They flew, I think they were
11 doing an area orientation flight to include a stop in
12 Deming, New Mexico. They had stopped, did their
13 business there and on their way back to El Paso, I
14 guess there was a call for -- a request for assistance
15 in the Deming, Lordsburg AOR area of operation. They
16 had gotten some information from -- because ██████
17 was relatively new, the other pilot was really new. I
18 think they got some information relayed to them from
19 Deming as to who, what, when, where, why and they
20 received some vectors and they headed that direction to
21 render (inaudible) to provide assistance.

22 SPECIAL AGENT ██████ Okay.

23 ████████ Well, yeah, so and then consequently

1 while they were flying in that direction, came upon the
2 aerostat there with restricted air space, violated that
3 air space, had a near miss with the tether -- that
4 aerostat. I don't know if they proceeded to the
5 actual -- I can't remember if they actually made it to
6 where they were intending to go, provided that
7 assistance and then came back to El Paso and then filed
8 whatever reports as required.

9 SPECIAL AGENT [REDACTED] Okay. Did you have any
10 involvement in that flight as in clearance authority or
11 CDO or anything of that nature?

12 [REDACTED] I don't think so.

13 SPECIAL AGENT [REDACTED] Did you have any part in
14 conducting the -- in the investigation after the fact?

15 [REDACTED] Yeah, I was -- I'm sure I was requested
16 to provide -- you know, we have what they call an admin
17 inquiry.

18 SPECIAL AGENT [REDACTED] Okay.

19 [REDACTED] Are you guys familiar with that?

20 SPECIAL AGENT [REDACTED] Yes, sir.

21 SPECIAL AGENT [REDACTED] Yes.

22 [REDACTED] So there's, there's numerous elements
23 of that admin inquiry. I may have been charged to, to

1 gather some of those. I don't remember offhand.

2 SPECIAL AGENT [REDACTED] Okay. You weren't the lead
3 for the admin inquiry?

4 [REDACTED] I, I believe I was because I wasn't
5 there that day. They usually have the supervisor who
6 didn't have anything -- any involvement take -- do the
7 actual admin inquiry and if I wasn't there that day
8 then I probably got done a bunch of them. I probably
9 did collect that information.

10 SPECIAL AGENT [REDACTED] Okay. You don't have any
11 real specific recollection of, of what went on for that
12 inquiry?

13 [REDACTED] Well, I, I know how these things are
14 comprised of. I know what elements go there. I
15 probably -- if I put it together, I probably typed up
16 the, the contents page. So we provided the weather,
17 the risk assessment, the flight data sheet, weather,
18 the radar tracks, any information that would be
19 relevant to an internal investigation to try to
20 determine what happened.

21 SPECIAL AGENT [REDACTED] Okay. Do you, do you
22 remember if, if it was [REDACTED] who assigned it to you
23 or if it came from region or, or how did that go?

1 ██████████ I don't remember how it was assigned,
2 but I -- again, because I've done a few of these, I
3 think I would have just assumed if I was the only
4 supervisor who wasn't directly involved that day, that
5 it needs to get done and I probably just took it upon
6 myself to start doing that.

7 SPECIAL AGENT ██████████ Okay. Do you know who you
8 would have submitted the results to?

9 ██████████ Region.

10 SPECIAL AGENT ██████████ Okay. Is that common?

11 ██████████ Yeah. Well, if it was a -- if it was
12 just an employee here, not a director, it would have
13 been handled internally first. It would have --
14 submitted to the director and the director would have
15 first go at it. But because the director was involved,
16 I took it one step higher to that regional director.

17 SPECIAL AGENT ██████████ Okay. And while you were
18 conducting that inquiry or do you have any
19 recollection, did you get any influence from Acting
20 Director ██████████?

21 ██████████ No, no.

22 SPECIAL AGENT ██████████ Did you intimidate you or
23 tell you you better swipe this --

1 ██████████ Absolutely not.

2 SPECIAL AGENT ██████████ -- under the carpet?

3 ██████████ Absolutely not, no.

4 SPECIAL AGENT ██████████ You never got that sense?

5 ██████████ No, sir. No, sir. Those -- it's
6 pretty straightforward. I know Mr. ██████████ hadn't been a
7 part of the El Paso Air Branch very long. But again,
8 I've done a few of these. It's pretty straightforward.
9 We get our sheet and we just start collecting the data.
10 It doesn't require anybody's input other than the memos
11 that they're requested to submit stating what they --
12 their recollection of what happened.

13 SPECIAL AGENT ██████████ Okay. Do you recall if you
14 contacted the FAA?

15 ██████████ I did.

16 SPECIAL AGENT ██████████ Okay. Is that common
17 practice also?

18 ██████████ It depends. It depends what the nature
19 of the, the incident was. I've contacted the FAA or
20 air traffic control over -- here in El Paso we have a
21 Class Charlie air space. We have a tower. They do
22 track certain things. They have recordings, because I
23 know of in past instances I've gone there to gather

1 those recordings to hear or radar tracks to see what
2 and where people were at the time of these incidents.

3 SPECIAL AGENT ██████████ Does that include AMOC also?

4 ██████████ AMOC would certainly be one of the
5 people we'd reach out to.

6 SPECIAL AGENT ██████████ Okay. So as part of this
7 package, do you make sure that all the proper
8 notifications are made?

9 ██████████ When you say proper notifications --

10 SPECIAL AGENT ██████████ Well, depending on what the
11 issue is. So if you violate air space, I imagine
12 there's some sort of reporting requirements outside of
13 CBP.

14 ██████████ Well, yes and no. There -- with that
15 air space, there's an individual up in Albuquerque, I
16 think it's on the -- if it's not in that actual
17 report -- when I -- I was questioned about this once
18 before. I reached out to our contacts there in
19 Albuquerque to provide whether or not there was any
20 administrative action that was going to be taken
21 because of the violation. I know I provided that
22 during the last interview. I don't know -- I'm
23 assuming that's somewhere in the report.

1 SPECIAL AGENT ██████ Okay.

2 ██████████ But -- so to answer your question, yes,
3 I've reached out to the FAA for additional
4 information --

5 SPECIAL AGENT ██████ Okay.

6 ██████████ -- on that violation.

7 SPECIAL AGENT ██████ And as you said, as a matter
8 of practice, you would ensure that any and all
9 notifications were made and if they weren't made, you
10 would ensure they would be made?

11 ██████████ Sure. As many as I'm aware of.

12 SPECIAL AGENT ██████ Yeah. And I know there's a
13 lot of agencies and a lot of people with their fingers
14 in the pot but --

15 ██████████ Yeah.

16 SPECIAL AGENT ██████ That would have been one of
17 your responsibilities and to the best of your
18 knowledge, you completed your duties as required?

19 ██████████ Right. And if I hadn't, that's one of
20 the reasons these things get reviewed by, by peers
21 before going to region and when region gets it, they
22 certainly can come back and say hey, we're missing this
23 statement or hey, we're missing the NTSB report or hey,

1 we're missing the safety report. And then it would be
2 incumbent upon me to go gather that information to
3 complete that packet.

4 SPECIAL AGENT [REDACTED] Okay. So to the best of your
5 recollection, you completed all the inquiries and,
6 and --

7 [REDACTED] Yes.

8 SPECIAL AGENT [REDACTED] That were necessary?

9 [REDACTED] Yes, sir.

10 SPECIAL AGENT [REDACTED] Okay. Do you recall any
11 allegation or, or getting a sense that any of the
12 information you were provided and/or made it to the
13 final report was a fabrication or false?

14 [REDACTED] Not to my knowledge.

15 SPECIAL AGENT [REDACTED] Okay. Did you get a sense
16 that anyone was lying to you?

17 [REDACTED] No.

18 SPECIAL AGENT [REDACTED] Okay.

19 [REDACTED] No. And nothing stood out where I was
20 like hey, no, that's going to warrant further
21 investigation. Nothing stood out as far as I could
22 tell.

23 SPECIAL AGENT [REDACTED] Do you remember any

1 allegation relating to the transponder of the
2 helicopter?

3 [REDACTED] I do believe that somebody had inquired
4 as to whether or not the transponder was on during the
5 entire flight. I don't know if that's part -- the AMOC
6 track -- I don't know if you guys have a copy of that
7 report. I'm going off memory here, but I think --

8 SPECIAL AGENT [REDACTED] We, we do.

9 [REDACTED] -- track, it was intermittent at some
10 time.

11 SPECIAL AGENT [REDACTED] Um-hmm.

12 [REDACTED] So there was some question as to why
13 that wasn't being picked up.

14 SPECIAL AGENT [REDACTED] Okay. Were you able to
15 reconcile that, can you, can you remember?

16 [REDACTED] Off the top of my head, I don't.

17 SPECIAL AGENT [REDACTED] Okay.

18 [REDACTED] I, I, I don't remember how that -- if
19 that was reconciled. If it was terrain or if it was
20 radar coverage, because the area they were out, out in,
21 it's very sparse. It's very -- there's not a lot of
22 anything out there. So the reason the aerostat is
23 there is because it's so sparse, they wouldn't pick up

1 with normal radar. So it wouldn't surprise me if they
2 were outside of radar contact or transponder contact
3 unless they had a satellite receiver. And I can't
4 remember to that point if there was sat tracker on that
5 aircraft, they should have a ground track of the
6 aircraft, but I don't know if that indicates whether or
7 not the transponder was on.

8 SPECIAL AGENT [REDACTED] Okay. Did you ever get a
9 sense that Mr. [REDACTED] or Mr. [REDACTED] I believe was the new
10 pilot that was with him, that they did anything
11 nefarious or, or intentional to try and conceal their,
12 their track that day?

13 [REDACTED] No, no, no. Because why -- you know, I
14 think the question was they may have turned it off, but
15 to what end? We have satellite trackers, so we can see
16 where they're going and even if they turned it off,
17 they turned it back on, you're given a specific code.
18 So it's not like you disappear and nobody knows where
19 you went. You reappear minutes later and there's no
20 question as to who you are or where you're at once they
21 pick it up.

22 SPECIAL AGENT [REDACTED] Okay. So in your mind, that
23 was resolved, it wasn't necessarily an issue?

1 ██████████ Well, I wasn't the final authority on
2 that. Once I submit the information, that gets -- you
3 know, they dig deeper and ask lots of questions and I
4 wasn't privy to all that stuff. I provided what was
5 readily available at the time.

6 SPECIAL AGENT ██████████ Okay.

7 ██████████ To my knowledge, nothing ever became of
8 that. That was a non issue.

9 SPECIAL AGENT ██████████ Okay. Thank you.

10 ██████████ Yep.

11 SPECIAL AGENT ██████████ Now we're going to flash
12 forward to June 3rd of 2020. Now we're going to
13 frame -- there was an issue or at least an allegation
14 that, that aircraft at the El Paso branch was being
15 used for transportation only just to -- so that people
16 didn't have to drive, for example, to go to the range
17 and other, other types of events. And this, this
18 particular event was a range day, a firearms
19 qualification. Do you recall there ever being pushback
20 from ██████████ of the Deming unit about pilots using
21 an aircraft to go to the range to qualify?

22 ██████████ From ██████████, I don't know, but it's not
23 uncommon. Our ranges are -- if you're not familiar

1 with the area, they're very far outside the city,
2 they're far from medical services. So we like to have
3 an aircraft with an EMT at the range that day with
4 medical equipment in the event somebody gets, you know,
5 hurt. It's quick to get them on an aircraft and get
6 them to a hospital as opposed to driving in some cases
7 almost 40 minutes to get back into town.

8 SPECIAL AGENT [REDACTED] Okay. So it's, it's
9 commonplace for an aircraft --

10 [REDACTED] It's not uncommon, yeah, to, to have an
11 aircraft at the range the day that they're
12 qualifying.

13 SPECIAL AGENT [REDACTED] Okay. Did you ever hear any
14 complaints from Deming about that or from [REDACTED]
15 specifically?

16 [REDACTED] Complaints that they were being used or
17 that they weren't being used?

18 SPECIAL AGENT [REDACTED] That they were being used as
19 transportation and that was a violation of policy?

20 [REDACTED] If it was concerning the range, I can't
21 imagine him raising that concern because it's, it's
22 common knowledge why, why they're there.

23 SPECIAL AGENT [REDACTED] Okay. Do you recall a

1 specific date where the CDO was yourself, but for a
2 specific flight to go to the range Mr. [REDACTED] stepped in
3 and said I'm going to approve this flight so that you
4 don't have any liability as it, as it pertains to the
5 flight?

6 [REDACTED] Mr. [REDACTED] stepped in so I wouldn't have
7 to --

8 SPECIAL AGENT [REDACTED] Right. You were the CDO the
9 whole day --

10 SPECIAL AGENT [REDACTED] (Inaudible).

11 SPECIAL AGENT [REDACTED] I sent you an email with some
12 documents, if you wouldn't mind opening it.

13 [REDACTED] Sure.

14 SPECIAL AGENT [REDACTED] It's the second page.

15 SPECIAL AGENT [REDACTED] Or you can share the
16 screen, whatever's easier, so, so we can see what -- on
17 the recording what --

18 [REDACTED] Are you, are you sharing the screen?

19 SPECIAL AGENT [REDACTED] I'm going to here.

20 [REDACTED] All right. Concerning --

21 SPECIAL AGENT [REDACTED] It would be page, Page 2.

22 SPECIAL AGENT [REDACTED] The second page of that
23 attachment.

1 SPECIAL AGENT ██████ Page 2. We went over Page 1.

2 (PHONE RINGS.)

3 ██████████ Okay. Hey guys, real quick, I
4 apologize for this. I am the CDO for this afternoon.
5 I have to (inaudible). Do you mind if I take the phone
6 call?

7 SPECIAL AGENT ██████ Absolutely.

8 SPECIAL AGENT ██████ Yeah, take -- just --

9 ██████████ Yes?

10 SPECIAL AGENT ██████ Yes, absolutely.

11 SPECIAL AGENT ██████ Yes, sir. Go ahead.

12 ██████████ Sergeant ██████.

13 UNIDENTIFIED SPEAKER: HR3.

14 ██████████ Yes, sir.

15 UNIDENTIFIED SPEAKER: Hey, there's a request via
16 Big Pipe for a lost alien way in the hell out there.
17 It's on the Arizona-New Mexico border. Chief
18 (inaudible) already declined it or I don't know if they
19 declined it, but they say they have no air support
20 available.

21 ██████████ Yeah.

22 UNIDENTIFIED SPEAKER: Talked to ██████ ██████ who
23 requested the air support. He also states that El Paso

1 SOG sending BORSTAR guys that way also, two BORSTAR
2 guys.

3 [REDACTED] Is he broke, bleeding or missing?

4 UNIDENTIFIED SPEAKER: He is missing.

5 [REDACTED] Are we -- we're talking about a UDA?

6 UNIDENTIFIED SPEAKER: Yes.

7 [REDACTED] Okay. And, and how do they know what
8 his condition is?

9 UNIDENTIFIED SPEAKER: Because they -- he sent, I
10 guess, pictures to whoever and between the Mexican
11 Consulate and people familiar with the area --

12 [REDACTED] Yeah.

13 UNIDENTIFIED SPEAKER: They were able to, I guess,
14 like, triangulate based upon the pictures that they
15 sent.

16 [REDACTED] Okay.

17 UNIDENTIFIED SPEAKER: They're having a -- he's
18 sending agent down there as we speak.

19 [REDACTED] Yeah.

20 UNIDENTIFIED SPEAKER: But it's going to take a
21 couple hours to get there, but he did confirm that
22 BORSTAR is en route. And (inaudible) would be the
23 (inaudible).

1 ██████████ Sure. I mean, is the alien broke? I
2 mean, is he injured or is he just lost?

3 UNIDENTIFIED SPEAKER: He's lost.

4 ██████████ I see. Is ██████ is ██████ there at the
5 blue hole?

6 UNIDENTIFIED SPEAKER: I'll read it to you exactly
7 the way, the way it came out. It said (inaudible) of a
8 lost alien from (inaudible). Tucson IOU was able pull
9 coordinates of the subject's cell phone which would
10 place him north of ██████████ in Zone 1, (inaudible)
11 AOR, (inaudible). GPS coordinates, requesting air
12 support and it says I'll reach out to BORSTAR which
13 they already did and they already confirmed that
14 they're sending agents that way. And then Tucson came
15 back saying no air currently available from Tucson and
16 standing by for (inaudible).

17 ██████████ Okay.

18 UNIDENTIFIED SPEAKER: Yeah, ██████ is right here, he
19 (inaudible).

20 ██████████ Hey ██████?

21 UNIDENTIFIED SPEAKER: Whatever you want to do on
22 your own.

23 ██████████ Yeah, if you guys want to go two for

1 two. Who's, who's your PAC tonight?

2 UNIDENTIFIED SPEAKER: It's [REDACTED].

3 [REDACTED] [REDACTED], yeah. If you can pack up, head
4 that way, top off the aircraft while we're waiting if
5 it's not already on the ramp and let me know what your
6 risk is. I'm on a telecom. Just knock on the door if
7 you need to talk to me to discuss that risk.

8 UNIDENTIFIED SPEAKER: Just so you know about the
9 (inaudible) call, (inaudible).

10 UNIDENTIFIED SPEAKER: Oh, also --

11 UNIDENTIFIED SPEAKER: Thus the competing
12 interest.

13 UNIDENTIFIED SPEAKER: Yeah, competing interest, but
14 I think this one might trump it. So BORSTAR called
15 about 14, 15, 14:20-ish.

16 [REDACTED] Yeah, I got that, requesting air
17 support to drop off some guys on the river.

18 UNIDENTIFIED SPEAKER: Yeah, but they -- so they're
19 already out there. However, nobody has coms of them.
20 SBT isn't working them, 4 Hancock isn't working them.
21 As a matter of fact, 4 Hancock said -- they called us
22 saying hey, where, where -- how can we get to this
23 place and, and that's it. They're like hey, we're not

1 even working that traffic. So I called back the number
2 multiple times. I logged it in the duty log.

3 [REDACTED] Yeah.

4 UNIDENTIFIED SPEAKER: Saying hey, we've tried to
5 maintain -- or to regain contact with the, with the
6 supervisor border tech agent that called.

7 [REDACTED] Yeah.

8 UNIDENTIFIED SPEAKER: Over here. He's negative
9 contact and they're silent on both (inaudible) 4
10 Hancock and Big Ben sector, so we, we basically don't
11 know what they're doing.

12 [REDACTED] Okay. So the station isn't able to get
13 a hold of him. We're not able to get a hold of him.
14 Is there concern that they're in, in danger? They're
15 laid in, right?

16 UNIDENTIFIED SPEAKER: From both supervisors and
17 from, from the (inaudible) supervisor.

18 [REDACTED] Um-hmm.

19 UNIDENTIFIED SPEAKER: Who spoke to the watch
20 commander and the watch commander that I spoke to.

21 [REDACTED] Yeah.

22 UNIDENTIFIED SPEAKER: It doesn't sound like a
23 concern.

1 ██████████ Okay. All right. Well, then have ██████████
2 get that aircraft ready. Have him proceed out there
3 towards Lordsburg. They were just out there last night
4 doing the exact same thing and then stay on top of Big
5 Pipe to ensure that the agents are actually working it
6 and not just sending us out there for no good reason.

7 UNIDENTIFIED SPEAKER: Yeah.

8 ██████████ Get updated coms, points of contact and
9 updated lat-long's if they got them. Because if the
10 guy's accessible, I'd rather BP pick him up so that we
11 can spend our time in the STN.

12 UNIDENTIFIED SPEAKER: Yeah. And then so per this
13 Johnson supervisor over at Lordsburg.

14 ██████████ Yeah.

15 UNIDENTIFIED SPEAKER: He said it's going to take
16 them a couple hours to even get to the location.

17 ██████████ Yeah.

18 UNIDENTIFIED SPEAKER: The general location.

19 ██████████ Yeah.

20 UNIDENTIFIED SPEAKER: So just a suggestion, if you
21 want to kind of have these guys kind of slow roll it.

22 ██████████ If we can get there before them, we
23 might be able to pick the guy up and take him so they

1 don't have to drive the two hours to get to him.

2 UNIDENTIFIED SPEAKER: Okay, cool.

3 [REDACTED] Yeah.

4 UNIDENTIFIED SPEAKER: Are we allowed to pick him
5 up?

6 [REDACTED] No, but if the guy's in dire straits,
7 then that's an emergency and I'll, I'll, I'll bend the
8 rules to take care of him if he's in dire straits. But
9 if he's, if he's waving his hands and he's sitting
10 around the fire eating a granola bar, then we'll just
11 give those updated lat-longs to BP and they'll have to
12 extract him.

13 UNIDENTIFIED SPEAKER: All right. Sounds good.

14 [REDACTED] Okay.

15 UNIDENTIFIED SPEAKER: All right.

16 [REDACTED] All right. Keep me updated.

17 UNIDENTIFIED SPEAKER: Uh-huh.

18 [REDACTED] Thanks, sir. Bye.

19 All right.

20 SPECIAL AGENT [REDACTED] Do you need a minute to
21 gather your thoughts or do any notes or anything --

22 [REDACTED] No, my guys are pretty good. They'll,
23 they'll give me the information as it comes up. So

1 just refresh my memory here. So I'm looking at June
2 3rd, 2020.

3 SPECIAL AGENT [REDACTED] Yep.

4 [REDACTED] What am I looking at here?

5 SPECIAL AGENT [REDACTED] Have you ever seen this
6 document before?

7 [REDACTED] Deming area daily operations report.
8 No, I don't look at these often, but I'm familiar with
9 what they're supposed to do.

10 SPECIAL AGENT [REDACTED] Okay. So it seems like --
11 we've spoke to Mr. [REDACTED] and Mr. [REDACTED] He had
12 never seen them before, so seems like something maybe
13 the Deming unit generated to track --

14 [REDACTED] On their own, right.

15 SPECIAL AGENT [REDACTED] Yeah, something. So if you
16 see here, those agents there were going to fly to El
17 Paso for the range for qualifications and they were
18 directed to do so by Mr. [REDACTED] But on that particular
19 date --

20 SPECIAL AGENT [REDACTED] The next page.

21 SPECIAL AGENT [REDACTED] -- in the calendar -- I'm
22 sorry that these are crooked, but you're the, you're
23 the CDO. Do you have any idea why -- if it would --

1 does that happen, does, does --

2 [REDACTED] Well, yeah, and I can, I can see
3 already why. If you look at the very bottom of that
4 sheet that you're showing me, my name's on the list as
5 a pilot assigned a mission. And if I'm flying a
6 mission, I can't fly the mission and clear other
7 people's flights at the same time. So I would hand
8 that responsibility over to another CDO so that I can
9 fly my mission.

10 SPECIAL AGENT [REDACTED] Okay. So you were -- Ferry
11 flight to Alpine. So you were going to fly for those
12 two hours. So even though when you came back you would
13 have been CDO --

14 [REDACTED] Yeah, so --

15 SPECIAL AGENT [REDACTED] -- on that particular day --

16 [REDACTED] It's approximately an hour and a half
17 just to get there. Sometimes I'll stop and have lunch
18 or I'll talk to the employees out there, ask -- you
19 know, talk about the, you know, work, whatever their
20 needs and requirements are and then I will come back
21 another hour and a half. So I don't know, what does it
22 show for flight time, can you scroll --

23 SPECIAL AGENT [REDACTED] Yeah, it says two hours, I

1 think.

2 [REDACTED] Two hours, okay. So it's at least a
3 three hour flight, assuming there was nothing else
4 going on, no instrument maneuvers. Sometimes we'll use
5 those opportunities to shoot some approaches to regain
6 our currency. But just based on what that looks like,
7 I was probably out of pocket for three to four hours,
8 three hours straight just of flight time and I could
9 probably double check that in my log book.

10 SPECIAL AGENT [REDACTED] Okay.

11 [REDACTED] But that's why I wouldn't have cleared
12 other flights that day.

13 SPECIAL AGENT [REDACTED] Right.

14 [REDACTED] (Inaudible).

15 SPECIAL AGENT [REDACTED] And this one was 7:07 in the
16 morning you were in the air.

17 [REDACTED] Well, technically as per the schedule,
18 looks like I should have been.

19 SPECIAL AGENT [REDACTED] Yeah, yeah, you should have
20 been. All right. So that, that would make sense. Do
21 you have any recollection of instead of for that reason
22 Mr. [REDACTED] coming in and saying I'm clearing this flight
23 because --

1 ██████████ No.

2 SPECIAL AGENT ██████████ -- ██████████ complaining
3 and I don't want you responsible?

4 ██████████ Nope. That is standard SOP. If I'm --
5 whoever the CDO is, if they're scheduled to fly and I'm
6 one of the few guys who is a supervisor with clearance
7 authority and a pilot, if I fly, then I'm required to
8 share that responsibility to whoever's next in charge.
9 And if you go back to the schedule again, I could look
10 to see who else was available. You can stop right
11 there. So we had ██████████ and ██████████ (inaudible). Yeah,
12 so there's no other clearance authorities on there and
13 I -- I'm guessing at that time we probably had myself
14 and ██████████ as supervisors, so it was either him or
15 I.

16 SPECIAL AGENT ██████████ Okay. That makes sense.

17 SPECIAL AGENT ██████████ Yep.

18 SPECIAL AGENT ██████████ All right. So you don't
19 remember and we've -- I've said it a couple of times.

20 ██████████ Sure.

21 SPECIAL AGENT ██████████ But you don't remember any,
22 any particular instant where you were uncomfortable
23 clearing a flight because there was an allegation that

1 it was an unauthorized flight and [REDACTED] --

2 [REDACTED] No.

3 SPECIAL AGENT [REDACTED] -- came in and took it over?

4 [REDACTED] I'm sure if you look at the flight
5 reports that day, prior to that day and the day after,
6 if I was CDO, I cleared the flights. That's, that's my
7 responsibility and if I don't, it's for a specific
8 reason as, as indicated there with my flight.

9 SPECIAL AGENT [REDACTED] Okay. Thank you. We're
10 going to move forward to another one of these.

11 SPECIAL AGENT [REDACTED] I don't know why they're
12 spun but --

13 SPECIAL AGENT [REDACTED] Mr. [REDACTED] made them all --

14 [REDACTED] Yes, sir.

15 SPECIAL AGENT [REDACTED] -- upside down. The other

16 [REDACTED]

17 SPECIAL AGENT [REDACTED] Sorry.

18 SPECIAL AGENT [REDACTED] So, okay. So which one's
19 this?

20 SPECIAL AGENT [REDACTED] This was the June 8th and
21 the request for these special interest group.

22 SPECIAL AGENT [REDACTED] Okay. So this was June 8th
23 of 2020. Supposedly there was a group of aliens that

1 was doing some stuff that appeared unusual the way they
2 were covering their tracks that more so than just a
3 regular smuggling load and there was a request for
4 launch from Deming and you were the CDO.

5 [REDACTED] Um-hmm.

6 SPECIAL AGENT [REDACTED] And according to [REDACTED]
7 on his log here that you denied -- you denied him the
8 launch to assist Lordsburg even though Lordsburg
9 requested it. Do you have any recollection of this
10 particular incident?

11 [REDACTED] No. I, I clear hundreds and hundreds
12 of flights.

13 SPECIAL AGENT [REDACTED] Right.

14 [REDACTED] So I have to dig into the details a
15 little bit.

16 SPECIAL AGENT [REDACTED] So this is what [REDACTED]
17 provided as the details to us.

18 [REDACTED] Sure.

19 SPECIAL AGENT [REDACTED] If you could just take a
20 second to read that.

21 [REDACTED] So if there's competing -- so we have
22 our priorities. If you talked to other supervisors,
23 you probably are familiar with our priorities. The

1 border patrol sets those priorities and like right now,
2 you know, I had to take a call. My priority is Santa
3 Teresa, but I've got two other calls for assistance.
4 And it's not -- we can't support everybody. If I'm
5 reading this right --

6 SPECIAL AGENT [REDACTED] Sure.

7 [REDACTED] -- they were scheduled to fly in
8 Arizona, that was the priority set down by border
9 patrol. If another office calls up to compete with
10 that interest, then it would have to be like an
11 emergency, you know, broken, bleeding or missing is
12 usually my, my, my go to because there's groups
13 everywhere. He put in there extraordinary techniques,
14 tactics to conceal their travel. I, I, I don't know
15 what that means because a lot of the aliens wear
16 sponges or carpet on their feet to cover their trails.
17 I don't know what would be more extraordinary. The
18 dopers don't walk on the trails that the aliens do.
19 Without getting into details, I don't know what that
20 means.

21 SPECIAL AGENT [REDACTED] Okay.

22 [REDACTED] Right.

23 SPECIAL AGENT [REDACTED] But does anything sound

1 familiar? Like you were -- let's put it this way, [REDACTED]
2 [REDACTED] calls you up and says we want to help out on
3 this thing and you say hey, man, I'd love to let you
4 launch, but [REDACTED] is saying absolutely not.
5 Do you recall any incident of that nature?

6 [REDACTED] Well, only if, only if they hadn't
7 already -- like if they had already gone to Arizona and
8 there was nothing going on, then you know, there's been
9 occasions where I'll say, well, if there's nothing
10 going on, let the CDOs know, let the requesting parties
11 know that you're going to depart the area because when
12 border patrol comes back and says hey, why didn't you
13 cover Arizona, I need to have some justification to say
14 well, it's because they were looking for a group of
15 aliens. Well, everybody's looking for aliens in the
16 southwest border. And you know, I don't set the
17 priority, border patrol does.

18 So if they were scheduled to fly FA3 in Arizona and
19 wanted to go do something else other than that, again,
20 that's -- the decision as a CDO is that we maintain the
21 scheduled flights to the areas that BP has set as a
22 priority. And I don't normally break from that for
23 just, you know, another group of aliens, because

1 there's groups of aliens everywhere.

2 I don't make that call, the border patrol does.

3 SPECIAL AGENT ██████ Okay. Do you recall at any
4 point getting an order from ██████ to you --

5 ████████ No.

6 SPECIAL AGENT ██████ -- saying no matter what
7 Deming asks for, they will not break FA3?

8 ████████ Negative, no. That's, that's something
9 I would have made -- I would have made that decision
10 alone. I typically do. I don't typically confer with
11 my director on launching flights. He's got enough work
12 on his table and that's one of my responsibilities is
13 to manage this, so --

14 SPECIAL AGENT ██████ Do you remember ever telling
15 ██████ hey, I'd love to help you out but
16 ██████ said no or I'm doing what ██████ ordered
17 me to do or anything like that?

18 ████████ I don't think I would phrase it like
19 that.

20 SPECIAL AGENT ██████ Or anything of that nature?

21 ████████ No. I would have told him just as I
22 told you guys, hey, Arizona's the priority. That's
23 where I want you to patrol. I mean, again, I could

1 send these guys to half dozen places on any given night
2 and they might even be productive with it, but that's
3 not what border patrol's asking us to do. They've
4 given us a list of priorities, that's where I send
5 those aircraft. And if after a week -- every week we
6 have a meeting with border patrol and after -- if they
7 meet at that week and they say, hey, look, we're
8 getting smoked in this area; we know we asked you guys
9 to cover that area, but we're going to change our
10 priorities, which they could do, and we now want you to
11 focus on this area, then that's what I will do. I will
12 focus my efforts on that area.

13 Again, under, under normal circumstances. But if
14 there's something extenuating, if there's an emergency,
15 if there's an agent or somebody, you know, broke,
16 bleeding or missing, then sure, we're going to, you
17 know, save life. Preservation of life is always a
18 priority, but if it's a group of aliens in a competing
19 area, I'm going to go with what the border patrol puts
20 down as our priority.

21 SPECIAL AGENT ██████████ Perfect, thank you. Do you
22 think we covered at least this?

23 SPECIAL AGENT ██████████ Yeah.

1 SPECIAL AGENT ██████ We're going to go into a few
2 more of similar --

3 ████████ Sure.

4 SPECIAL AGENT ██████ -- type things. The
5 extraordinary measures that, that were mentioned are a
6 little more detailed in this other note that we have
7 and that they were using leaf blowers to blow their
8 sign out. But --

9 ████████ Okay. I've seen that before.

10 SPECIAL AGENT ██████ So it's not crazily unusual?

11 ████████ It's not that unusual.

12 SPECIAL AGENT ██████ Okay. Okay. So now -- we're
13 going to go through this one? Was there involvement
14 here? We're going to go to the ██████ incident here
15 and I'm not exactly sure what your role here would have
16 been.

17 SPECIAL AGENT ██████ Well, it was just around
18 that general time frame. He remembers -- ██████

19 ████████ Yes?

20 SPECIAL AGENT ██████ Do you remember the Agent
21 ██████ incident?

22 ████████ I'm familiar with it, but I wasn't here
23 during that time.

1 SPECIAL AGENT ██████████ Okay.

2 ██████████ I don't know if I was TDY or on
3 leave.

4 SPECIAL AGENT ██████████ Yeah, okay. I'm just --
5 just for, for your recollection, the incident with BPA
6 ██████████ was on June 11th of 2020.

7 ██████████ Um-hmm.

8 SPECIAL AGENT ██████████ And then we can slide --
9 the next slide is just reference a -- the email from
10 you on June 17th of 2020.

11 ██████████ June -- go back to the previous -- it
12 was what, how far apart were those?

13 SPECIAL AGENT ██████████ June 17. It's six days. Or
14 no --

15 ██████████ Okay.

16 SPECIAL AGENT ██████████ Yeah. Yeah, that happened on
17 June 11th.

18 ██████████ Okay.

19 SPECIAL AGENT ██████████ And then June 17 you sent
20 this out. Do you recall this email?

21 ██████████ I'm looking at it.

22 SPECIAL AGENT ██████████ And then that leads into
23 (inaudible) basically this time frame.

1 ██████████ Okay. That -- and also if I sent
2 something like that out, it's usually because we are
3 low on flight hours and flying an aircraft into
4 maintenance means we have no aircraft, so we will
5 usually reserve those aircraft for emergency
6 callouts.

7 SPECIAL AGENT ██████████ Okay. And what, what is an
8 emergency callout?

9 ██████████ Stand by just for a moment. Yes, sir?
10 Share that information with the rest of the guys,
11 please.

12 Just in general, broken, bleeding or missing, aliens
13 or agents. It's preservation of life. So if
14 somebody's life is in danger, then, then we'll
15 typically launch on those types of deals, whether it's
16 aliens, citizens or agents.

17 SPECIAL AGENT ██████████ Okay. Perfect, thank you.
18 We're going to flash forward to June 18th which is just
19 a day later.

20 ██████████ Um-hmm.

21 SPECIAL AGENT ██████████ And this is one of the Deming
22 logs and I understand that that's not something that's
23 kept at the branch level, it's something local here.

1 But it says you're the CDO and there was a request to
2 launch and there's a little more information. So the
3 requested -- the justification request comes a couple
4 pages -- let me rotate this for you. I don't know why
5 they don't let you rotate the other way. There we go.

6 [REDACTED] All right.

7 SPECIAL AGENT [REDACTED] So this was the justification
8 that Mr. [REDACTED] claiming he provided to you on that
9 date.

10 [REDACTED] Okay.

11 SPECIAL AGENT [REDACTED] Do you have any recollection
12 of that incident?

13 [REDACTED] Yeah, I have a vague recollection of
14 it.

15 SPECIAL AGENT [REDACTED] All right. Can you just let
16 us know what your thoughts were about that?

17 [REDACTED] Yeah. I just remember as that
18 information was coming over, it was -- what's the word?
19 I want to say (inaudible). As the information was
20 coming in, there was a lot of hysteria -- I don't want
21 to say hysteria either, but (inaudible) came across the
22 radio in what it eventually turned out to be were, were
23 different. And as we were trying to get information,

1 it wasn't what they originally had reported. I think
2 they said shots fired or there may have been fatalities
3 and ongoing pursuit. But as the information was
4 starting to trickle in, I just remember it wasn't what
5 they were calling it. And I think by the time that we
6 got the full picture, that situation had already been
7 resolved.

8 And I'm just, I'm just going off the top of my head
9 now. I'm not exactly sure on that, but I just remember
10 it not rising to the occasion as originally requested
11 and that's why if we didn't launch, I'm believing
12 that's why I didn't.

13 As with most situations, I need the who, what, when,
14 where, why. It's often we get a call that, you know,
15 it's -- I'm embellishing a little bit, but it's oh, my
16 God, somebody's dying right now, we need air support.
17 The aliens -- we're all out of water. Half of us are
18 unconscious and we're going to die. And so it's my job
19 to validate those, those requests and gather as much
20 information as I can before I send my agents out
21 potentially in harm's way to respond.

22 So I just remember on that one that, you know, the
23 information that first came in and as it was slowly

1 coming in after we started making our inquiries wasn't
2 what they originally claimed, and that, you know, I
3 think there was another individual -- they claimed that
4 one of the agents was hit by another vehicle. They
5 didn't say that the two agents -- I think the two
6 agents hit themselves. Is that --

7 SPECIAL AGENT ██████ Ultimately we believe that
8 that's how it ended up happening.

9 ██████ Yeah. And I can't remember the extent
10 of the injuries, if that's in another report. But I do
11 believe that all the agents were there, so we weren't
12 going to medevac an agent to the hospital. I don't
13 believe that met the -- it rose to that level, his
14 injuries.

15 SPECIAL AGENT ██████ Specifically, and I don't
16 know if you'll remember this or not, but I'm going to
17 give you the specific --

18 ██████ Sure.

19 SPECIAL AGENT ██████ SAIA ██████ ██████
20 stated that he gave you all these details and you
21 denied the launch and then he pressed you as to why
22 would you deny this launch. And then your answer was
23 "DAO ██████ does not want Deming Air Unit flying,

1 period." Do you have any recollection of a statement
2 of that nature?

3 [REDACTED] No, because if there -- again, if
4 somebody -- if an agent, especially an agent is in dire
5 straits, you know, he's bleeding out, he's been shot,
6 he's crushed by a vehicle and they need air support,
7 that's a no-brainer. We -- I can't think of a time
8 where we haven't launched. Very, very few occasions.
9 So that just flies in the face of common sense. If the
10 agents are in dire straits and they needed us, we would
11 be there.

12 SPECIAL AGENT [REDACTED] And if, if DAO [REDACTED] had
13 denied you a launch on a legitimate emergency for
14 rescuing of a life that you believe was a legitimate
15 emergency, would you report that?

16 [REDACTED] Absolutely.

17 SPECIAL AGENT [REDACTED] Would you override him and as
18 CDO launch the aircraft any how?

19 [REDACTED] I could stand there in front of him and
20 tell him, hey, guys, launch. And if he says don't
21 launch, they would probably listen to him instead of
22 me.

23 SPECIAL AGENT [REDACTED] That being said, would you

1 continue with your order to launch if you believe it
2 was a genuine emergency?

3 [REDACTED] I, I always press the case almost to a
4 fault. Almost to a fault I will challenge him, but
5 ultimately he runs the branch, you know. And if I felt
6 that it was egregious, that people died as a result of
7 that decision, then I have no reservation on reporting
8 that up any higher.

9 SPECIAL AGENT [REDACTED] Okay. And has Mr. [REDACTED]
10 ever done anything of that nature to you?

11 [REDACTED] No, no.

12 SPECIAL AGENT [REDACTED] Have you ever heard any
13 rumors of Mr. [REDACTED] --

14 [REDACTED] No. If he had done it and I was in --
15 if I was in charge, I would have already written up.
16 We'd have a different discussion right now.

17 SPECIAL AGENT [REDACTED] Okay.

18 SPECIAL AGENT [REDACTED] Understood.

19 SPECIAL AGENT [REDACTED] Perfect. Thank you.

20 [REDACTED] Um-hmm.

21 SPECIAL AGENT [REDACTED] All right. So now there was
22 a fatality of, of an alien. This was one of those 911
23 calls, probably similar to what you were discussing

1 earlier. So this individual supposedly was lost, had
2 made a 911 call. Deming Air Unit requested launch and
3 they were denied launch and there's a little more
4 detail.

5 SPECIAL AGENT [REDACTED] Essentially, [REDACTED] what's
6 being alleged by Mr. [REDACTED] is that in -- and there's
7 a few more instances after that, three, three more in
8 addition to this one -- specifically that what he's
9 saying is that Deming had aircraft available. They had
10 crew available. They were on emergency response, but
11 yet were refused to -- and air support was requested
12 but that -- and in all these instances you were the CDO
13 and that you denied them to launch.

14 [REDACTED] Yeah.

15 SPECIAL AGENT [REDACTED] So -- and there are some
16 specifics that --

17 [REDACTED] Sure.

18 SPECIAL AGENT [REDACTED] -- (inaudible). If you
19 could just try to recollect --

20 [REDACTED] Yeah.

21 (Phone rings.)

22 [REDACTED] Stand by.

23 SPECIAL AGENT [REDACTED] Yep.

1 ██████████ This is Agent ██████████.

2 UNIDENTIFIED SPEAKER: Hey ██████████ what's going on?

3 ██████████ Hey, I'm doing my, my deposition.

4 UNIDENTIFIED SPEAKER: Oh, gee, I'm sorry.

5 ██████████ That's all right. Is it an emergency,
6 what do you got?

7 UNIDENTIFIED SPEAKER: No, no. I was just going to
8 check on you and see how everything's going.

9 ██████████ Okay.

10 UNIDENTIFIED SPEAKER: I'm punching out today, so
11 sorry about that.

12 ██████████ Not a problem. I've -- you're
13 authorized some DH. If anything comes up, I'll give
14 you a holler.

15 UNIDENTIFIED SPEAKER: Roger that, ██████████

16 ██████████ All right.

17 UNIDENTIFIED SPEAKER: Thanks.

18 ██████████ Thank you, sir, yep.

19 All right. Just, just reading this, it doesn't --
20 so you guys know, there's aliens out there all the
21 time, 24 hours a day, 7 days a week. And border patrol
22 is very good at tracking these guys down and
23 apprehending them. If I have limited flight time, if I

1 have limited goggle time -- we can only fly so long
2 with goggles. They can only fly so many hours a day,
3 only so many hours on the aircraft. I have to vet
4 these calls. I don't read anything in there where this
5 individual was again, broken, diabetic, not on his
6 meds, that he'd fallen, busted his head, he was
7 bleeding out, bit by a snake, nothing like that. He
8 was just separated from his group and to me, that
9 doesn't rise to the occasion of an emergency.

10 I will give border patrol an opportunity to actively
11 work that. You know, unless they had come up with
12 additional information that shows that this person, you
13 know, is on the verge of dying, it doesn't rise to the
14 level of launching an aircraft, especially if there was
15 any other restrictions due to maintenance or crew,
16 crew, crew requirements.

17 Let me just read it again. But does that kind of --
18 SPECIAL AGENT [REDACTED] It makes sense what you're
19 saying. So basically what you're reading here, the
20 information available in this, in this document is just
21 telling you that the individuals' separated from their
22 group and they're lost?

23 [REDACTED] Right, right.

1 SPECIAL AGENT ██████ Doesn't necessarily mean that
2 they're dying?

3 ████████ Right, right, right. Again, if I, if I
4 think somebody's dying, I -- you know, it would take
5 something extraordinary for me not to launch on that.
6 But a lost alien or just an alien gets separated from
7 his group, a lot of times they just say hey, you know
8 what, I'm giving up. It's just a matter of time before
9 they walk to a two track, they walk to a tank or a
10 farmer's house and say hey, call the border patrol and
11 we'll go up there and recover that guy. But it
12 doesn't, it doesn't rise to the level of, you know,
13 launch the fleet just yet, you know.

14 Yeah, so that's, that's, that's what I'm gathering
15 from this unless there's additional information.

16 SPECIAL AGENT ██████ No. But during this time
17 Mr. ██████ claims that he had a conversation with you
18 personally and wanted to know what the problem was, why
19 weren't you letting him launch. And that your answer
20 was well, I don't want to go against ██████
21 because I don't want to get DRled. Do you remember a
22 conversation of that nature?

23 ████████ DRled? No. I was sharing with ██████

1 that I wouldn't want to get a forced transfer?

2 SPECIAL AGENT ██████ Correct, yes. And that's why
3 you were denying his launches because you had standing
4 orders from --

5 ████████ That doesn't make sense.

6 SPECIAL AGENT ██████ -- from ██████ to not
7 launch Deming regardless of the request and you
8 followed those orders because you were afraid
9 Mr. ██████ would forcibly transfer you if you did
10 not.

11 ████████ Yeah. I haven't been forced
12 transferred. That wouldn't have been a concern of
13 mine. If I said that stone -- I wasn't going to
14 contradict ██████ it was only because of the same
15 reasons I just gave you. It didn't rise to the
16 occasion of, of an emergency. And if ██████
17 directions were we're not launching unless there's an
18 emergency, then I wasn't going to contradict that. But
19 it wasn't for fear out of, of getting forcefully,
20 forcefully transferred somewhere.

21 SPECIAL AGENT ██████ So, so if you were saying
22 hey, listen, we're not launching because of I don't --
23 so it would have been your assessment that -- your

1 assessment that this of not an emergency that -- and
2 that's what the standing orders were.

3 [REDACTED] Right. I can't --

4 SPECIAL AGENT [REDACTED] Not that [REDACTED] told you
5 there is no emergencies in Deming, period?

6 [REDACTED] No. Guys, I -- I've been a supervisor
7 for 11 years. I've been in the agency for 25. I feel
8 comfortable and competent enough to make those kind of
9 decisions without fear of retaliation or fear of a
10 forced transfer. Other than one occasion, I can't even
11 think of anybody's getting forced transferred in this
12 agency. So that, that just seems like a bit of a
13 stretch.

14 SPECIAL AGENT [REDACTED] Okay. This is in the same --

15 SPECIAL AGENT [REDACTED] Um-hmm, yeah.

16 SPECIAL AGENT [REDACTED] [REDACTED] went on and said
17 that on that date you had just found out that [REDACTED]
18 was being relocated and that's why you were uneasy.

19 [REDACTED] I, I don't know if I'd just found that
20 out that day. What I'd like to know is -- what I'd
21 like to know is what were the standing orders for
22 Deming at that time? Were they on a standby only due
23 to maintenance? Were they told they were on emergency

1 callouts only for, you know, some other reasons? I --

2 SPECIAL AGENT [REDACTED] Yeah, that's --

3 [REDACTED] That's the kind of information I'd like
4 to know. But that's not the way we get business done
5 around here, by threats or intimidation.

6 SPECIAL AGENT [REDACTED] Okay. On that date --

7 [REDACTED] I've never felt, I've never felt that,
8 guys. I'm just --

9 SPECIAL AGENT [REDACTED] Okay.

10 [REDACTED] -- putting it on the table.

11 SPECIAL AGENT [REDACTED] They were flying FA3 that
12 day, FA3-07.

13 [REDACTED] Right.

14 SPECIAL AGENT [REDACTED] So --

15 [REDACTED] So again, it sounds like another
16 competing interest. So the guys are in Deming, they're
17 very well connected. They're from that area. They
18 talk to the patrol agent in charge and I know their
19 heart is to provide as much assistance as they can.
20 But again, it's competing interests. If they're
21 assigned to another area, they can't just, you know,
22 willy-nilly say you know what, we're not going to do
23 that. We're going to go over here. Especially to

1 chase after somebody who was just separated but not in
2 dire straits. Because [REDACTED] doesn't have to answer for
3 that, I do as the CDO. I'm going to have to talk --
4 have that talk with the chief of border patrol why I'm
5 not supporting them as they directed and we agreed to.

6 SPECIAL AGENT [REDACTED] Okay. Yeah, if you see in
7 the log here, it's -- you know, it says that his phone
8 was out of battery. There was agents actively looking
9 and then [REDACTED] sent the message saying they would
10 not send air support.

11 [REDACTED] Yeah.

12 SPECIAL AGENT [REDACTED] Is that fairly standard
13 procedure in a situation described that way?

14 [REDACTED] Yeah. Yeah, again, if they're not, if
15 they're not bleeding, if the agents aren't indicating
16 that somebody's about to die, I don't just launch -- I
17 get tons of calls, guys, and I don't launch on a lot of
18 them for that specific reason. We have very specific
19 areas we have to go to and very specific reasons why we
20 go.

21 SPECIAL AGENT [REDACTED] Fair enough. This later,
22 this picture, I imagine it was gotten -- received from
23 the border patrol, but the individual was found and he

1 had passed.

2 [REDACTED] Yeah.

3 SPECIAL AGENT [REDACTED] And you know, [REDACTED]
4 alleging basically that, you know, [REDACTED] and [REDACTED]
5 refused to respond and it was reckless and that's
6 what -- this is the result of that. Did you ever hear
7 of this allegation, were you ever confronted from
8 Deming?

9 [REDACTED] Now that I'm seeing that, I do remember
10 that there was a fatality out there. But again, based
11 on the information available at the time, you know, I
12 don't want to say it's Monday, Monday -- you know,
13 chair quarterbacking, but if he sends that information
14 out there after the fact and then says see, he could
15 show me one picture where somebody had expired,
16 wouldn't have been the first time. But I could
17 probably show you 50 other instances where we had
18 responded and it didn't result in either an
19 apprehension or somebody, somebody dying. So I feel
20 like he's kind of -- I don't want to say he's
21 cherry-picking, but it kind of leans that way.

22 SPECIAL AGENT [REDACTED] Understood. Have you had an
23 opportunity to read this?

1 ██████████ I'm reading it. Let me read it
2 again.

3 SPECIAL AGENT ██████████ Okay. So in the very first
4 request, there was no mention that the alien was either
5 dehydrating or was broken or bleeding or in dire
6 straits, was there?

7 SPECIAL AGENT ██████████ I did not see anything of
8 that nature, no.

9 ██████████ And so, you know, I can only go off the
10 information that I was provided at that time and I'm --
11 and I'm guessing that that information wasn't relayed
12 because they didn't think that that was the case. And
13 a lot of times these aliens, they don't want to get
14 caught. Let's see, can you -- I'd like to see the, the
15 previous request if you can back it up a little bit.

16 SPECIAL AGENT ██████████ Sure. So this was the, the,
17 the Big Pipe.

18 ██████████ Yeah.

19 SPECIAL AGENT ██████████ Communication. There must
20 have been more. So here --

21 ██████████ I'm just looking to see if anywhere in
22 there that the subject, you know, said that he needed a
23 rescue because of -- for whatever reason. There was

1 another -- you had sent me another slide that had --

2 SPECIAL AGENT [REDACTED] Yeah. So this -- you know, I
3 don't know where this actually came from, if this was
4 just cut -- I think this was just cut and paste out of
5 the Big Pipe.

6 [REDACTED] Okay.

7 SPECIAL AGENT [REDACTED] With some narrative.

8 [REDACTED] Okay, yeah. So that initial request,
9 there's nothing in there that says the agent -- or
10 alien was in distress requesting to be medevaced or
11 transported out of the area. So with that information,
12 I mean, I wouldn't have launched. Now if he said I'm
13 diabetic, I don't have my shots or, you know, I'm
14 cramping up, I'm, I'm about to pass out, that changes
15 the story. But just based on that alone, you know, I
16 couldn't make that determination that this guy, you
17 know, is about to die. And as such, you know, again,
18 going back to our priorities, would have stuck to the
19 priorities.

20 SPECIAL AGENT [REDACTED] Is it fair to say you get a
21 lot of calls for --

22 [REDACTED] Yes.

23 SPECIAL AGENT [REDACTED] -- single, single --

1 ██████████ Yes.

2 SPECIAL AGENT ██████████ -- people that are separated
3 from their group?

4 ██████████ I just -- I'm going to tell you right
5 now, I had another one just last night and it's hit or
6 miss. I mean, sometimes you get them. In the instance
7 of last night, we were able to get him. As far as
8 today, I'm sending my crews out early, even though
9 they're scheduled to go to another area, I'll take
10 advantage of any daylight that might be out there in an
11 effort to, to find these guys. But --

12 SPECIAL AGENT ██████████ Okay.

13 ██████████ But like last night, I had just that.
14 The guy said -- his wife had called the Mexican
15 Consulate. He was diabetic. He had no food. He had
16 no water and he was barefoot. That, that raises the
17 ante, you know.

18 SPECIAL AGENT ██████████ Okay.

19 ██████████ And that information was presented at
20 the time of the request.

21 SPECIAL AGENT ██████████ There's just the -- obviously
22 additional pictures of the scene.

23 ██████████ Sure.

1 SPECIAL AGENT ██████████ This is an --

2 SPECIAL AGENT ██████████ Subsequently --

3 SPECIAL AGENT ██████████ -- another incident.

4 SPECIAL AGENT ██████████ We had July 14th, similar
5 situation.

6 SPECIAL AGENT ██████████ Yeah.

7 SPECIAL AGENT ██████████ If you want to read that.

8 ██████████ Sure. Okay.

9 SPECIAL AGENT ██████████ See if there's anything else.
10 I don't know if there's more information. Here, we
11 keep going.

12 ██████████ Okay.

13 SPECIAL AGENT ██████████ So obviously this is the Big
14 Pipe.

15 ██████████ Yep. I can't read the, the times.

16 SPECIAL AGENT ██████████ We got --

17 ██████████ The time?

18 SPECIAL AGENT ██████████ -- 7:25 a.m. it looks like.

19 SPECIAL AGENT ██████████ Is when ██████████ --

20 SPECIAL AGENT ██████████ Said that they're available
21 for emergency callout. 7:25 and then at 12:51
22 Mr. ██████████ says they don't have any, anything available
23 at this time.

1 ██████████ Okay. And can you go up again?

2 SPECIAL AGENT ██████████ Sure.

3 ██████████ So I can see what the time frame was
4 there. So 7:25 --

5 SPECIAL AGENT ██████████ 6:19 a.m. was the request for
6 air support.

7 ██████████ Okay. If you can scroll back up.
8 Okay, stop. Right -- go back down in the red area.

9 SPECIAL AGENT ██████████ Okay.

10 ██████████ Okay. And can you go back up?

11 SPECIAL AGENT ██████████ Sure.

12 ██████████ Okay. And on July -- so July 13th at
13 10:00, okay. I can't -- I don't remember, but I'm
14 vaguely recalling if we hadn't sent somebody out there
15 the day before that night, I'd like to see the flight,
16 the flight sheets to see if anybody from El Paso had
17 gone out there the day before, had been in that area
18 looking and maybe came up empty handed.

19 SPECIAL AGENT ██████████ Okay. Let's -- let me just
20 see what --

21 ██████████ Just curious.

22 SPECIAL AGENT ██████████ -- what other information --

23 ██████████ So there was about 24 hours, so the

1 call came in at 22:00 on the 13th or --

2 SPECIAL AGENT [REDACTED] Correct.

3 [REDACTED] -- the 14th and then the day after,
4 about 24 hours later they found the body?

5 SPECIAL AGENT [REDACTED] Right. Yeah.

6 SPECIAL AGENT [REDACTED] They requested a launch
7 twice.

8 SPECIAL AGENT [REDACTED] Once in the morning in the
9 early shift and then once in the afternoon shift on
10 the, on the 14th. And again, [REDACTED] alleging that
11 they had two crews available and aircraft available,
12 one in the, the early shift at the 05:00 to 1 p.m. and
13 then at the 7:00 to 3 p.m. shift, requested launch
14 twice and that they were both -- and obviously they
15 were in a standby emergency callout only status and
16 that they were denied to launch.

17 [REDACTED] Do you have the flight sheets?

18 SPECIAL AGENT [REDACTED] Are these --

19 SPECIAL AGENT [REDACTED] Those are the schedules.

20 SPECIAL AGENT [REDACTED] Okay. It's the schedule --

21 [REDACTED] I can see the schedule. Yeah, let me
22 see the schedule, if I can maybe piece together -- and
23 that individual is in the Deming area?

1 SPECIAL AGENT ██████ Yes.

2 ██████████ Okay. So that 04, unless there's
3 maintenance, I would assume they were out there already
4 because I do remember some conversation going -- yeah,
5 we'd already gone out there or we had spent the day
6 prior or the morning of searching and came up empty
7 handed. I don't -- I can't say unequivocally that we
8 hadn't already sent --

9 SPECIAL AGENT ██████ Would that have been entered
10 into the duty log that date?

11 ██████████ It may have been on the duty log and/or
12 on the --

13 SPECIAL AGENT ██████ We have the logs for the
14 14th?

15 ██████████ -- on the risk assessments that the
16 pilots -- but if they, if they are already aware of
17 that callout and they intend not responding to it, they
18 will, they will sometimes include that in the risk, any
19 callout in support of, you know, border patrol or STM,
20 whatever station's making the call.

21 SPECIAL AGENT ██████ I may have something for the
22 14th to refresh your memory.

23 SPECIAL AGENT ██████ Were those just sent to

1 us --

2 SPECIAL AGENT [REDACTED] I got the 12th, I got the
3 duty --

4 [REDACTED] Because even though Deming may not have
5 been called or responded --

6 SPECIAL AGENT [REDACTED] Is this it?

7 [REDACTED] -- I'd just like to rule out that
8 nobody from El Paso hadn't already responded.

9 SPECIAL AGENT [REDACTED] In here, so I'm going to
10 share it.

11 SPECIAL AGENT [REDACTED] Okay.

12 SPECIAL AGENT [REDACTED] All right. Does this help
13 anything?

14 [REDACTED] Yeah, you can scroll -- continue on
15 because those are just the shifts, times. I kind of
16 know that when people start at certain times and who
17 they are that they might be flying, but without seeing
18 the actual flight schedule or the, the TOMIS reports,
19 it's hard to say exactly who flew.

20 SPECIAL AGENT [REDACTED] Okay. So did you just see
21 that document I just opened?

22 [REDACTED] I'm looking at the document right now
23 that has the --

1 SPECIAL AGENT ██████ Oh, okay.

2 ██████████ -- start time, the actual schedule for
3 El Paso Air Branch.

4 SPECIAL AGENT ██████ All right. Mr. ██████
5 sent us something else. I'm going to -- an Excel
6 spreadsheet. I don't know if it will help you. Trying
7 to figure out how to unshare this one and share the
8 other one.

9 ██████████ Um-hmm.

10 SPECIAL AGENT ██████ That's --

11 SPECIAL AGENT ██████ I know it is. I'm trying to
12 figure out how to unshare my current screen and reshare
13 it. All right. So I'm going to stop sharing and then
14 I'm going to share again and share this Excel
15 spreadsheet, this document. Does that help you at all?

16 ██████████ I don't see it yet.

17 SPECIAL AGENT ██████ Nothing there?

18 ██████████ Don't see it.

19 SPECIAL AGENT ██████ Try this again. Anything?

20 ██████████ That's an AMAP. That would give a
21 general indication, but that's not the -- that's not --
22 but I'll -- let me look at it. If -- can you scroll up
23 to the 13th? This transpired between the 13th and

1 14th?

2 SPECIAL AGENT [REDACTED] Correct, yes.

3 [REDACTED] All right. Okay. Do you have a copy
4 of the, the flight schedule, the yellow and white one?

5 SPECIAL AGENT [REDACTED] We have so many things.

6 [REDACTED] I'm sure.

7 SPECIAL AGENT [REDACTED] We're looking through them
8 here. Stand by for a second.

9 [REDACTED] Yeah. So that -- what I'm looking at
10 now is just the priority sheet that BP would like us to
11 fly.

12 SPECIAL AGENT [REDACTED] Okay.

13 [REDACTED] But that's not what's actually flown.

14 SPECIAL AGENT [REDACTED] Okay. We got -- I got the
15 event from border patrol. Do you have that?

16 SPECIAL AGENT [REDACTED] Wait, which, which -- 14th,
17 right?

18 SPECIAL AGENT [REDACTED] The 14th, yeah.

19 [REDACTED] Yeah, if you have that yellow and white
20 sheet, the flight schedule with the CDO on it and the
21 assigned flights.

22 SPECIAL AGENT [REDACTED] I don't know that we have
23 it with that.

1 ██████████ Like to see that 13th and 14th.

2 SPECIAL AGENT ██████████ I don't know that we have
3 that one.

4 SPECIAL AGENT ██████████ I don't think -- I don't
5 know that we have it.

6 SPECIAL AGENT ██████████ We will, we will get it if
7 possible.

8 ██████████ I, I could look to see if I have it.

9 SPECIAL AGENT ██████████ That would be great if you
10 could.

11 ██████████ Yeah, give me a -- give me a minute
12 here.

13 SPECIAL AGENT ██████████ Sure.

14 SPECIAL AGENT ██████████ Sure.

15 SPECIAL AGENT ██████████ I don't believe we have it
16 because it would have been in the (inaudible) because
17 it's all related.

18 SPECIAL AGENT ██████████ Request for assistance --

19 SPECIAL AGENT ██████████ We don't have that.

20 SPECIAL AGENT ██████████ Those are the next, must be
21 the next day.

22 SPECIAL AGENT ██████████ Yeah, there's nothing -- we
23 don't have anything for that.

1 ██████████ I've got the flight schedules.

2 SPECIAL AGENT ██████████ Okay. You found it?

3 ██████████ Yeah. So there was a flight, I'd have
4 to dig into the TOMIS reports to see what -- you know,
5 if they logged anything. Operation LSB, time to be
6 determined. Did you -- you had the schedule, right, of
7 all the people that were supposedly at work?

8 SPECIAL AGENT ██████████ Yeah, yeah. We'll get --

9 ██████████ Okay. So I just -- I'm just trying to
10 compare some notes here. So I'm trying to piece
11 together who was at work, who was assigned to fly, what
12 missions they were assigned to fly and then if there
13 was like an active patrol, you know, if any of those
14 guys could have been or spent time in that area and
15 then I'd have to look at the flight reports to see if
16 they'd reported anything on time spent. And even if
17 they didn't put it in the report, it doesn't mean they
18 didn't go there, they just didn't log anything. If
19 they didn't come up with anything, they may not have
20 put anything in there.

21 SPECIAL AGENT ██████████ Okay.

22 ██████████ Because I -- again, I'm just going off
23 my memory here, but I'm, I'm thinking that -- because I

1 had gone over a couple of days that I may have had a
2 crew that had spent some time over there from El Paso,
3 they just came up empty handed.

4 SPECIAL AGENT [REDACTED] I'm trying to get back to
5 that schedule here, the 14th. All right. Do you see
6 it now?

7 [REDACTED] Hold on. I see the LPR investigative
8 division's [REDACTED]

9 SPECIAL AGENT [REDACTED] That's not what I want.
10 Okay. We want to get rid of this one. Stop sharing
11 that. Is that gone?

12 [REDACTED] No, it's still there.

13 SPECIAL AGENT [REDACTED] Okay. Why won't it go away?

14 [REDACTED] Oh, I -- I had control over that. So
15 now I'm looking at daily operations report, is that
16 what you want me to see?

17 SPECIAL AGENT [REDACTED] No.

18 SPECIAL AGENT [REDACTED] I've got to stop presenting
19 here for a second and restart this. Okay. Let's see.
20 Why doesn't that PowerPoint come up?

21 SPECIAL AGENT [REDACTED] That's it, that one.

22 SPECIAL AGENT [REDACTED] All right.

23 [REDACTED] I think I'm looking at the same thing

1 you got.

2 SPECIAL AGENT ██████████ Do you see anything now?

3 SPECIAL AGENT ██████████ That's the one.

4 ██████████ Yeah, I'm back -- I think I've opened
5 up -- I'm still looking at the PDF that you had sent me
6 originally.

7 SPECIAL AGENT ██████████ Yes.

8 SPECIAL AGENT ██████████ I'm on Page 31.

9 ██████████ All right, stand by.

10 SPECIAL AGENT ██████████ This is not it because he
11 should be in the corner.

12 SPECIAL AGENT ██████████ No, but he, he opened up
13 the PDF.

14 SPECIAL AGENT ██████████ I get it, but I don't -- I
15 want to share it in my window here. I don't know how
16 to get rid of all these.

17 SPECIAL AGENT ██████████ Oh.

18 SPECIAL AGENT ██████████ These are all things that are
19 just in my -- I don't know how it make this go away
20 here.

21 SPECIAL AGENT ██████████ July 14th.

22 SPECIAL AGENT ██████████ You know, like this isn't
23 even open.

1 SPECIAL AGENT ██████████ Yeah.

2 SPECIAL AGENT ██████████ But it's trying to present
3 it. This isn't the window I had before. This is the
4 one.

5 SPECIAL AGENT ██████████ Yeah.

6 ██████████ It's open.

7 UNIDENTIFIED SPEAKER: ██████████ here.

8 ██████████ What's your number?

9 UNIDENTIFIED SPEAKER: 40.

10 ██████████ 40, and it's you and who?

11 UNIDENTIFIED SPEAKER: ██████████

12 ██████████ Okay. Launch aircraft.

13 UNIDENTIFIED SPEAKER: 4B.

14 ██████████ Okay. And are there any comments right
15 now?

16 UNIDENTIFIED SPEAKER: There's all kinds of stuff
17 going up (inaudible).

18 SPECIAL AGENT ██████████ Now it's gone.

19 ██████████ Okay.

20 UNIDENTIFIED SPEAKER: (Inaudible) always has bodies
21 running around.

22 ██████████ Yeah.

23 UNIDENTIFIED SPEAKER: There's just no getting

1 around it.

2 [REDACTED] Yeah. They call out towards Lordsburg,
3 are they still actively working on it?

4 UNIDENTIFIED SPEAKER: Yeah.

5 [REDACTED] You mind heading that way?

6 UNIDENTIFIED SPEAKER: That's what I thought we were
7 doing.

8 [REDACTED] Okay. Just wanted to make sure.

9 UNIDENTIFIED SPEAKER: Yeah, yeah.

10 [REDACTED] Okay. Because --

11 UNIDENTIFIED SPEAKER: We'll try to get here back
12 sooner.

13 [REDACTED] Yeah, I didn't go to bed until 3 a.m.
14 last night.

15 UNIDENTIFIED SPEAKER: Well, you could have took
16 off. I mean, we'd have (inaudible).

17 [REDACTED] Yeah, but I -- because I was on
18 extension, I'd have felt bad leaving you guys.

19 UNIDENTIFIED SPEAKER: Once we got out of Deming's
20 area, it was just --

21 [REDACTED] Yeah.

22 UNIDENTIFIED SPEAKER: It was bodies and STM
23 (inaudible) that were done. (Inaudible).

1 ██████████ Right.

2 UNIDENTIFIED SPEAKER: We'll never go home.

3 ██████████ Right.

4 UNIDENTIFIED SPEAKER: We did snag the one on the
5 way back, but that was about directly 5 overhead and we
6 saw their lasers that was -- they were in Lordsburg.

7 ██████████ Is that near Hatch?

8 UNIDENTIFIED SPEAKER: Hatchida.

9 ██████████ Yeah.

10 UNIDENTIFIED SPEAKER: But we, we gave that about
11 four or five minutes. It's not very long and then we
12 got out of there.

13 ██████████ All right. (Inaudible).

14 UNIDENTIFIED SPEAKER: I felt difficult to fly over
15 it and they're trying to find the (inaudible) we're
16 over here at all. (Inaudible) like should I
17 (inaudible) right now. Like, yeah, I guess so.

18 ██████████ Right.

19 UNIDENTIFIED SPEAKER: They were here. We're
20 already here.

21 ██████████ Yeah.

22 UNIDENTIFIED SPEAKER: We're just going home. By
23 the time we got to STM, he's spotting groups of the

1 (inaudible). I'm like, just turn it off.

2 [REDACTED] Yeah, yeah.

3 UNIDENTIFIED SPEAKER: We -- we're done.

4 [REDACTED] Yeah, yeah.

5 UNIDENTIFIED SPEAKER: All right.

6 [REDACTED] All right.

7 UNIDENTIFIED SPEAKER: Try to get back quicker.

8 [REDACTED] All right. Call me if anything

9 changes.

10 UNIDENTIFIED SPEAKER: Okay.

11 [REDACTED] All right.

12 SPECIAL AGENT [REDACTED] Okay. So to get back to

13 where we were at.

14 [REDACTED] Yes.

15 SPECIAL AGENT [REDACTED] You were trying to determine

16 whether you had sent a flight earlier.

17 [REDACTED] Yeah, what I, what I -- it's kind of

18 like putting together a puzzle. I've got to look at

19 the maintenance. I've got to look at the flight

20 schedules. I've got to look at the request. I've got

21 to look at what the AMAP, AMAP says and then take all

22 these pieces and try to determine why we didn't launch

23 and if we did launch, did somebody already cover that.

1 I mean, because, you know, at face value you could look
2 at it and go yeah, Deming didn't launch and because of
3 that, you know, this alien succumbed to his injuries or
4 the environment. But if we had already launched and
5 Deming's going we want to go too, and they don't have
6 the hours for it because of maintenance, then I would
7 see why I would come to that conclusion and say I'm not
8 going to put two aircraft out there assuming that
9 somebody from our office was out there. And, and the
10 indication I have just based, you know, rudimentary --
11 just looking real quick, I did have an aircraft out on
12 the 13th. Was it 13th? Not the 13th, we had a bunch
13 of no launches and I don't know --

14 SPECIAL AGENT [REDACTED] Where, where --

15 [REDACTED] -- why that night --

16 SPECIAL AGENT [REDACTED] Where is [REDACTED] is he
17 in your office?

18 [REDACTED] He's in El Paso, yes, sir.

19 SPECIAL AGENT [REDACTED] Okay. So he puts out at
20 12:51 that date --

21 [REDACTED] On the 13th?

22 SPECIAL AGENT [REDACTED] On the 14th.

23 SPECIAL AGENT [REDACTED] On the 14th that there's no

1 aircraft, period. So I'm assuming he's saying in the
2 entire branch.

3 [REDACTED] Well -- well, let me see here. So I'm
4 looking at the 14th. I had one flight at 07. OPR LSV.
5 So I don't know if OPR was there doing an
6 investigation, but they were on standby to launch on
7 that mission. There was a second one for a Border
8 Patrol Memorial, but that looks like they no launched
9 that one. They had Deming on standby. Looks like
10 Alpine may have been flying at 07. And then they had
11 an annual proficiency exam for one of my pilots. They
12 have to do those every year to maintain their currency.
13 And so I know there's a priority on getting guys
14 current, otherwise they can't fly. And then I had a
15 flight that night at 8:30. And they found that, that
16 gentleman at what time? 7:00 the next night?

17 SPECIAL AGENT [REDACTED] Yeah, look -- yeah, I think
18 it was, yeah, 19:00 hours or something of that
19 nature.

20 [REDACTED] 19, okay.

21 SPECIAL AGENT [REDACTED] Here's the, here's the -- was
22 theoretically the maintenance of the aircraft at the
23 time on the 14th, 27 hours until the next maintenance.

1 I don't know if that's a lot of time or a little bit of
2 time.

3 [REDACTED] Yeah. An average (inaudible) is about
4 4, 4 to 5 hours. So if it's 24 hours, that would give
5 us about 5 days of flying.

6 SPECIAL AGENT [REDACTED] Okay. So would that -- that
7 would be considered kind of short time?

8 [REDACTED] Well, especially if that's the only
9 aircraft we have. So like on the 13th, I've got 1, 2,
10 3, 4, 5, 6, 7, 8, 9, I've got 10 scheduled flights and
11 7 of them were no launched. So now I need to go to the
12 maintenance records to figure out why there were so
13 many no launches on that day, even in El Paso. There
14 had to have been a reason for it, either maintenance or
15 personnel.

16 SPECIAL AGENT [REDACTED] Possibly weather?

17 [REDACTED] It could have been weather. But again,
18 those are pieces of this puzzle I need to get before I
19 can make that determination.

20 SPECIAL AGENT [REDACTED] Sure, sure.

21 [REDACTED] The quickest one would be maintenance
22 though. I don't know -- let me see if you guys had
23 a --

1 SPECIAL AGENT ██████ Is this, is this an accurate
2 depiction here of what the maintenance schedule would
3 have been for those --

4 ██████████ What page are you looking on?

5 SPECIAL AGENT ██████ If you, if you minimize, I
6 finally figured out how to share it again.

7 ██████████ Okay. Yeah, just tell me what page.
8 I'm looking at --

9 SPECIAL AGENT ██████ 32.

10 ██████████ 32.

11 SPECIAL AGENT ██████ Yep, 32.

12 ██████████ Okay. Yeah, I'm looking there. So let
13 me see here. Yeah, so we had plenty of flight time so
14 it wasn't a maintenance issue, at least for El Paso, so
15 El Paso could have launched. A 600 hour inspection is
16 a big deal. When an aircraft goes in for a 600 hour,
17 it's out for about a month and a half to two months.
18 So I could see why in Deming they were holding hours.
19 That would make sense that they're on standby for
20 maintenance. But I'd like to see what the weather was
21 the night of the 13th when the original call came in.
22 I could maybe Google that.

23 SPECIAL AGENT ██████ I mean --

1 ██████████ And I'm sorry, guys, for taking up a
2 lot of time.

3 SPECIAL AGENT ██████████ Oh, no, no, no. No, no, no
4 need to apologize.

5 SPECIAL AGENT ██████████ Yeah, we want to clarify
6 this.

7 ██████████ Yeah.

8 SPECIAL AGENT ██████████ On the 13th it was Deming
9 even -- they didn't have -- they don't have a night
10 crew in Deming.

11 SPECIAL AGENT ██████████ Doesn't matter.

12 ██████████ No, they don't. Well, in order to try
13 to give you guys the best answer I can, I would like --
14 the PDF you sent me, can I print all that stuff, keep
15 that and then, like, review it and then come back and
16 say this, this is what I suspect was the reason --

17 SPECIAL AGENT ██████████ Yeah.

18 ██████████ -- they, they didn't launch or --

19 SPECIAL AGENT ██████████ If, if you want to send us an
20 email in the next couple of days with your best
21 assessment, pulling the duty logs and --

22 ██████████ Yeah, yeah.

23 SPECIAL AGENT ██████████ Clearly this allegation and

1 this information was put together over a long period of
2 time.

3 [REDACTED] Yeah.

4 SPECIAL AGENT [REDACTED] And there's a lot of
5 information.

6 [REDACTED] Yes.

7 SPECIAL AGENT [REDACTED] But as we all know, there's
8 two sides to every story.

9 [REDACTED] Yeah, and I don't want to make a -- I
10 don't want to make an uninformed decision, you know, in
11 the matter of a couple minutes based on, you know, what
12 I know to be all the information that's required and
13 necessary to make a sound decision on whether or not we
14 launch.

15 SPECIAL AGENT [REDACTED] Sure.

16 SPECIAL AGENT [REDACTED] Absolutely.

17 SPECIAL AGENT [REDACTED] Yeah, so if you could go back
18 to, to that -- the 14th and/or the 13th.

19 [REDACTED] Yeah.

20 SPECIAL AGENT [REDACTED] And do your due diligence and
21 pull whatever you can to try and at least get a frame
22 of mind as to what was going on that day and why you
23 made the decision you did.

1 ██████████ All right.

2 SPECIAL AGENT ██████████ That would be great.

3 ██████████ Sure. All right.

4 SPECIAL AGENT ██████████ That's a separate one
5 because --

6 SPECIAL AGENT ██████████ Yeah.

7 SPECIAL AGENT ██████████ -- the guy -- there was a guy
8 found on the 14th.

9 SPECIAL AGENT ██████████ It's this, this is another
10 one next --

11 SPECIAL AGENT ██████████ Okay.

12 SPECIAL AGENT ██████████ Yeah.

13 SPECIAL AGENT ██████████ Okay. So we're going to go
14 to another one. This individual here, the call
15 actually came in on the, on the 12th of July, but they
16 found him on the 17th. So we'll go through this.

17 SPECIAL AGENT ██████████ And the first request for
18 air support came -- reportedly came in on the 15th.

19 SPECIAL AGENT ██████████ So -- okay. So on July
20 15th -- you can read it for yourself here. Page 34 if
21 you're looking on your own document.

22 ██████████ Okay. Thank you.

23 SPECIAL AGENT ██████████ Share, right, you're going

1 through it --

2 SPECIAL AGENT ██████████ I know, you're --

3 ██████████ So I do see that these guys, they're
4 holding the hours on that aircraft. I'm going to pull
5 up my own flight schedule again from July to see who
6 was flying and if they'd already spent time working
7 that. Because then the question becomes well, how much
8 time is enough time? And you know, if you'd have spent
9 five hours and not found him but a sixth hour you might
10 have, you know, I mean, it's purely speculation. If
11 you could have spent 10 hours it would have done it or
12 12 hours if we had already spent 15 hours. I mean,
13 I -- all I remember is that I'm, I'm pretty sure we had
14 already launched on that, at least on one or two
15 occasions, between the two bodies in the two areas and
16 obviously they came up empty handed. But then somebody
17 stumbles upon the body and it's oh, see, here they are
18 and then says shame on you for not being out there. I
19 mean, that's just -- I don't think that's fair.

20 SPECIAL AGENT ██████████ I understand. If you could
21 add this to the list of, you know, when you're digging
22 through for that time to see if you could come up with
23 some sort of --

1 ██████████ Yeah.

2 SPECIAL AGENT ██████████ -- piecing together of what
3 the incidents -- but that being said, do you have any
4 recollection of DAO ██████████ denying you the
5 authority to launch to look for this individual?

6 ██████████ The only time -- if Director ██████████
7 says I will be the only one to clear these, that those
8 flights will all go through me, then that's the
9 responsibility he would take on, I think that would be
10 notated somewhere on the -- like our duty flight
11 schedule.

12 SPECIAL AGENT ██████████ Okay.

13 ██████████ Or ██████████ would have been given specific
14 instructions from ██████████ that says look, all
15 the flights will come through me first as opposed to
16 having me on there.

17 SPECIAL AGENT ██████████ Right, so that's --

18 ██████████ That's just off the top of my head.

19 SPECIAL AGENT ██████████ Yeah, this operation log just
20 says, you know, denied launch clearance by CDO ██████████
21 ██████████ per --

22 ██████████ Yeah.

23 SPECIAL AGENT ██████████ -- DAO ██████████

1 ██████████ Yeah. But I'd like to see that in the
2 duty log. That, that form that you're referencing is
3 not something I've ever seen. I understand what the
4 purpose of it would be, but I don't know when he
5 crafted that, that -- I've never seen that here before.
6 And that's typically not where we keep a record of
7 launches and no launches. Those are done on Big Pipe
8 and the duty log.

9 SPECIAL AGENT ██████████ Okay.

10 ██████████ So --

11 SPECIAL AGENT ██████████ So if you could add that,
12 that incident to that list.

13 ██████████ Yeah. And that was -- that originally
14 started -- the person request on the 12th, the first
15 request came on the 15th and they were, they were found
16 when?

17 SPECIAL AGENT ██████████ On the 17th.

18 SPECIAL AGENT ██████████ On the 17th, correct.

19 ██████████ That entire week we had two, two
20 different individuals.

21 SPECIAL AGENT ██████████ Correct, yeah.

22 SPECIAL AGENT ██████████ Yeah, he had --

23 ██████████ Yeah.

1 SPECIAL AGENT ██████████ Yep, you got it.

2 SPECIAL AGENT ██████████ Yeah, there's the Big Pipe
3 information. So we'll, we'll, we'll just let that --
4 you know, they show the -- the schedules attached here.
5 There was a request to launch again on the 16th, you
6 know, same information that ██████████ had forbid you
7 from allowing the launch. So we'll let you dig through
8 that one --

9 ██████████ Sure.

10 SPECIAL AGENT ██████████ -- we won't belabor the
11 point.

12 ██████████ Yeah.

13 SPECIAL AGENT ██████████ In this particular instance
14 too, I guess the guy had thrown some shirts and stuff
15 into the trees. The allegation was if, if an
16 aircraft --

17 SPECIAL AGENT ██████████ Deming.

18 SPECIAL AGENT ██████████ -- had flown, they would have
19 found it very quick. Okay. Later, August 4th, a
20 Deming aircraft was taken to El Paso and they didn't
21 give them a replacement until the 19th. Are you on my
22 screen or are you still on yours?

23 ██████████ Okay. I'm on mine, but I was just

1 reading through this real quick. Let me clear this
2 out.

3 SPECIAL AGENT [REDACTED] Okay.

4 [REDACTED] And refresh here. Okay. So you're on
5 page?

6 SPECIAL AGENT [REDACTED] 47.

7 [REDACTED] Okay.

8 SPECIAL AGENT [REDACTED] So Deming's alleging that
9 their aircraft was taken from them for 15 days. Based
10 on this, can you decipher that?

11 [REDACTED] Well, not off the bat. Normally under
12 location on the maintenance report, it's showing right
13 now the location of the aircraft that are in
14 maintenance, obviously it's being done here in El Paso.
15 What I'm trying to determine is where it was prior to
16 it going into maintenance. And if this is that 600
17 hour I was referring to earlier that takes a couple of
18 months --

19 SPECIAL AGENT [REDACTED] Right. Let's see. There is
20 an email if you go up 48.

21 [REDACTED] Okay. So Deming had none (inaudible).
22 Wow.

23 SPECIAL AGENT [REDACTED] Does any of that information

1 there sound familiar to you?

2 ██████████ No. Well, some of it. Like the
3 replacement aircraft, that's typical, but I would like
4 to see what -- so like on Page 48 where it says Deming
5 A-Star none, I'd like to see the previous day or two to
6 figure out what they had and then to figure out where
7 it went and for what. If July's any indication the
8 aircraft had 20 -- about 5 days's worth of flying on it
9 before it went into maintenance. It went into
10 maintenance and then that left us two aircraft. Again,
11 to get a good comprehensive picture, I need to see --
12 let me see here. I'm just reading on Page 50 now. And
13 then the question is, why didn't they exchange the
14 aircraft? If it was available, why didn't we do it
15 then? I guess his, his comment there that ██████████ was
16 upset with him is his reason that they didn't get an
17 aircraft.

18 SPECIAL AGENT ██████████ And there -- and that
19 ██████████ is allegedly trying to punish or out of
20 spite diminish Deming Air Unit's or stop their ability
21 to fly and respond to calls.

22 ██████████ Hmm. So they don't operate
23 autonomously. Whether that aircraft is here or in

1 Deming, someone's got to clear that flight. It's not
2 like if they had the aircraft, they could go do
3 whatever they wanted to.

4 SPECIAL AGENT [REDACTED] It sounds like there was
5 something wrong with the motor or the engine on that
6 aircraft and it wasn't testing out power or something
7 like that. So the Deming agents --

8 [REDACTED] You got that further down in the --
9 further down in the report?

10 SPECIAL AGENT [REDACTED] Yeah. If you go to 51,
11 they're talking about a special flight permit or a
12 Ferry permit.

13 [REDACTED] Yeah, okay.

14 SPECIAL AGENT [REDACTED] So I think there's, there's
15 more in here. There was an engine swap. The flap
16 pitch was low. I don't know all this stuff, but the
17 thumbnail I got previously was that there was -- it
18 wasn't checking out for power. There was a light
19 coming on saying that they didn't have the right amount
20 of power.

21 [REDACTED] Yeah.

22 SPECIAL AGENT [REDACTED] But I guess if you override
23 that light and do something manually, you can decide if

1 it's making the proper power.

2 ██████████ Yeah.

3 SPECIAL AGENT ██████████ Therefore, I believe it was
4 ██████████ or ██████████ ended up flying it on that one time
5 authorization to El Paso and they conducted their,
6 their, their maintenance here. The allegation I guess
7 stems that since Mr. ██████████ or his unit made such a
8 stink about sending that aircraft to El Paso based on
9 that light, that Mr. ██████████ was retaliating saying,
10 well, since you refused to bring it over here for
11 maintenance and made a big deal out of it, then I'm not
12 sending you anything else because clearly you don't
13 want to fly. That's the gist I'm getting from the
14 allegation.

15 ██████████ Right, right. I get what he's
16 insinuating. I just don't -- I mean, it's purely
17 speculation on his part why that aircraft was or wasn't
18 brought here or exchanged. And then I'd be curious to
19 see when they did get another aircraft. I mean, if
20 maintenance turned it and fixed it, then -- and they
21 said yeah, you know what? Don't exchange it, because
22 we'll have it up and running in the next day or two,
23 then I could see why that -- why we wouldn't have sent

1 them another aircraft. Because the majority of the
2 manpower is here in El Paso.

3 SPECIAL AGENT ██████████ Do you have any knowledge or
4 have you heard anything about Mr. ██████████ ordering
5 people to fly aircraft that are unsafe?

6 ██████████ No, no.

7 SPECIAL AGENT ██████████ Determining himself that it's
8 not unsafe and overriding a pilot's assessment and
9 ordering that pilot to do it anyhow?

10 ██████████ No, absolutely not. So when -- if an
11 aircraft goes down for maintenance, if we have a
12 precautionary landing out in the field, there's
13 numerous steps that have to, that have to take place in
14 order for that aircraft to launch again. So if
15 somebody was to down an aircraft via a write up,
16 they'll have to talk to the maintenance officers. If
17 it's in the field, they're going to have to talk to
18 safety. They're going to have to talk to the CDO.
19 They'll have to talk to the director and then the crew.
20 I mean, it's about a five or six person decision to
21 move an aircraft after it's been determined that it's
22 down for whatever reason aside from your normal
23 maintenance. But if the aircraft has an issue out in

1 the field, gets written up, before that aircraft is
2 moved, it has to have the concurrence of everybody, our
3 safety officers, our maintenance officers, our
4 clearance authority, the pilot and crew before they
5 move that aircraft again.

6 I don't know one person would ever put their, their
7 bottom half on the line to say I'm going to make the
8 call here. You're going to fly that aircraft and then
9 everybody else, you know, play second fiddle and watch
10 that aircraft depart without any say so at all.

11 SPECIAL AGENT ██████████ Okay.

12 ██████████ That make any sense?

13 SPECIAL AGENT ██████████ Yes. Page 55 shows the, the
14 flight, this, this relocation flight.

15 ██████████ Yeah.

16 SPECIAL AGENT ██████████ And how it was approved and
17 the maintenance status, I guess, is on this daily
18 operation log.

19 ██████████ (Inaudible) turning, okay. See if I
20 (inaudible). That's not true. So maintenance would be
21 the one that would determine whether or not an aircraft
22 is air worthy or it is serviceable. There's criteria
23 I'm sure that if an aircraft isn't producing -- you

1 know, if it's supposed to be producing 80 percent or
2 better power and it's not, if it's at like, you know --
3 if we typically operate at 95 and this day it's
4 operating at 82 or 81 and they're like hey, this
5 aircraft isn't producing the power -- and I'm being
6 hypothetical here -- that aircraft isn't producing the
7 power it should be, something's wrong with it, it may
8 still be within the, the tolerances to be flown. It
9 just might be in a degraded, in a degraded fashion, you
10 know what I mean?

11 SPECIAL AGENT [REDACTED] Um-hmm.

12 SPECIAL AGENT [REDACTED] Sure.

13 [REDACTED] And so, so they still may say okay,
14 yes, it's degraded, something's not right. We may not
15 be able to pinpoint it now, but we can bring it to a
16 place of maintenance. Still be within the regulations
17 as far as the maintenance requirements or whatever.
18 And that's what I'm thinking just off the top of my
19 head again, again, without reading in all of the --
20 what Rueben had decided or what maintenance had looked
21 and determined was the, the cause.

22 SPECIAL AGENT [REDACTED] Okay.

23 [REDACTED] But just to say -- I mean, I know what

1 the rules are if the aircraft is unworthy, but did he
2 prove that the aircraft wasn't air worthy?

3 SPECIAL AGENT [REDACTED] I guess -- so there's not --
4 how many pilots are there in the El Paso Air Branch?

5 [REDACTED] Right now, oh, where's -- maybe like 35
6 pilots and crew members, 36 right now.

7 SPECIAL AGENT [REDACTED] I'm talking straight
8 pilots.

9 [REDACTED] Straight pilots? You want today or you
10 want last year's number? I'll give you today's and not
11 all these guys are designated. But I've got 1, 2, 3,
12 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13 here in El Paso
13 and 2 at that time in Deming. So approximately 17
14 pilots.

15 SPECIAL AGENT [REDACTED] Okay. And you'll see where
16 I'm going with this.

17 [REDACTED] Yeah.

18 SPECIAL AGENT [REDACTED] You got about 17 pilots. I'm
19 assuming and correct me if I'm wrong, that you guys
20 encounter each other in training and in other
21 environments and recertifications and things of that
22 nature?

23 [REDACTED] Um-hmm.

1 SPECIAL AGENT ██████ If any one of you was put in
2 an unsafe situation by your director or ordered to do
3 something unsafe like that --

4 ████████ Yeah.

5 SPECIAL AGENT ██████ -- by your director, would
6 that word get out amongst the pilots?

7 ████████ Wouldn't happen. It wouldn't happen.
8 You know, I've been here for 19 years, 18, 19 years.
9 If anybody ever brought up something that was unsafe
10 and said you know what, I'm not going to go. I can
11 tell you personally if one of my pilots comes to me and
12 says I'm tired, "I had a late last night, my kid's sick
13 with the Flu, I didn't get any sleep," I'm not going to
14 launch him, nor would I ever threaten my pilots to
15 launch, you know, for fear of retribution or some type
16 of punishment. I can't imagine our director or any of
17 the supervisors here doing that. It's just
18 unconscionable.

19 SPECIAL AGENT ██████ Well, if something like that
20 was done or even attempted to have been done --

21 ████████ Yeah.

22 SPECIAL AGENT ██████ -- would you have heard about
23 it?

1 ██████████ Yeah, absolutely. The guys talk. I
2 mean, I'm back here in the bullpen with all the pilots.
3 If they'd have been talking to me, they would have come
4 up to me personally probably, shut the door behind them
5 and said hey, we need to talk, you know. Somebody made
6 me do something that wasn't safe. And that goes right
7 to the safety officer. If, if something like that was
8 to happen, they'd go right to the safety officer and
9 we'd have a little pow-wow to determine, you know,
10 what's, what's going on, what, when, where, why.

11 SPECIAL AGENT ██████████ Okay. And if an order of
12 that had happened and you had heard about it, would you
13 have reported it?

14 ██████████ Yeah, I'd like to think so. If -- if
15 somebody was to come to me and I've done this on
16 previous occasions, I bring my safety officer in.
17 Again, I've got to validate the concern because I've
18 got people who say yeah, this guy's unsafe. I'm not
19 flying with him anymore just because they don't like
20 his personality. But if somebody brings that to me,
21 then I'll bring that person in and say hey, on such and
22 such date this happened. Can you, can you share a
23 little bit about it? And if I feel like that person

1 has willingly or unwillingly violated or done something
2 outside of normal, I might go to the safety officer and
3 say hey, has anybody ever brought this to your
4 attention? Have you had any indication that this pilot
5 is capable or has done this in the past? Could you
6 address this with them or dig a little deeper, find
7 out, you know, if it's intentional or if it's -- you
8 know, if it's willful or if it's just out of ignorance?
9 Does this guy need training or does he need discipline?
10 That, that's what I do. I mean, that's what I'm
11 supposed to do. And I'd like to think that the
12 supervisors here to include the director and deputy
13 director would follow suit.

14 SPECIAL AGENT [REDACTED] Okay. Thank you. So it goes
15 on that, you know, because there wasn't an aircraft in
16 Deming, they were unable to respond to some 911 calls.
17 So we're at Page 59, there's a 911 call and it's in the
18 Big Pipe here and there was a request for air support
19 out of Deming and the response was we have no air
20 support.

21 [REDACTED] Yeah.

22 SPECIAL AGENT [REDACTED] But I don't know that you had
23 any particular --

1 ██████████ Yeah, and it's not uncommon for us not
2 to have air support for a myriad of reasons. I just --
3 I'm trying to dissect every one of these to figure out
4 what that reason was.

5 SPECIAL AGENT ██████████ Sure. And these, and
6 these -- you know, you're not in charge of maintenance
7 and I don't know that there's any allegation as it
8 relates to you.

9 ██████████ Yeah.

10 SPECIAL AGENT ██████████ I'm just wondering if you
11 have any general understanding.

12 ██████████ And that's my -- my understanding is,
13 sir, is that anytime a request comes in, you know,
14 we've got to check the, the crew to make sure the crews
15 are capable, able, that they're properly, you know,
16 trained, that they're current, proficient, that they
17 have the qualifications to do what's being asked of
18 them. And then I got to look at the aircraft to find
19 out if the aircraft have the time on it, if they're
20 close to maintenance, if they have the equipment on
21 them to do what they're being asked to do. If I have
22 fixed wing assets, I may have aircraft but I can't use
23 the fixed wing sometimes to get in these canyons to

1 look for aliens.

2 Then I have to look at the environment, you know?
3 Is the weather good? Are the winds strong up in the
4 mountains? Is -- are there mountain obscurations? And
5 then the external factors, you know? Who's making the
6 request, why are they making the request? What are the
7 circumstances surrounding the request? And, you know,
8 I apologize for not being able to make a decision on
9 the fly, but it's a lot of information that again, I
10 don't want to give a, a hasty response not having all
11 of the other factors to consider, you know, to make
12 this judgment call.

13 SPECIAL AGENT [REDACTED] Completely understand.

14 SPECIAL AGENT [REDACTED] Absolutely.

15 SPECIAL AGENT [REDACTED] And I would much prefer you
16 to go back and actually put together a response.

17 [REDACTED] Yeah.

18 SPECIAL AGENT [REDACTED] That would be (inaudible).

19 [REDACTED] Because I'm confident that there's,
20 there's good reason for the decisions that are made
21 either by myself or my peers for all the reasons I just
22 mentioned. There's always been a good reason for it.
23 They just don't do these things flippantly or in [REDACTED]'s

1 instance, you know, claiming that it's done out of
2 retribution. That's just simply -- that's -- I don't
3 believe that. But again, when I get the information,
4 I'll present what I think is a, a fair assessment of
5 the information we had available during this time we
6 made that decision and I think it will make a little
7 more sense.

8 SPECIAL AGENT [REDACTED] And so to summarize all of
9 this, I know you're going to go deep, dig deeper into
10 those specific events, but as, as a CDO, as a pilot, as
11 a supervisor in Air and Marine, do you take your job
12 seriously?

13 [REDACTED] Absolutely, absolutely.

14 SPECIAL AGENT [REDACTED] Do you take all of the
15 factors surrounding an incident and make your best
16 decision based on your training and experience?

17 [REDACTED] Training, experience as to the best of
18 my knowledge based on the available information.

19 SPECIAL AGENT [REDACTED] Would you ever put anyone's
20 life at risk in, in attempt to minimize anyone else's
21 authority or as of a directive from your boss?

22 [REDACTED] No. Part of what we do day in and day
23 out, every time I launch or not -- no launch a flight

1 is a risk assessment. And I go through things that I
2 mentioned earlier, the aircraft, the crew, the
3 environment, the external factors on every flight. And
4 then there's a face to face discussion when, whenever
5 possible to discuss what the risks are versus the
6 reward. And if my pilots tell me this -- I'm
7 uncomfortable with it or the risks don't justify the
8 reward on this, we will stand down. I'm not going to
9 put my pilots in a position where they're out at night,
10 under goggles, in the mountain with hazardous weather
11 looking for an individual that we could potentially
12 look for the next day or we could potentially bring out
13 an aircraft from another sector that has better
14 capabilities or I could bring on a pilot that has more
15 rest and is more familiar with that area. You know, I
16 don't want to complicate or make a bad situation worse.

17 I'm a pilot by trade. I've been flying since '92.
18 I wouldn't want to be put in that position. I'm not
19 going to put my pilots in that position and I certainly
20 wouldn't want to have to answer to their spouses why I
21 sent those guys out there and caused, you know,
22 additional harm or damage or a fatality haphazardly.

23 SPECIAL AGENT ██████████ Completely understood. Do

1 you have anything additional, [REDACTED]

2 SPECIAL AGENT [REDACTED] I don't think so.

3 SPECIAL AGENT [REDACTED] [REDACTED] thank you for your
4 time.

5 [REDACTED] Yeah.

6 SPECIAL AGENT [REDACTED] Is there anything that we
7 haven't asked you as it surrounds these types of
8 incidents that you think is important to mention?

9 [REDACTED] Hold on, hold on. Can you hold that
10 thought for just a second?

11 SPECIAL AGENT [REDACTED] Absolutely.

12 [REDACTED] Never mind, never mind.

13 SPECIAL AGENT [REDACTED] If you need to do something,
14 do it.

15 [REDACTED] No. Let me just think here for a
16 moment. So I wasn't sure what you guys were going to
17 ask when you first got here. I was a little anxious
18 about it, but I kind of see, you know, just based on
19 the questions and the information that's being provided
20 kind of what, what [REDACTED]s getting at, and I disagree
21 with his assessment. I've -- I am the senior most guy
22 here. I'd like to think I'm impartial. I've been a
23 supervisor. I've been a pilot. I've done everything,

1 you know, from protecting the Pope to the president, to
2 saving lives out there in the field and I take my job
3 very serious.

4 I don't see what [REDACTED]s seeing. I just don't. And
5 I've had that conversation with [REDACTED] you know, prior to
6 all of this stuff coming down the pipe. Deming had a
7 couple pilots out there back in the day when I was just
8 a young buck learning how to fly and I worked out there
9 often. I knew that area better than I knew El Paso and
10 I knew the pilots. They took me under their wing, they
11 taught me a lot and [REDACTED] moved into that, that office,
12 that location and I afforded him the same respect. I
13 taught him and shared with him as much as I could
14 because I liked that office. I still do. I always
15 felt like, you know, I was like their advocate to help
16 them get whatever they needed from batteries to
17 aircraft to uniform items so that they didn't feel like
18 they were left out.

19 But I think just due to the geographic location,
20 they always felt like because they weren't here that
21 they weren't -- they felt like the red-headed
22 stepchildren. But that certainly wasn't the case for
23 me, but I can't -- you know, I can't -- as much as I

1 tell him, hey, there's no love lost between us, I can't
2 make them believe it if one of them thinks that he's
3 being singled out for whatever reasons. But I don't
4 believe that's been the case as long as [REDACTED] has been
5 there up until just recently. And so I've been hearing
6 from [REDACTED] you know, things like "they're out to get me"
7 and "this is unfair" and you know, "I don't know who I
8 pissed off." And I'm like [REDACTED] I don't see it. I
9 don't see it.

10 Going back to [REDACTED] incident. The first thing
11 [REDACTED] said when he got here was man, boy, did I
12 mess up. He admitted that he had, you know, violated
13 an air space. He wrote -- and he was very cooperative.
14 [REDACTED] if you don't know [REDACTED] I'm assuming you
15 talked to him, but he's in charge of safety. He's an
16 instructor, an IP, an -- this guy takes his job very
17 serious. Not flippant at all. And he owned up to
18 everything he did out there the day of that accident --
19 or that incident and he shared everything I asked for
20 him when we put that together. And then within a week
21 or two, [REDACTED] started launching these oh, they're trying
22 to get me, they're trying -- I'm like, that's not the
23 case, [REDACTED]. But he was just convinced of it and has

1 been ever since and it's kind of a groan. You know, I
2 was a little surprised to see kind of -- some of the
3 things that you guys have presented today, but that
4 disdain that he had and all the angst against [REDACTED]
5 and then all the other directors that have come in
6 since then has grown into now, you know, this that I'm
7 having to deal and answer these questions on these
8 incidences that have taken place. And it's framed in
9 such a manner that now I'm having to go back and go
10 holy crap, what -- when did that come about and why,
11 you know, wasn't I made aware of that? Or -- and
12 that's the result and that's what he thought brought
13 about those circumstances or these people, you know,
14 dying out in the desert? Never have I been accused or
15 impugned in the way that he's proposing.

16 So again, it seems a little personal now and I'm
17 going to try to gather the facts because I believe once
18 I get all the pieces of this puzzle, I will, you know,
19 be able to come back and say this is why we did what we
20 did when we did it. And it's not going to look like
21 what Joe is proposing.

22 I always tell my, my subordinates don't, don't let
23 your feelings get in the way of a good decision, it

1 clouds your judgment. You know, in our business we're
2 flying multi-million dollar aircraft. We're literally
3 saving lives and we're putting everything on the line
4 as far as my pilots go when we do that and I don't take
5 it lightly. I don't.

6 So when [REDACTED] makes these types of accusations, it, it
7 bothers me, but I, I will, I will get the answers you
8 guys are looking for and hopefully it makes a little
9 more sense with, with a little more scrutiny.

10 SPECIAL AGENT [REDACTED] Perfect. Thank you for
11 that.

12 SPECIAL AGENT [REDACTED] Absolutely. Yeah.

13 SPECIAL AGENT [REDACTED] Anything else, [REDACTED]

14 SPECIAL AGENT [REDACTED] No.

15 [REDACTED] Sorry I got a little long-winded there
16 but --

17 SPECIAL AGENT [REDACTED] No, that's, that's okay.
18 You, you deserve the right to respond because they're
19 serious allegations and you deserve that right.

20 [REDACTED] Yeah. And up until now, that -- this
21 is all new, you know, a lot of this is new to me. This
22 is all being kind of dug up out of the grave, so to
23 speak, and thrown back at me.

1 SPECIAL AGENT ██████ Completely understand. Okay.
2 So would you like the right or the opportunity to
3 review this recording in whole or in part to ensure
4 that it was properly recorded?

5 ██████████ I think so, yeah.

6 SPECIAL AGENT ██████ You want a copy of it is what
7 you're saying?

8 ██████████ Yes, please, yeah.

9 SPECIAL AGENT ██████ Okay. Once we're done, I'll
10 have to share it probably One Drive. It won't be
11 today, but I -- I will share it with you One Drive
12 because I believe we're at -- we're in a couple hours
13 here, so this baby's going to be a few gigs. But I'll
14 do it via One Drive, okay?

15 ██████████ Okay.

16 SPECIAL AGENT ██████ But you don't want to review
17 it now, right?

18 ██████████ No, I don't have to review it now, but
19 I'd like to go back to --

20 SPECIAL AGENT ██████ And get a copy of it, sure.
21 Completely understand.

22 SPECIAL AGENT ██████ We'll get that to you.

23 SPECIAL AGENT ██████ Okay. This concludes the

1 interview of Supervisory Air Interdiction Agent [REDACTED]
2 [REDACTED] The time is now 8:23 p.m. Eastern Standard Time
3 and the date is still February 11, 2020.
4 (Whereupon, the interview was concluded at 8:23
5 p.m.)
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C E R T I F I C A T E

I, [REDACTED] do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 17th day of March, 2021.

[REDACTED]

Supplemental Report

DI-20-001009

Exhibit 12

[REDACTED] (OPR)

From: [REDACTED], [REDACTED] S
Sent: Friday, February 19, 2021 1:34 PM
To: [REDACTED] (OPR); [REDACTED] (OPR)
Subject: RE: SAIA [REDACTED]
Attachments: [REDACTED] Additional Info.docx; [REDACTED] August 17 2020.pdf; [REDACTED] August 4 2020.pdf; [REDACTED] July 14 2020.pdf; [REDACTED] July 15 2020 2 of 2.pdf; [REDACTED] July 15 2020 1 of 2.pdf; [REDACTED] June 18 2020 1 of 2.pdf; [REDACTED] June 18 2020 2 of 2.pdf; [REDACTED] July 8 2020.pdf; Hachita 12 miles.png
Follow Up Flag: Flag for follow up
Flag Status: Flagged
Categories: Orange Category

Hello Gentlemen,

I have numerous attachments that I may end up sending over many emails. Most of the attachments are extra forms that you may have not seen previously. Included is a short narrative concerning the events and accusations that took place as discussed.

Thank you,

Good evening Mr. [REDACTED] and Mr. [REDACTED]

It's been a long week as you can imagine. I've spent most of my days reviewing the issues brought to my attention and trying to gather additional data to support my actions from last year. I've decided to break these down by event from the most recent to the oldest. Afterwards I will summarize what I believe to be an accurate and just cause for my decisions and the counter argument to what Mr. [REDACTED] is alleging.

Attached are some additional documents to support my claims.

Let me preface this with a couple of observations and some questions:

As you may be aware the El Paso Air Branch has the largest area of responsibility of any branch or unit in all of AMO. We have nearly 800 miles of linear border. Our area of responsibility covers about a third of Arizona, the entire state of New Mexico, Oklahoma and the western third of Texas. At the time that these observations were made I was the Command Duty Officer (CDO) and also the Clearance Authority (CA) for the Alpine Air Unit, the Deming Air Unit and the El Paso Air Branch. I did this for at least 5-6 days a week. Launching aircraft and crews from 0430 and recovering the last aircraft and crews around 2300. We had at that time approximately 35 6C agents between the three offices.

For the majority of the times referenced, the AMAP had as our and BP priorities the following in order of priority:

- 1 El Paso Air Branch to Santa Teresa
- 2 El Paso Air Branch to Stand by El Paso H.S.I. intelligence
- 3 Deming Air Unit to Arizona Focus Area 3
- 4 Alpine Air Unit to Big Bend Sector
- 5 El Paso Air Branch to El Paso Sector West
- 6 El Paso Air Branch to El Paso Sector East
- 7 National Airspace and Security Operations Center to El Paso Sector West
- 8 National Guard to Ysleta, TX
- 9 DOD to Santa Teresa

On Tuesdays and Thursdays Deming and Lordsburg were Priority Number 5.

Questions that I pose:

What is [REDACTED] alleging is the motivation for my and or our decisions concerning the reported incidents and his units?

Why was [REDACTED] not making go no go decisions himself for his unit under his command as CDO or CA?

If [REDACTED] had information that qualified as emergent or unsafe why did he stand by and allow those perceived hazards to persist?

The official systems of records do not always corroborate [REDACTED] personal notes and records, why did he interject false information?

Does [REDACTED] have other reasons to cast aspersions, other than what he is alleging?

What has been the history of the decision makers at the El Paso Air Branch in regards to the service provided to our partner agencies?

August 17, 2020

Claim: ██████ claimed that because he did not have AStar 3946A he could not respond to a distress call and subsequently a suspect unidentified alien died. He claimed that this was done out of "retaliation" towards the Deming Air Unit. And that had he had this aircraft the crisis would have been averted.

Reference: Packet labeled Aug. 18, 2020

Additional Information: ██████ claimed the first request for air support was at 1526. This is false. The reference he made to the 15:26 time frame actually came a day later (the 18th) and had no relevance for the same incident. Second, he claimed the aircraft showed as available which it did at 0630 the morning of the 17th. The aircraft was not available that afternoon because it was written up later that day and became unserviceable due to a serious hydraulic issue. To claim that if the Deming air unit had that aircraft he wouldn't have experienced the same problem is speculation. Additionally, the Deming Air Unit was scheduled for day shift work that day. They may not have been available assuming they would have been called in to work outside their normal shift. That is not normal. That was the only Astar available and the only aircraft Deming could have flown and it was down.

August 4, 2020

Claim: Aircraft was in an unairworthy state and should not have been flown from Deming to El Paso. And Deming did not receive a replacement aircraft out of spite and were threatened when they questioned the proposal.

Reference: Packet labeled Aug. 4, 2020

Additional Information: ██████ was part of the decision making process and was included in all emails concerning the movement of this aircraft. No less than a half of a dozen people were included in this decision to include the Director, Deputy Director, Supervisor of Maintenance, CDO, Safety Officer and the crew. At any time if anyone felt that this shouldn't have happened it wouldn't have. Additionally, I have never heard it said that if I didn't do something that I thought was unsafe concerning aircraft that I would be threatened with punishment. Lastly, the aircraft was in an airworthy condition based on the findings of the mechanic who was extremely meticulous in his bookwork and calculations. But even if it weren't CBP aircraft are "Public Use" aircraft and as such, are not restricted or required to obtain a "ferry permit" as ██████ stated.

July 15, 2020

Claim: ██████ asserts that because the Deming Air Unit didn't launch on a distressed call the subject died.

Reference: Packet labeled July 15, 2020

Additional Information: From the time that the call came in, until the individual was found, was five days. Information was withheld or unknown to AMO for the first three days. From the time of the initial request until the day the subject was found the El Paso Air Branch flew 13.7 hours in the area of the recovered individual. 9.7 hours specifically in direct support of the Deming, Lordsburg Border Patrol this

does not include an additional 7 hours of availability provided by New Mexico National Guard. Border Patrol did not have specifics on the whereabouts of this individual and stated so in [REDACTED] document. As with all requests for assistance I took into consideration these facts; The individual had a cell phone which could allow him to call for a pick up or help, the individual was as he stated, near the highway. Which indicates he could be picked up or helped as he was accessible. He was near a town by his own description, again accessible. The information on his whereabouts was three days old, in order for intel to be "actionable" it needs to be relevant and timely. Lastly, Border Patrol had spent time and effort looking and came up empty handed. During the 13.7 hours we were available if they had relevant information to share, any leads they would have requested and our agents would have responded. Finally, the individual was found approximately 12 miles from Hachita. To provide some perspective, a search pattern only one mile north and south of Hwy 9 and 12 miles east and west from Hachita would have been about 48 square miles of terrain. Expanding that to 2 miles north and south would result in 96 square miles to search. For [REDACTED] to imply that had his agents been there, this would have been averted again is speculation.

July 14, 2020

Claim: The Deming Air Unit was not launched and consequently an individual died.

Reference: Packet labeled July 14, 2020

Additional Information: First call came in at approximately 2200 on July 13th. El Paso Air Branch to include the Deming Air Unit did not have anyone scheduled for that time of night. The next morning there was no new or follow up request for air support until 1248 on the 14th of July. There was a crew on duty in El Paso then and they had a competing call for a "alien in distress" in the opposite direction near Sierra Blanca, TX. In the original call from the first alien in distress they mention that the subject may be deceased. As they state, "The unidentified person had taken some pills and had been possibly hallucinating and collapsed sometime earlier in the morning." That is on the 13th. Furthermore, they stated that "there would be clothes and a back-pack near the subject to help locate the subject." I questioned, how would they know that the backpack and clothes would be where they left this individual if he weren't already dead? If he were alive then wouldn't he or couldn't he move from that location with his belongings. The consensus was that he was dead, and they were trying to recover not rescue the individual. Hence the decision to fly east to assist with an alien in "distress" and not the deceased. Additionally, the statement [REDACTED] makes that the request was denied at 0725 on the 14th of July was not in response to a request but merely a canned statement they put in numerous reports as shown in the packet on July 7 and 8. The only request for assistance on the 14th was at 1248.

July 8, 2020

Claim: The Deming Air Unit was not launched and consequently an individual died. [REDACTED] further claimed that DAO [REDACTED] "purposely endangered the public" was "reckless", intentionally inactive, and "consciously disregarded a substantial and unjustified risk" to cause death.

Reference: Packet labeled July 8, 2020

Additional Information: The original call came in and was being worked by Deming Border Patrol on the 8th of July. They apparently apprehended a group of aliens associated with the lost subject at 0631 that morning 12 miles south of Interstate 10. The subject then claimed he left the group and walked an hour

from that location. He was found 13 miles from the group's apprehension location, one mile north of Interstate 10. He stated that he didn't recall crossing any paved highways. If Border Patrol needed help on the 8th, the El Paso Air Branch had three aircraft up from approximately 0830 until 1117, the Deming Air Unit from 0700 until 1205 and El Paso again from 2055 until 0142. No requests for assistance were received. The 9th of July was a scheduled no launch day due to over execution of flight hours. When the call was received by Deming Border Patrol there was never any indication that the subject was in need of any medical assistance, he wasn't bleeding, broken, he did not indicate that he was out of water, food or medicine. As such, they did not indicate that it was an emergency. Las Cruces Central Dispatch were able to ping his phone and placed it a mile off of Interstate 10 and BP units were in the area.

June 18, 2020

Claim: The Deming Air Unit was not launched despite numerous requests for air support which showed a complete disregard to the safety and well being of fellow agents in need of emergency medical care.

Reference: Packet labeled June 18, 2020

Additional Information: ██████ stated that at 0730 LAS BP requested air support for a failure to yield. He further claimed that after BP agents crashed their vehicles, they again called for air support for the injured agents. He then stated that DAO ██████ and CDO ██████ denied the launch of Deming's aircraft to assist with this "medical emergency" involving "BP Agents needing to go to the hospital". He then references the TSM report and the SIR. Neither of which indicate anywhere a call for air support. I pulled up our system of record duty log and did not find any request for air support. Finally, I had BP dispatch pull the audio tapes from the day of the event on multiple frequencies and they confirmed that no one at any time called for air support in fact they declined air support when it was offered. What ██████ put in his report was an absolute misrepresentation of the facts. I do remember the call and the day specifically. ██████ had wanted to get involved as they weren't flying much and he was very excited to help out but he was never invited. Additionally, the agents were not in any life-threatening situation. The agents were surrounded by help. They were accessible and only minutes from the hospital. Lastly, an ambulance with properly trained and equipped personnel was enroute. Both of which the Deming Air Unit does not posses.

June 8, 2020 *NO ATTACHMENT*

Claim: The Deming Air Unit was not launched and consequently a terrorist group entered the United States.

Additional Information: Lordsburg requested air support for what ██████ is calling a "special interest group", aliens using "extraordinary techniques" to conceal their travel through the mountains. I believe they used a portable leaf blower to conceal the footprints. This would not be the first time that this has happed in my experience. Attaching carpet or sponges to the soles of their shoes, using brooms to brush out their foot sign, rolling across the roads so as not to leave foot prints and attaching wooden cow hooves to their shoes to blend in with animal traffic are all common techniques used by smugglers and immigrants to avoid detection. To state that this wasn't ordinary, "potentially" a terrorist group, "could present" a danger, a "specific" danger to the USA is purely speculative and could be said of many groups. This type of language is being used in my opinion to drum up an emotional response to further his ambition of spreading calumny against the El Paso Air Branch's leadership in particular myself and DAO ██████

June 3, 2020

No Attachment

Claim: That I was forced to hand over my responsibilities as CDO/CA to SAIA [REDACTED] so that [REDACTED] with malicious intent could control the missions at the Deming Air Unit.

Additional Information: This is simple to discredit in that it is an operational policy that according to the Aviation Operations Handbook section 3.3.2 Clearance and Risk Assessment A, 8) "The CA must not participate in a mission as a crewmember when acting as the CDO." Simply put, I cannot fly and be the CA at the same time. Being as I was scheduled to and flying that morning, I turned those responsibilities over to SAIA [REDACTED] who was on schedule that morning until I returned.

I believe the information I provided will help you to better assess and see the entire picture of what was only partially shown to you. I believe [REDACTED] is angry about something and is grabbing on to and pulling under, similar to a drowning victim, anyone who got close to him. I refuse to allow my character, my morals and good intentions to be turned into malicious, spiteful and vindictive behavior at the cost of human lives. These actions are completely out of character for any of us in this agency much less El Paso. To imply such is ludicrous.

As a supervisor, clearance authority and command duty officer I have to make decisions taking into account aircraft, maintenance, capability, aircrew, aircrew capability, limitations, qualifications, weather, environment, other external factors, budget, Border Patrol priorities and sustainability. I CAN NOT launch on every request that comes into my office. I can not. I do not have the resources to do this. Therefore, I must manage what I do have and that means that I have to determine to the best of my ability given the information available at the time of the decision, when to launch and when not to launch. I wish I were 100% right every time, but that will never be the case. But for [REDACTED] to Monday morning quarterback, cherry pick and speculate on what he could have accomplished if only he were flying and we weren't viciously punishing him, is despicable. I suppose that [REDACTED] could just as easily pick occasions where we did launch and came back empty handed and claim fraud, waste and abuse. The decisions I made were professional and not personal. I don't know why [REDACTED] thinks otherwise.

I will continue to make these decisions to the best of my ability with the help of God; and I pray that no more lives are lost, no more criminals enter or get away, and that not one of my agents gets hurt while trying to protect the United States. That is what I have sworn to do.

Denied Requests: August 17, 2020 Air support not available for Alien in distress call SW of Deming, NM.

The screenshot shows a chat window titled "BIGPIPE" with a timestamp of 09:36 PT. The chat interface includes a top navigation bar with "Chat", "Tools", and "Help". Below this is a list of group members: Tech Support, ALA, ANM TCN, DNM, EPS, EPT IOC, EPT SOD, FBN, FHT, LAS, LOB, STN, YST, Sas Event, Tucson, and Big Bend. The chat history shows several messages, many of which are redacted with black boxes. A message at the bottom of the chat is circled in red and contains the text: "Is there still air support in the [redacted] area? Request available today 19:43". To the right of the chat is a user profile card for "Me" with status "Available", "My Role", "Message Sound" set to "ping", and "Message Color" set to "black". A large black redaction box covers the bottom right portion of the chat area.

August 17, 2020

Request for air support originally came in at 15:26. First 911 call from this group being track was over 4 hours later at 19:43. If the unit had responded to the first call there is a good possibility the group would have been apprehended, adverting the emergency medical condition and subsequent fatality.

Handwritten notes: 2/11/2020



[Redacted Name]

(CTR)

A.M. - Aircraft Status

[Redacted Section]

Aircraft [Redacted] xls
20 KB

Deming

AS350 None

El Paso

AS350 3946A 100 Hr. ICA's / 54.0 150 Hr. / 104.0

UH-60A- 23350 40-120-PMI / 25.9

Single 243DR 50 Hr. / 41.6 100 Hr. / 40.6 Annual / 167 days

Alpine

AS350 848BP 100 Hr. ICA's / 88.7 150 Hr. / 38.7

[Redacted]

Maintenance Supervisor
PAE Aviation and Technical Services, LLC
Supporting the El Paso Texas Air & Marine Operations

[Redacted]



014 Maintenance Record

Work Order: 3946A-2020-R-0030-0001

| 048 Maintenance Site | 048 Status | 048 Discovered Date | When Discovered |
|----------------------|------------|---------------------|-----------------|
| El Paso Air Branch | X | 08/17/2020 | PREFLIGHT |

Air Branch/Unit: El Paso Air Branch Discovered Date: 08/17/2020

Discovered by: (First/Last) Flight Crew Flight Hours: 6045.5

ATA Code: 290000 Hydraulic Power System Status: X

Inspection Task#: Repeat Discrepancy #:

JCN Description: During run-up when warn/fire test was selected all cautions: advisories illuminated. After release of switch Hyd2 #28 on CL was not present. PIC tested switch again : Hyd2 would display, but once released Hyd2 was not on CWP as required per #28 on CL.

IP Inspection Description:

IP Inspected By:

Malfunction Code: Due Service/Maintenance

Action Taken Code: Removed and Replaced

Maintenance Action: Removed L/H and R/H pressure switches P/N 704A37721118 S/N 1660 and S/N 1565 respectively. Replaced L/H and R/H pressure switches with new P/N 704A37721118 S/N 4764 and S/N 4740 respectively. Replaced the electrical connection harness on the L/H and R/H. No defects detected at this time.

The Maintenance Action involves a Required Inspection Item per SOI TS-CBP-9008 Rev. 10 Yes No

Date Corrective Action Completed: Acft/Equip Hours:

08/19/2020

6045.5

FOD/Tool Check Complete:

Work Performed By: [REDACTED]

Inspected By: [REDACTED]

The Inspector certifies the aircraft/article is airworthy with respect to the maintenance, preventive maintenance, or alterations listed and performed under the privileges of FAA Part 145 when a CRS Number has been provided.

~~For Official Use Only~~

Print)

Flight Type
AS350/H-125 - AIR

Activity
2946A (ELP)

Created By
10/21/2014 10:11:46

Capabilities

EMT HRST HO-ST HSL ACR ADF

Crew Information

Edit Delete Name

  [REDACTED]
  [REDACTED]

Role

PILOT IN COMMAND (PIC)

TACTICAL FLIGHT OFFICER (TFO)

Launch/No Launch

Flight Status: PA

LAUNCH

NO LAUNCH

Attachments

Click to
Select File(s)



Coordinated Operation With

Coordinated Operation With

YES

NO

Coordinated Operation With

YES

NO

ETD is made based on historical file upload

YES

NO

ETD can be approved in mission

YES

NO

ETD can be scheduled in mission

YES

NO

No Launch Reasons

Edit Delete Primary Category



ASSET

Sub-Category

MAINTENANCE-AIRCRAFT VESSEL

Justification

Hard Red X - Issue

[08-16 22:22:43] [REDACTED] (80A) STN 3 assist 10-15 8.

[08-16 23:34:57] [REDACTED] AEA [REDACTED] and AIA [REDACTED] DAH, Approved by [REDACTED]

[08-17 05:05:57] [REDACTED] AIA [REDACTED] and AEA [REDACTED] on duty

[08-17 05:09:51] [REDACTED] [REDACTED] DAU 0500 shift: [REDACTED], [REDACTED], [REDACTED]

[08-17 05:21:29] [REDACTED] AEA [REDACTED] on duty

[08-17 05:27:16] [REDACTED] 0525 (46A) 10-8. AIA [REDACTED] / AEA [REDACTED]

[08-17 07:00:29] [REDACTED] 0700 (3DR) 10-8. AIA [REDACTED]

[08-17 08:12:21] [REDACTED] 0753 (46A) 10-7 ELP. 2.6 FLT HRS. 5 Assists; 12 TBs; 18 x 10-15s.

[08-17 10:00:04] [REDACTED] 0952 (3DR) 10-7 ELP. 3.0 FLT HRS.

[08-17 10:27:27] [REDACTED], [REDACTED] and [REDACTED] DAH per CDO.

[08-17 11:26:00] [REDACTED] DAH per CDO [REDACTED]

[08-17 11:49:37] [REDACTED] AIA [REDACTED] on duty

[08-17 11:56:37] [REDACTED], [REDACTED], [REDACTED] and [REDACTED] DAH per CDO

[08-17 12:22:08] [REDACTED] AIA [REDACTED] DAH per CDO.

[08-17 13:06:08] [REDACTED] 8BP 10-8 [REDACTED] 10-3 to assist MRS BP agents

[08-17 13:06:55] [REDACTED] 1030 8BP 10-7 Alpine. No results. 1.2 hours

[08-17 13:08:57] [REDACTED] 1100 8BP 10-8 [REDACTED] 10-13 to Lajitas for repeater maintenance.

[08-17 13:09:35] [REDACTED] 1330 8BP 10-7

[08-17 14:23:18] [REDACTED]: [REDACTED] contacted ELP with request for support, Search and Rescue of 3 x suspected non USC at location 30.712 066, -104.804 592. Alpine Air Unit will respond with evening crew per CDO.

[08-17 18:16:09] [REDACTED] DAH per CDO

[08-17 18:19:40] [REDACTED] DAH per CDO SAIA [REDACTED]

[08-17 21:39:11] [REDACTED] Omaha 8BP 10-7 Alpine, 1.1 hours NVG currency.

[08-18 00:28:06] [REDACTED]: AEA [REDACTED] and AIA [REDACTED] DAH.

[08-18 00:28:49] [REDACTED]: SAIA [REDACTED] DAH.

[08-18 04:57:25] [REDACTED] AIA [REDACTED] assumed ODO duty

[08-18 05:19:31] [REDACTED] DAU 0500 shift: [REDACTED], [REDACTED], [REDACTED]

[08-18 05:28:03] [REDACTED] (El Paso Duty Log/ODO): 46A down for maintenance UFN 0600 launch cnx

[08-18 05:53:16] [REDACTED] AEA [REDACTED] on duty

[08-18 05:58:26] [REDACTED] on Duty

[08-18 06:00:06] [REDACTED] AIA [REDACTED] on duty.

August 17, 2020 Fatality

Name: [REDACTED]

COB/COC: Ecuador/Ecuador

DOB: [REDACTED] (37 y/o)

Ecuador Passport #: [REDACTED]

DAO [REDACTED] prevented the Deming Air Unit from responding to the emergency air support request through his retaliation and removal of all aircraft from the Deming Air Unit. If there would have been an aircraft the unit would have been able to respond.

August 4, 2020

3

[REDACTED]

From: [REDACTED], [REDACTED] S
Sent: Tuesday, August 4, 2020 10:54 AM
To: 1 ELP AIR - SUPS; [REDACTED]
Cc: [REDACTED]
Subject: 1 Time Ferry Flight

ALCON:

As per our previous discussion, the director, deputy director, supervisor maintenance, CDO, safety officer and the crew of the aircraft in question have all agreed that the one time ferry flight to El Paso has been discussed, the risks have been considered and accepted the flight will take place at approximately 1130. [REDACTED] please send me your risk and call me for clearance prior to departure. I will make arrangements to return you to Deming.

Thank you,

[REDACTED]

SUPERVISOR AIR INTERDICTION AGENT
OPERATIONS SUPERVISOR, RECRUITER
EL PASO AIR BRANCH
6812 NORTHROP RD, EL PASO, TX 79925
DHS, CBP, AIR AND MARINE OPERATIONS

[REDACTED] CELL
[REDACTED] OFFICE

[REDACTED]



FIVE YEARS IN A ROW!

Short answer: public (federal or state government) aircraft operations *can* be exempt - but aren't always - from most FAA regulations, provided they're non-commercial operations. Any regulation that specifically applies to a "civil aircraft" doesn't apply to a public aircraft operation.

First, some definitions from [14 CFR 1.1](#):

Civil aircraft means aircraft other than public aircraft.

Public aircraft means any of the following aircraft [...]

The definition of "public aircraft" basically comes down to 'any aircraft the government owns or has a long-term lease on'. That potentially covers everything from Air Force One down to the [Podunk](#) Sheriff Department's C172. With that in mind, a lot of regulations apply only to civil aircraft, e.g. [14 CFR 61.3](#) requires a pilot's certificate to operate an aircraft (emphasis mine):

(a) *Required pilot certificate for operating a civil aircraft of the United States.* No person may serve as a required pilot flight crewmember of a civil aircraft of the United States, unless that person:

So 61.3 doesn't apply to public aircraft. Similarly, [91 203](#) requires an airworthiness certificate for civil aircraft only (emphasis mine):

[...] no person may operate a civil aircraft unless it has within it the following:

(1) An appropriate and current airworthiness certificate

As for maintenance, part 43 only applies if an aircraft has that certificate, per [43.1](#):

this part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any—

(1) Aircraft having a U.S. airworthiness certificate;

In other words, if your aircraft is public use then you don't need a pilot's certificate to fly it, you don't need an airworthiness certificate, and therefore you don't need maintenance! See also 91.7, 91.9 and many other regulations that only apply to "civil aircraft".

Whether or not a specific flight is a public aircraft operation (PAO) or not is explained in [AC 00-1.1A, Public Aircraft Operations](#). Pages 10 and 11 have flowcharts for determining whether a flight is a PAO but to simplify, if the aircraft is owned by the government and the flight isn't for commercial purposes (also defined in the AC) then it's a PAO. And that means many regulations don't apply to them:

July 15, 2020

6
182

El Paso Duty Log - 07/17/2020 05:46:31 (UTC)

[07-15 11:58:58] [REDACTED] [07-15 04:58:57] [REDACTED] [REDACTED] DAU 0500 shift: [REDACTED] [REDACTED]
[REDACTED] / STBY-no flights scheduled-Emergency only.

[07-15 05:56:17] [REDACTED] AIA [REDACTED], AEA [REDACTED] and [REDACTED] on duty

[07-15 06:00:11] [REDACTED] AEA [REDACTED] on duty

[07-15 06:13:06] [REDACTED] (0600) AIA [REDACTED] on duty

[07-15 07:30:22] [REDACTED] (El Paso Duty Log/AEA): (4BP) 1.9 APE COMPLETE [REDACTED] [REDACTED]

[07-15 10:06:11] [REDACTED] [REDACTED] AIA [REDACTED] DAH per CDO [REDACTED]

[07-15 10:12:46] [REDACTED] [REDACTED] (80A) 10-8 ELP [REDACTED] BP Memorial

[07-15 10:43:52] [REDACTED] [REDACTED] (80A) 10-7 ELP

[07-15 11:24:29] [REDACTED] [REDACTED] [REDACTED] DAH until 1400 per CDO [REDACTED]

[07-15 11:56:57] [REDACTED] [REDACTED] and [REDACTED] on duty.

[07-15 12:01:25] [REDACTED] DAH per CDO [REDACTED]

[07-15 12:03:08] [REDACTED] AIA [REDACTED] on duty.

[07-15 12:06:46] [REDACTED] AEA [REDACTED] DAH per CDO [REDACTED]

[07-15 12:12:43] [REDACTED] AIA [REDACTED] and AEA [REDACTED] DAH per CDO

[07-15 13:13:28] [REDACTED] 1312 hrs [REDACTED] DAH per CDO [REDACTED]

[07-15 17:52:01] [REDACTED] (80A) [REDACTED] 0.8 hrs., Memorial fly over.

[07-15 17:56:50] [REDACTED] AIA [REDACTED] [REDACTED] AIA [REDACTED] [REDACTED] AIA [REDACTED] [REDACTED] AEA [REDACTED] [REDACTED]

[07-15 18:47:17] [REDACTED] [REDACTED] DAH [REDACTED]

[07-16 04:59:57] [REDACTED] DAU 0500 shift [REDACTED] [REDACTED] [REDACTED]

[07-16 05:21:10] [REDACTED]: AIA [REDACTED] on duty

[07-16 05:53:48] [REDACTED] [REDACTED] on duty

[07-16 06:04:44] [REDACTED] AEA [REDACTED] on duty

[07-16 06:32:35] [REDACTED] (80A) 10-8 [REDACTED] OPR [REDACTED] Support to LOB.

[07-16 07:47:12] [REDACTED] 9US 10-8 [REDACTED] PATROL.

[07-16 10:04:12] [REDACTED] 80A 10-7 ELP.

[07-16 10:30:32] [REDACTED] 80A 3.4 HRS OPR MISSION LOB.

[07-16 10:47:46] [REDACTED] [REDACTED] OBP will be 10-8 @ 1200. [REDACTED] [REDACTED] [REDACTED] [REDACTED] 10-13 to assist VHT agents.

[07-16 11:27:34] [REDACTED] AIA [REDACTED] [REDACTED] DAH per CDO

[07-16 11:37:27] [REDACTED] [REDACTED] [REDACTED] DAH until 1400 per

[07-16 11:37:42] [REDACTED] CDO [REDACTED]
[07-16 11:48:17] [REDACTED] EPAB copies LOB request for agent in distress is being supported by Coyote unit, LOB Supervisor has cancelled AMO response.
[07-16 11:49:29] [REDACTED] AIA [REDACTED] DAH [REDACTED] per CDO
[07-16 11:51:55] [REDACTED] AIA [REDACTED] on duty.
[07-16 12:24:39] [REDACTED] DAH @ 1230: [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[07-16 12:45:10] [REDACTED] AIA [REDACTED] on duty @1200L
[07-16 13:25:23] [REDACTED] AEA [REDACTED] DAH per CDO [REDACTED]
[07-16 13:46:56] [REDACTED] (9US) 10-7 at EPAB.
[07-16 14:17:06] [REDACTED] AIA [REDACTED] / AEA [REDACTED] 6.3 hrs., 1 assist LOB with 6 App's.
[07-16 17:47:57] [REDACTED] Omaha OBP 4.9 hours assist [REDACTED] 1 app
[07-16 17:52:12] [REDACTED] AIA [REDACTED] DAH per CDO [REDACTED]
[07-16 20:26:17] [REDACTED] 2026 (80A) 10-8 ELP, AIA [REDACTED] and SAM [REDACTED]
[07-16 22:25:29] [REDACTED] (80A) 10-7 ELP
[07-16 22:45:04] [REDACTED] (80A) 2.0 hrs, 1 assist LAS 10-15X7.

El Paso Duty Log - 07/18/2020 05:55:17 (UTC)

- [07-17 05:00:16] [REDACTED] DAU 0500 [REDACTED]
- [07-17 07:05:28] [REDACTED] DAU 7BP 10-8 [REDACTED] FA3 Patrol
- [07-17 08:49:38] [REDACTED] on duty at 0600
- [07-17 08:50:19] [REDACTED] 809US 10-8 [REDACTED] @ 0738
- [07-17 08:51:26] [REDACTED] 3946A 10-8 [REDACTED] and PAE post 600 hour maintenance flights 0748
- [07-17 08:53:12] [REDACTED] B100 calling for assistance on a suspect UDA in distress. awaiting location details, and aircraft response from Alpine.
- [07-17 09:12:50] [REDACTED] Alpine unit has been advised. they are awaiting additional details before launching.
- [07-17 09:23:42] [REDACTED] 9US received grids for a possible group near monument 39 and 40
- [07-17 09:40:29] [REDACTED] (OBP) 10-8 Alpine, 10-13 VHT AOR. [REDACTED]
- [07-17 11:16:48] [REDACTED] 9US 10-7 1107 EPAB Mission Complete.
- [07-17 11:52:37] [REDACTED] (9US) 4.0 hrs 1 assist DMN Neg results ←
- [07-17 12:04:00] [REDACTED] (OBP) 10-7 Alpine, 1.5 hrs. located and assisted one individual in distress VHT AOR. [REDACTED]
- [07-17 12:09:03] [REDACTED] and [REDACTED] on duty @ 1200L
- [07-17 12:25:02] [REDACTED]: (7BP) 10-7 @ DAU.
- [07-17 12:28:23] [REDACTED] DAH as per CDO [REDACTED]
- [07-17 14:02:04] [REDACTED] 1334 hrs ELP (80A) [REDACTED] Pax [REDACTED] 10-13 to LAS
- [07-17 15:48:20] [REDACTED] 1547 hrs. ELP (80A) 10-7 EPAB
- [07-17 16:33:47] [REDACTED] 2.4 hrs. NSTR
- [07-17 17:54:40] [REDACTED] DAH per CDO [REDACTED]
- [07-17 18:30:42] [REDACTED] 1830 hrs. [REDACTED] DAH per CDO [REDACTED]
- [07-17 19:36:46] [REDACTED] 1934 (80A) 10-8 ELP. AIA [REDACTED] and SAM [REDACTED]
- [07-17 22:01:28] [REDACTED] 2201 (80A) 10-7 ELP.



FLIGHT RECORD/AIRCRAFT FLIGHT LOG

CASE # TARGET # AOR # INCIDENT REPORT: YES [] OVERWATER MISSION: YES []

| DATE | | AIRCRAFT REGISTRATION NUMBER | AIRCRAFT MODEL NUMBER | MAINT. BASE | OPS. BASE | RAFT S/N | SATCOM S/N | FLIGHT LOG NUMBER | | | | | | |
|----------------------------------|---|------------------------------|-----------------------|-----------------------------------------|-----------------|----------------------|-------------|-------------------------|----------------------|------------------|---------------------|----------|----------|--------------|
| M | M | D | D | Y | Y | | | YEAR | SEQ. NUMBER | | | | | |
| 0 | 7 | 7 | 12 | 2010 | US | 6206 | 66 | 62 | | | | | | |
| | | VEST Qty | SRVL KIT S/N | | | | 20 | | 03 | | | | | |
| FUEL SERVICED (GALS) | | OIL SERVICED (QTS) | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP. | | INSPECTION COMPLETED | | | | | | | | |
| MISSION CODES | | SERVICED | NO. 1 ENG | | | TYPE OF INSPECTION | | DATE | SIGNATURE | AIRCRAFT HOURS | | | | |
| Search | | | | | | | | | | | | | | |
| Surveillance | | ON BOARD | NO. 2 ENG | | | | | | | | | | | |
| PERSONNEL STATUS CODES | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | | | | | |
| | | TYPE | | A/C HOURS | | TYPE | | A/C HOURS | | TYPE | | | | |
| Crew Name (Last & First Initial) | | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | HOLD Y N | INSTRUMENT HOURS ACTUAL | HOOD | APPROACHES PA NP | INTERCEPTS VI DR NR | TIME (Z) | LOCATION | MISSION CODE |
| [Redacted] | | P | [Redacted] | | | | | | | | | | | |
| 11 Interdiction | | | | | | | | | | | | | | |
| 12 Radar Patrol | | | | | | | | | | | | | | |
| 13 Enforcement Relocation | | | | | | | | | | | | | | |
| 14 Information Gathering | | | | | | | | | | | | | | |
| 15 Install/Remove A/C Device | | | | | | | | | | | | | | |
| 16 Recon/Photo | | | | | | | | | | | | | | |
| 17 Logistics Transportation | | | | | | | | | | | | | | |
| 18 Undercover | | | | | | | | | | | | | | |
| 19 Warrants | | | | | | | | | | | | | | |
| 20 Eradication Support | | | | | | | | | | | | | | |
| 21 Security Support | | | | | | | | | | | | | | |
| 22 Illegal Aliens | | | | | | | | | | | | | | |
| 23 Controlled Delivery | | | | | | | | | | | | | | |
| 24 Humanitarian | | | | | | | | | | | | | | |
| 25 Training | | | | | | | | | | | | | | |
| 26 Maint. Test Flight | | | | | | | | | | | | | | |
| 27 Support/Relocation | | | | | | | | | | | | | | |
| 28 Public Relations/Other | | | | | | | | | | | | | | |
| 29 Operation Orientation | | | | | | | | | | | | | | |
| 30 Media | | | | | | | | | | | | | | |
| 31 Project Outreach | | | | | | | | | | | | | | |
| ACCUMULATED TOTALS BEGINNING | | AIRCRAFT HOURS | ENGINE #1 HOURS | ENGINE #1 CYCLES | ENGINE #2 HOURS | ENGINE #2 CYCLES | TOTAL LDGS. | APU STARTS | AIRCRAFT HOBBS METER | RADAR HOBBS | FLIR HOBBS | | | |
| | | 3209.1 | 271.1 | / | / | / | 3277 | / | END 3215.2 | | | | | |
| TOTAL TIME TODAY | | 6.3 | 6.3 | / | / | / | 4 | / | START 3208.8 | | | | | |
| ACCUMULATED TOTALS ENDING | | | | | | | | | TOTAL | | | | | |

Handwritten notes and markings on the right margin.

On July 15, 2020, at approximately 0730 hours, DNM Station was contacted by ILU regarding a report of a person in distress or deceased in the DNM AOR. The name of the subject in distress is [REDACTED] (cell phone number - [REDACTED]) last made contact with family members on July 12, 2020, stating he had crossed the border through the Sierra Rica Mountains and was abandoned on the same date. [REDACTED] also stated he was near Hachita, NM and near New Mexico State Road 9. [REDACTED] stated he was dizzy and could not walk anymore. No other information regarding his possible location was provided.

DNM Dayshift ATV and HPU agents responded to the general area described and are searching the area.

Air support was requested and was not available. They are on emergency call out only. *W. Hill?*

PERSON IN DISTRESS:

NAME: [REDACTED]

DOB: [REDACTED]

POB/COB: [REDACTED]

FIN #: [REDACTED]

A #: [REDACTED]

Mids shift deployed an agent to the area with negative results. The geographical location for the person is unknown. The below geos for this event were required by EPT-IOC and are for general reference of the Sierra Rica Mountains.

Air support re-submitted through Big Pipe on 07/16/2020 @ 0521.

[07-16 05:30:08] [REDACTED] [REDACTED] Deming Air Unit-On STBY(Emergency Only). DAU will forward request to EPAB at 0600hrs. when they go 10-8.

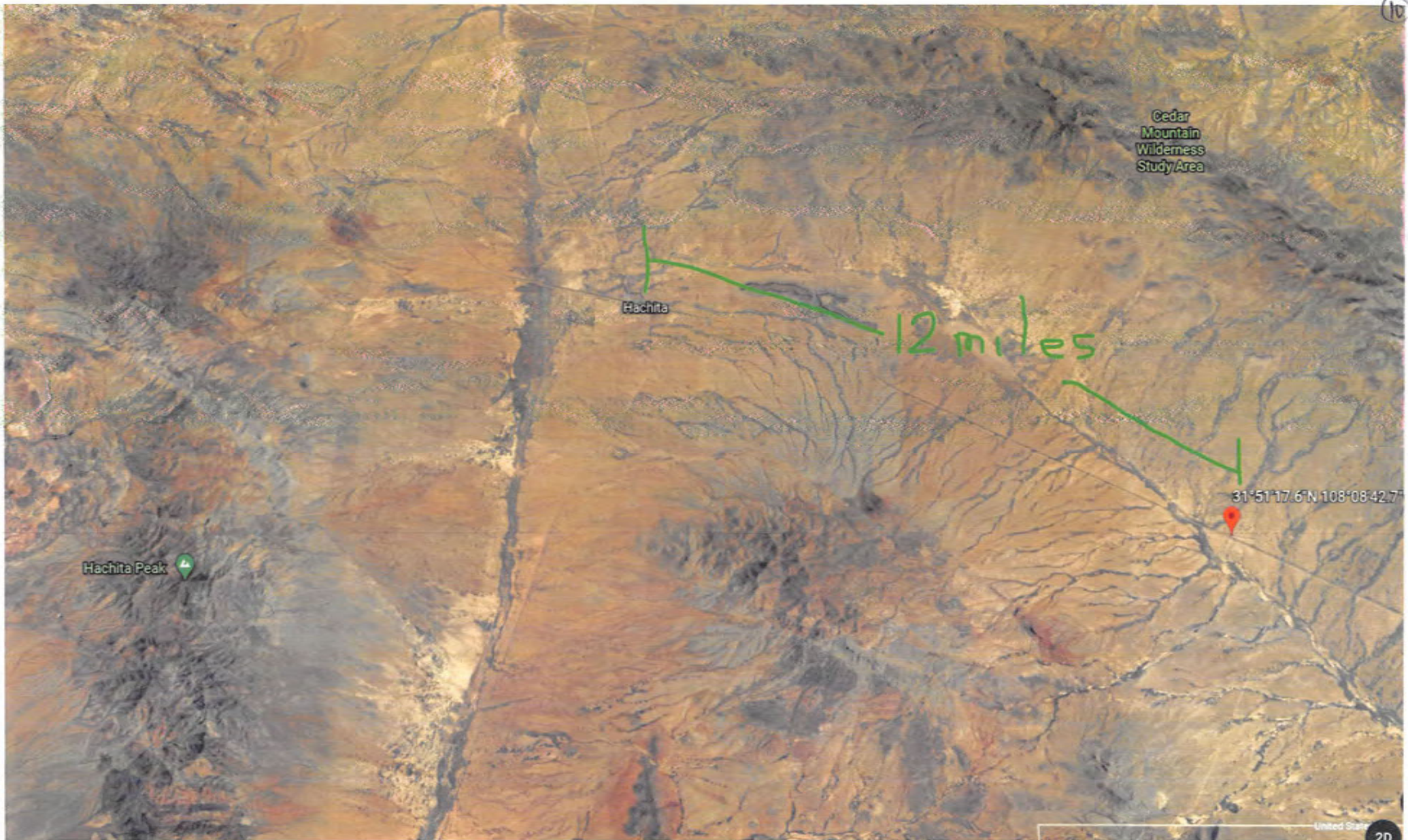
Cedar Mountain Wilderness Study Area

Hachita

12 miles

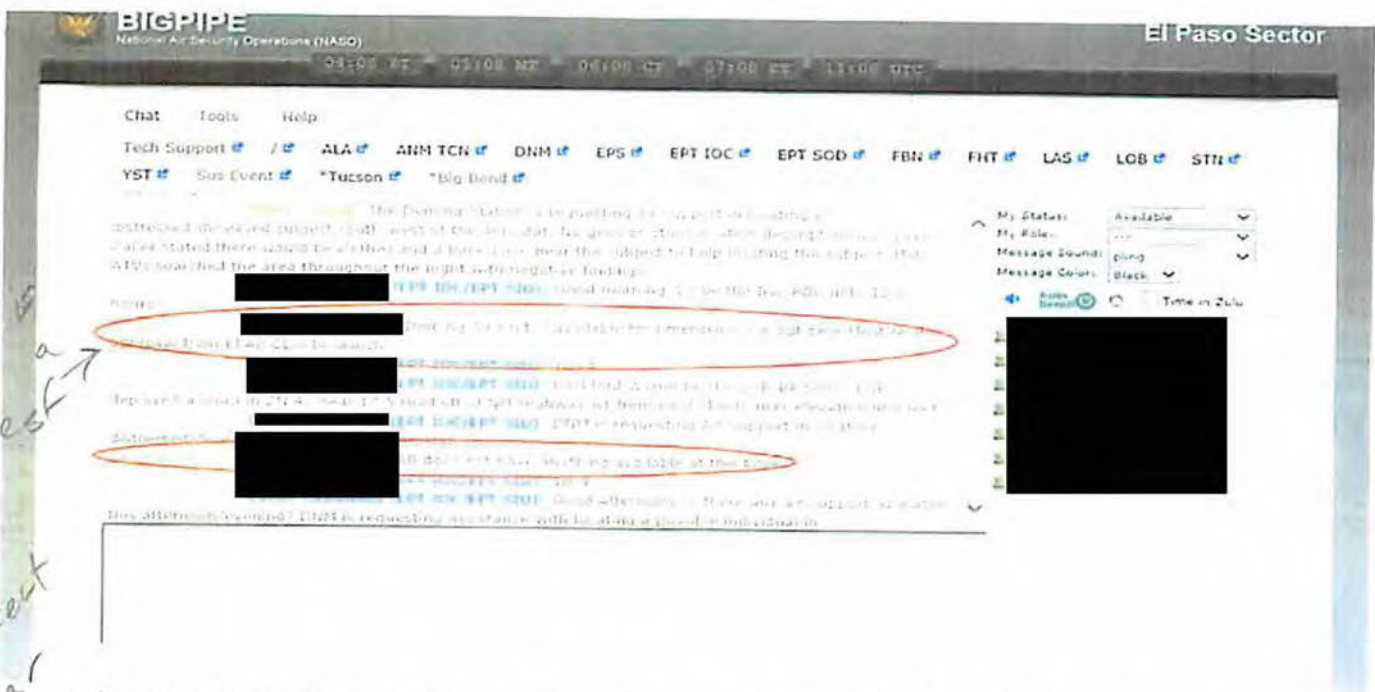
31°51'17.6"N 108°08'42.7"W

Hachita Peak



July 14, 2020

this is not a request for a statement similar to the duty log entries on 7-7 & 7-9



DENIED REQUESTS: Deming BP station requested air support with locating possible distress/deceased individual through Big Pipe. CDC [redacted] denied request to launch for alien in distress, per DAO Deming is not to launch. El Paso Air Branch (EPAB) responded through Big Pipe, that EAPB does not have anything available at the time.

El Paso Duty Log - 07/08/2020 05:02:26 (UTC)

[07-07 05:39:34] [REDACTED] [07-07 04:43:35] [REDACTED] AIA [REDACTED] on duty

[07-07 05:01:11] [REDACTED] : DAU 0500 shift: [REDACTED] / STBY-No flights
scheduled-Emergency only.

[07-07 05:02:54] [REDACTED] AEA [REDACTED] on duty.

[07-07 06:44:03] [REDACTED] AIA [REDACTED] on duty.

[07-07 06:52:58] [REDACTED] AEA [REDACTED] on duty.

[07-07 08:56:43] [REDACTED] 0854 (350) 10-8 ELP. AIA's [REDACTED] [REDACTED] and AEA [REDACTED]

[07-07 09:13:14] [REDACTED] [REDACTED] DAU (7BP) 10-7, Emergency Backup Callout for LOB vehicle stop I-10 MM
59. 1.0 hrs. / Crew [REDACTED] (7 apps 10-45 load , 1 vehicle seized).

[07-07 12:03:16] [REDACTED] [REDACTED] [REDACTED] 10-8 with DPS 104, 10-13 SBT AOR.

[07-07 12:17:30] [REDACTED] (350) 3.5 hrs. NSTR

[07-07 12:21:28] [REDACTED] AIA [REDACTED] DAH as per CDO [REDACTED]

[07-07 12:41:48] [REDACTED] AEA [REDACTED] DAH as per CDO [REDACTED]

[07-07 12:57:43] [REDACTED] AIA [REDACTED] DAH per CDO [REDACTED]

[07-07 13:16:18] [REDACTED] [REDACTED] DAH until 1500 per CDO [REDACTED]

[07-07 14:07:40] [REDACTED] AEA [REDACTED] DAH [REDACTED]

[07-07 15:55:14] [REDACTED] [REDACTED] AIA [REDACTED] DAH as per CDO until 1700 [REDACTED]

[07-07 20:42:14] [REDACTED] (4BP) 10-8 EPAB [REDACTED]

[07-07 22:22:08] [REDACTED] (4BP) 10-7 EPAB [REDACTED]

[07-07 22:38:59] [REDACTED] (4BP) 1.9Hrs

El Paso Duty Log - 07/10/2020 07:50:44 (UTC)

[07-09 04:55:38] [REDACTED] AIA [REDACTED] and AEA [REDACTED] on duty.

[07-09 04:58:15] [REDACTED] AEA [REDACTED] on duty

[07-09 05:03:16] [REDACTED] DAU 0500 shift: [REDACTED] / No scheduled flights

STBY-Emergency Only

[07-09 05:59:44] [REDACTED] AEA [REDACTED] on duty.

[07-09 06:01:40] [REDACTED] [REDACTED] on duty.

[07-09 07:01:21] [REDACTED] AIA [REDACTED] on duty

[07-09 09:40:07] [REDACTED]: BP Agent (NI-11) will be launching UAS just North of I-10 by the Fabens Airport (0935 -1600). Air 5/ Fabens Airport freq. [REDACTED]

[07-09 11:53:52] [REDACTED] AIA [REDACTED] on duty.

[07-09 11:59:51] [REDACTED] AEA [REDACTED] DAH as per CDO [REDACTED]

[07-09 12:22:16] [REDACTED] [REDACTED] DAH [REDACTED]

[07-09 12:23:10] [REDACTED] [REDACTED] DAH @ 1230 as per CDO [REDACTED]

[07-09 13:17:21] [REDACTED] [REDACTED] DAH per CDO. [REDACTED]

[07-09 14:21:53] [REDACTED] [REDACTED] DAH until 1500 per CDO [REDACTED].

[07-09 14:32:50] [REDACTED] [REDACTED] DAH per CDO [REDACTED]

[07-09 15:29:05] [REDACTED] BP Agent (NI-11) notified UAS is no longer operating w/in AOR. Down safe

[07-09 15:31:08] [REDACTED] AIA [REDACTED] DAH @ 1515 per CDO [REDACTED]

[07-09 17:04:31] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] ([REDACTED]) DAH at 1705 per CDO



FLIGHT RECORD/AIRCRAFT FLIGHT LOG

| CASE # _____ | | TARGET # _____ | | AOR # _____ | | INCIDENT REPORT: YES <input type="checkbox"/> OVERWATER MISSION: YES <input type="checkbox"/> | | | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------|--|--------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------|--------------|---------------------|----------------------|---------------------|---------------------------------|---------------------|---------------------|--------------------------------------|------------------------|-------------|-------------|----------|-----------------|--|
| DATE M M D D Y Y | | AIRCRAFT REGISTRATION NUMBER | | AIRCRAFT MODEL NUMBER | | MAINT. BASE | OPS. BASE | RAFT S/N _____ | | | SATCOM S/N _____ | | | FLIGHT LOG NUMBER YEAR SEQ NUMBER | | | | | | |
| | | | | | | | | VEST Qty _____ | | | SRVL KIT S/N _____ | | | | | | | | | |
| MISSION CODES | | FUEL SERVICED (GALS) | | OIL SERVICED (QTS) | | PILOT'S ACCEPTANCE OF AIRCRAFT & EQUIP | | | INSPECTION COMPLETED | | | | | | | | | | | |
| Search 1. A/C or Airport 2. Vessel/Marina 3. Vehicle 4. Land 5. Person Surveillance 6. A/C or Airport 7. Vessel/Marina 8. Vehicle 9. Land 10. Person Others 11. Interdict 12. Radar Patrol 13. Enforcement Relocation 14. Information Gathering 15. Install/Remove A/C Device 16. Recon Photo 17. Logistics/ Transportation 18. Undercover 19. Warrants 20. Eradication Support 21. Security Support 22. Illegal Alms 23. Controlled Delivery 24. Humanitarian 25. Training 26. Maint. Test Flight 27. Support/Relocation 28. Public Relations/Other 29. Operation Orientation 30. Media 31. Project Outreach | | SERVICED | | NO 1 ENG | | | | | TYPE OF INSPECTION | | DATE | | SIGNATURE | | AIRCRAFT HOURS | | | | | |
| | | ON BOARD | | NO 2 ENG | | | | | | | | | | | | | | | | |
| | | PERSONNEL STATUS CODES | | | | | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | NEXT INSPECTION DUE | | | | | | |
| | | P=PILOT IN COMMAND C=COPILOT O=CREW MEMBER OTHER X=PASSENGER | | D=DUAL RECEIVED IP=INSTRUCTOR PILOT M=MAINTENANCE TECH | | TYPE | | A/C HOURS | | TYPE | | A/C HOURS | | TYPE | | A/C HOURS | | | | |
| | | CREW NAME (LAST & FIRST INITIAL) | | STAT CODE | FLIGHT HOURS | NIGHT HOURS | NVG HOURS | LANDINGS D N G | | HOLD Y N | INSTRUMENT HOURS ACTUAL HOOD | | APPROACHES PA NP | | INTERCEPTS VI DR NR | | TIME (Z) | LOCATION | MISSION CODE | |
| | | [REDACTED] | | | | | | | | | | | | | | | | | | |
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| | | AIRCRAFT HOURS | | ENGINE #1 HOURS | | ENGINE #1 CYCLES | | ENGINE #2 HOURS | | ENGINE #2 CYCLES | | TOTAL LDGS | APU STARTS | AIRCRAFT HOBBS METER | | RADAR HOBBS | FLIR HOBBS | | | |
| ACCUMULATED TOTALS BEGINNING | | 0830 | | 2871 | | 200 | | / | | 47 | | / | END 60433 | | | | | | | |
| TOTAL TIME TODAY | | 34 | | 34 | | 838 | | / | | 47 | | 2 | START 60465 | | | | | | | |
| ACCUMULATED TOTALS ENDING | | 0904 | | 2905 | | 838 | | / | | 94 | | 2 | TOTAL 60498 | | | | | | | |

July 8, 2020

El Paso Duty Log - 07/09/2020 07:47:04 (UTC)

- [07-08 04:38:14] [REDACTED]: AIA [REDACTED] on duty
- [07-08 04:56:01] [REDACTED] DAU 0500 shift [REDACTED] [REDACTED] [REDACTED]
- [07-08 05:01:07] [REDACTED] AEA [REDACTED] on duty.
- [07-08 05:11:00] [REDACTED] 0500 AEA [REDACTED] on duty.
- [07-08 05:12:02] [REDACTED] AEA [REDACTED] on duty.
- [07-08 06:09:54] [REDACTED] AIA [REDACTED] on duty
- [07-08 06:10:55] [REDACTED] [REDACTED] on duty 0530.
- [07-08 06:44:58] [REDACTED] on duty 0640
- [07-08 07:30:13] [REDACTED] Start of range operations at 0729 hrs.
- [07-08 08:26:55] [REDACTED] (350) AIA [REDACTED] AIA [REDACTED] AEA [REDACTED] AEA [REDACTED] 10-8. *no requests*
- [07-08 10:23:17] [REDACTED] 1022 hrs. FI Hillenbrg, range complete
- [07-08 10:44:57] [REDACTED] BP Agent (NI-11) will be launching UAS near Tornillo AOR (31.47439, -106.04457) from 1045 - 1600 hrs. Monitoring AIR 5 and Fabens airport freq. ([REDACTED])
- [07-08 11:17:34] [REDACTED] (350) 10-7 at EPAB.
- [07-08 11:24:24] [REDACTED] (350) AIA [REDACTED] AIA [REDACTED] AEA [REDACTED] AEA [REDACTED] 2.8 hrs. 1 assist STN and 1 assist DNM, NSTR. ←
- [07-08 12:19:00] [REDACTED] DAU 7BP 10-7 at 1205. 4.9 flt hrs 1 DGL assist (1 gotaway) *no requests*
- [07-08 12:33:06] [REDACTED] DAH [REDACTED]
- [07-08 12:51:32] [REDACTED] DAH until 1500 per CDO [REDACTED]
- [07-08 13:03:15] [REDACTED] DAH [REDACTED]
- [07-08 13:33:05] [REDACTED] DAH as per CDO. [REDACTED]
- [07-08 20:55:47] [REDACTED] (80A) 10-8. AIA [REDACTED] /SAM [REDACTED]
- [07-09 01:32:55] [REDACTED] (80A) 10-7 EPAB @ 0111 hrs.
- [07-09 01:42:16] [REDACTED] (80A) [REDACTED] 14 apps - STN 4.0 hrs. *no requests*

El Paso Duty Log - 07/10/2020 07:50:44 (UTC)

[07-09 04:55:38 [REDACTED] AIA [REDACTED] and AEA [REDACTED] on duty.

[07-09 04:58:15 [REDACTED] AEA [REDACTED] on duty

[07-09 05:03:16 [REDACTED] DAU 0500 shift: [REDACTED] [REDACTED] [REDACTED] [REDACTED] / No scheduled flights
STBY-Emergency Only.

[07-09 05:59:44 [REDACTED] AEA [REDACTED] on duty.

[07-09 06:01:40 [REDACTED] [REDACTED] on duty.

[07-09 07:01:21 [REDACTED] AIA [REDACTED] on duty

[07-09 09:40:07 [REDACTED] BP Agent (NI-11) will be launching UAS just North of I-10 by the Fabens Airport (0935 -1600). Air 5/ Fabens Airport freq. [REDACTED]

[07-09 11:53:52 [REDACTED] AIA [REDACTED] on duty.

[07-09 11:59:51] [REDACTED] AEA [REDACTED] DAH as per CDO [REDACTED]

[07-09 12:22:16] [REDACTED] [REDACTED] DAH [REDACTED]

[07-09 12:23:10] [REDACTED] DAH @ 1230 as per CDO [REDACTED]

[07-09 13:17:21] [REDACTED] DAH per CDO. [REDACTED]

[07-09 14:21:53] [REDACTED] DAH until 1500 per CDO [REDACTED]

[07-09 14:32:50] [REDACTED] : [REDACTED] DAH per CDO [REDACTED]

[07-09 15:29:05] [REDACTED] BP Agent (NI-11) notified UAS is no longer operating w/in AOR. Down safe

[07-09 15:31:08] [REDACTED] AIA [REDACTED] DAH @ 1515 per CDO [REDACTED]

[07-09 17:04:31] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] DAH at 1705 per CDO

| Date: Thursday 7/9/2020 | | | CDO: [REDACTED] | | | | CA: [REDACTED] | | |
|-------------------------|-----------|---------------|-----------------|---------|------------|------|----------------|------|--------------------------|
| Shift(s) | 0700-1500 | | | | | ODO: | ELP | | |
| Aircraft | TAIL # | Configuration | PILOT | COPILOT | CREW | CREW | T/O | HRS | MISSION |
| AS3502B1 | 3980A | [REDACTED] | STANDBY | | | | 6:00 | 2 hr | 1.2 STN. EPT East / RSTA |
| AS3502B1 | 3980A | [REDACTED] | STANDBY | | | | 8:00 | 2 hr | [REDACTED] |
| UH-1N | 7272N | Any Config | STANDBY | | | | 10:00 | | 4 AIRMBL / Callout |
| AS350B3 | 847BP | Any Config | [REDACTED] | STANDBY | [REDACTED] | | 5:00 | | 5 DAU DMN / LOB |
| AS350B3 | 847BP | Any Config | [REDACTED] | STANDBY | [REDACTED] | | 10:00 | | 6 DAU DMN / LOB |
| UH-1N | 7274N | Any Config | STANDBY | | | | 7:00 | 2 hr | 7 AAU BBT / AIRMBL |
| AS350B3 | 850BP | Any Config | STANDBY | | | | 10:00 | 2 hr | 8 AAU BBT / RSTA |
| AS350B3 | 854BP | Any Config | STANDBY | | | | 17:00 | 2 hr | 9 EPT West / RSTA |
| AS3502B1 | 3980A | [REDACTED] | STANDBY | | | | 19:00 | 2 hr | 10 EPT West / RSTA |
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| Remarks: | | | | | | | | | |
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142

June 18, 2020

REQUESTS: June 18, 2020, approximately 07:30 LAS BP requested Air Support for an FTY approximately 30 miles east of Deming near I-10. While LAS BP Agents were in pursuit of the fleeing vehicle, two BP Agents were involved in a motor vehicle accident, resulting in a K-9 Unit rollover. BP agents on the ground requested immediate air support for the injured Agents. DAU (8BP) was prepped and ready for launch, with a ten minute response time, to assist with this emergency situation. CDO [REDACTED] from the EPAB per DAO [REDACTED], denied the launch of DAU's emergency callout aircraft and crew to assist with this medical emergency situation involving BP Agents needing to go to the hospital. (Reference TSM # TSM-LAS-2020-06-00064 and SIR # 20-EPTLAS-061820000037).

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT**

| | | | |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------|
| RESTRICTIONS: - Employee Issue | | | |
| 1. | DATE OF INCIDENT: 6/18/2020 | LOCATION OF INCIDENT: Las Cruces, NM | SIR NUMBER: 20-EPTLAS-08182000037(1) |
| | TIME OF INCIDENT: 7:45 AM | | |
| REPORTED TO COMMISSIONER'S SITUATION ROOM VIA PHONE ON: DATE: 6/18/2020 TIME: 10:24 AM TO [REDACTED] | | | |
| 2. | REPORTING OFFICE: U.S. Border Patrol | DFO/SECTOR: El Paso Sector | POE/STATION: Las Cruces Station |
| | PERSON MAKING REPORT: [REDACTED] | | |
| | OFFICE PHONE: [REDACTED] ext. [REDACTED] | CELL PHONE: [REDACTED] | FAX NUMBER: [REDACTED] |
| | POINT OF CONTACT: [REDACTED] | | |
| | OFFICE PHONE: ([REDACTED] ext. [REDACTED]) | CELL PHONE: [REDACTED] | FAX NUMBER: [REDACTED] |
| | POINT OF CONTACT: [REDACTED] | | |
| | OFFICE PHONE: ([REDACTED] ext. [REDACTED]) | CELL PHONE: [REDACTED] | FAX NUMBER: [REDACTED] |
| 3. | TYPE OF INCIDENT: <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | | |
| | Category | Type | Sub Type |
| | Employee Issues | Employee Injury/Illness | : Vehicle accident |
| 4. | SYNOPSIS: (USE CONTINUATION SHEET IF NECESSARY): See Attached Continuation | | |
| | SEIZURE TYPE: | QUANTITY: | VALUE: |
| | NUMBER OF ARRESTS: | MALE: | FEMALE: CITIZENSHIP: |
| 5. | NOTIFICATIONS MADE: | | |
| | 1. | <input checked="" type="checkbox"/> TELEPHONIC REPORT TO COMMISSIONER'S SITUATION ROOM | 6/18/2020 10:24 AM |
| | 2. | Email Sent: <input type="checkbox"/> | |
| | 3. | Email Sent: <input type="checkbox"/> | |
| 6. | INJURIES/FATALITIES: | | |
| | NAME AND EXTENT OF INJURY | AGENT | EAP ADVISED |
| | 1. | | |
| | 2. | | |
| | NAME OF FATALITIES: | | |
| 1. | | | |
| 2. | | | |
| 7. | NATIONAL TARGETING CENTER NUMBERS: | | |
| 8. | MEDIA INTEREST EXPECTED: | | |
| 9. | RELATED INCIDENTS: | | |

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT
Continuation Sheet

| | | |
|------------------------------------|------------------------------------------------|------------------------------------------------|
| DATE OF INCIDENT: 6/18/2020 | LOCATION OF INCIDENT: Las Cruces, NM | SIR NUMBER: 20-EPTLAS-06182000037(1) |
| TIME OF INCIDENT: 7:45 AM | | |
| Synopsis: | | |

U.S. DEPARTMENT OF HOMELAND SECURITY
 U.S. Customs and Border Protection
 SIGNIFICANT INCIDENT REPORT
 Continuation Sheet

| | | |
|-----------------------------|-----------------------------------------|------------------------------------------|
| DATE OF INCIDENT: 6/18/2020 | LOCATION OF INCIDENT: Las Cruces, NM | SIR NUMBER: 20-EPTLAS-061820000037(1) |
| TIME OF INCIDENT: 7:45 AM | | |

UPDATE:

Both BPA [REDACTED] and [REDACTED] were medically released at approximately 1030 and 1100 hours respectively.

K-9 [REDACTED] is still pending veterinarian release.

Suspect driver identified as [REDACTED] DOB: [REDACTED]. At approximately 1020 hours, AMR cleared [REDACTED] K-9 search of vehicle yielded negative results. Record checks on [REDACTED] were clear and at approximately 1040 hours, [REDACTED] was transported to the Love's Country Store on I-10 mile marker 130 and released from custody. Agents on scene determined that there was only one individual in the vehicle and the search was called off at approximately 1130 hours.

Arrangements for the government vehicle to be towed were made with [REDACTED] at Sector Garage. Deming garage personnel arrived and took possession of the two government vehicles.

No Update to Follow.

Original Text:

On June 18, 2020, at approximately 0729 hours, agents working the area south of the I-10 checkpoint located on mile marker 121.5 reported that while responding to sensor activity they witnessed a maroon SUV turn around and flee at a high rate of speed. Agents attempted to close the distance with the suspect vehicle. At approximately 0730 hours, agents reported that two agents were involved in a motor vehicle accident causing a K-9 vehicle to roll over. Border Patrol Agents [REDACTED] driving government vehicle M06306 and [REDACTED] driving K-9 government vehicle K76917 collided causing the K-9 vehicle to roll.

Agents on scene requested medical assistance for the agent in the vehicle that rolled over. At approximately 0803 hours, AMR ambulance service arrived on scene and provided medical assistance to the two agents involved in the accident. At approximately 0810 hours, AMR ambulance service transported Agent [REDACTED] to Mountain View Medical Center in Las Cruces New Mexico.

At approximately 0830 hours, K-9 Supervisors arrived and took the service K-9 to the Veterinarian for observation. At approximately 0929 hours, K-9 Supervisor advised that the service K-9 sustained minor injuries and will keep the K-9 overnight for observation at The Schumacher Veterinarian Clinic.

At approximately 0845 hours, agents were able to locate the suspect vehicle in the desert. Agents followed foot sign and were able to apprehend one adult male suspect who needed medical attention for injuries sustained while fleeing. EMS was requested and arrived to treat the suspect at approximately 0930 hours. Agents also continued to follow sign of another suspect, still pending apprehension.

At approximately 0920 hours, Agent [REDACTED] requested medical attention and was transported to Mountain View Medical Center in Las Cruces, NM.

Agent [REDACTED]
 Star# X178
 EOD: 01/30/2006
 DOB: [REDACTED]
 Duty Station: Las Cruces Border Patrol Station
 Class: 610

No requests for air support made

Agent [REDACTED]
 Star# XK272
 EOD: 09/04/2008
 DOB: [REDACTED]
 Duty Station: Las Cruces Border Patrol Station
 Class: 811

K-9: [REDACTED]
 Duty Station: Las Cruces Border Patrol Station

LAS2006000044 generated to document this event
 TSM-LAS-2020-06-00064
 GEOS: (scene of accident) N 32.240363 W -107.161938
 GEOS: (scene of suspect vehicle) N 32.22688 W -107.14899

This report is preliminary. Facts and statements herein may be updated and/or supplemented as additional information becomes available.

All electronic notifications were made by the El Paso Sector Border Intelligence Operations Center (IOC).

UPDATE to Follow.

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT
Continuation Sheet

| | | |
|------------------------------------|------------------------------------------------|-------------------------------------------------|
| DATE OF INCIDENT: 6/18/2020 | LOCATION OF INCIDENT: Las Cruces, NM | SIR NUMBER: 20-EPTLAS-061820000037(1) |
| TIME OF INCIDENT: 7:45 AM | | |

Notifications:
EPT-LEOD
PAIC [REDACTED]
DPAIC [REDACTED]
EPT-IOC

June 18, 2022

8
2/12

UPDATE:

Both BPA [redacted] and [redacted] were medically released at approximately 1030 and 1100 hours respectively. Suspect driver identified as [redacted] DOB: [redacted] At approximately 1020 hours, AMR cleared [redacted] K-9 search of vehicle yielded negative results. Record checks on [redacted] were clear and at approximately 1040 hours, [redacted] was transported to the Love's country store on I-10 mile marker 130 and released from custody. Agents on scene determined that there was only one individual in the vehicle and the search was called off at approximately 1130 hours.

Arrangements for the government vehicle to be towed were made with [redacted] at Sector Garage. Deming garage personnel arrived and took possession of the two government vehicles. K-9 [redacted] still pending veterinarian release. I-44 LAS2006000044 generated to document this event.

No Update to Follow.

On June 18, 2020, at approximately 0729 hours, agents working the area south of the I-10 checkpoint located on mile marker 121.5 reported that while responding to sensor activity they witnessed a maroon SUV turn around and flee at a high rate of speed. Agents attempted to close the distance with the suspect vehicle. At approximately 0730 hours, agents reported that two agents were involved in a motor vehicle accident causing a K-9 vehicle to roll over. Border Patrol Agents [redacted] driving government vehicle M 06306 and [redacted] driving K-9 government vehicle K 76917 collided causing the K-9 vehicle to roll. Agents on scene requested medical assistance for the agent in the vehicle that rolled over. At approximately 0803 hours, AMR ambulance service arrived on scene and provided medical assistance to the two agents involved in the accident. At approximately 0810 hours, AMR ambulance service transported Agent [redacted] to Mountain View Medical Center in Las Cruces New Mexico. At approximately 0830 hours, K-9 Supervisors arrived and took the service K-9 to the Veterinarian for observation. At approximately 0929 hours, K-9 Supervisor advised that the service K-9 sustained minor injuries and will keep the K-9 overnight for observation.

At approximately 0845 hours, agents were able to locate the suspect vehicle in the desert. Agents followed foot sign and were able to apprehend one adult male suspect who incidentally needed medical attention for his injuries sustained while fleeing. EMS requested and arrived to treat the suspect at approximately 0930 hours. Agents also continued to follow sign of another suspect, still pending apprehension.

At approximately 0920 hours, the Agent [redacted] accident requested medical attention and was transported to Mountain View Medical Center in Las Cruces, NM.

No mention of Air Support request.

El Paso Duty Log - 06/19/2020 11:14:12 (UTC)

[06-18 04:57:06] [REDACTED] [06-18 04:43:52] [REDACTED] AIA [REDACTED] on duty

[06-18 04:57:28] [REDACTED] [REDACTED] on duty.

[06-18 05:14:26] [REDACTED] [REDACTED] DAU 0500 shift: [REDACTED] [REDACTED] [REDACTED] [REDACTED] DAU on standby-
Emergency Callout only.

[06-18 06:09:24] [REDACTED] AEA [REDACTED] requested 8 hours of S/L.

[06-18 06:55:12] [REDACTED] AEA [REDACTED] called to report OPS complete, all 10-19, RTB from Las Cruces.

[06-18 06:59:33] [REDACTED] DDAO [REDACTED] and AEA [REDACTED] 10-8 from Gallup, NM enroute to El Paso, TX.
ETA around noon.

[06-18 07:00:49] [REDACTED] AIA [REDACTED] on duty.

[06-18 07:12:19] [REDACTED] (80A) AIA [REDACTED] / PAE PAX 10-8 MTF.

[06-18 07:21:25] [REDACTED] (80A) 10-6 at EPAB.

[06-18 09:18:09] [REDACTED] ELP (80A) [REDACTED] 2.0 hrs. MTX FLT

[06-18 11:03:35] [REDACTED] AIA [REDACTED] on duty.

[06-18 11:27:02] [REDACTED] DAH per CDO [REDACTED]

[06-18 12:19:14] [REDACTED] Private Border Fence Contractor Helicopter (#998MS / White) will be flying low
level from STN to Columbus, NM and back.

[06-18 12:29:56] [REDACTED] DDAO [REDACTED] and AEA [REDACTED] 10-7 at EPAB, mission complete.

[06-18 14:01:32] [REDACTED] 1400 hrs. SAIA [REDACTED] DAH approved by DAO [REDACTED]

[06-18 16:03:22] [REDACTED] 1538 hrs. LOB requested air support for agent in distress. CDO was
notified and was ready to launch evening crew. At 1555 LOB contacted EPAB and notified that contact was
made with the agent in distress and no further air support was needed.

[06-19] [REDACTED] DAU 0500 shift [REDACTED] [REDACTED]

*No request for the FTY were made or logged
in the Duty Log for air support.*

[Redacted]

From: [Redacted]
Sent: Wednesday, February 17, 2021 4:45 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: EPAB AMO Request

Sir,

one of the injured agents in vehicle VLAS K76917 K9 at 07:31:52 advised that they do not need a chopper and all they needs is an ambulance to make sure they are okay. So, no request was made for an aircraft.

Respectfully,

[Redacted]
Supervisory Law Enforcement Information Systems Specialist
IOC/Communications SIU
El Paso Sector
[Redacted]
[Redacted]

From: [Redacted]
Sent: Friday, February 12, 2021 12:36 PM
To: [Redacted]
[Redacted]
Cc: [Redacted]
Subject: Fw: EPAB AMO Request

Please respond to the attached video request when you have a chance. If you do the request, reply to all in this email. Supervisor [Redacted] does not need a copy of the audio. He only wants confirmation of the request by email.

"There was a FTY from LAS station on I-10. This eventually lead to a couple of BP vehicles hitting each other. One of the agents was taken to a hospital via ambulance. I want to know if any calls to air and marine went out and if any were specifically asking for air support to med evac the injured agents. I do not need a copy of the audio, just verification of the request or no request."

Respectfully,

[Redacted]

*(A)Intelligence Operations Supervisor
El Paso Sector Intelligence Unit
United States Border Patrol*



From: [REDACTED]
Sent: Friday, February 12, 2021 9:53 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: EPAB AMO Request

Sir,

The request is for audio only. Please respond to Agent [REDACTED] with results.

Thank you.

[REDACTED]

[REDACTED] / SOS / EPT MIT Office / Ofc [REDACTED] / Cell [REDACTED] / [REDACTED]

From: [REDACTED]
Sent: Thursday, February 11, 2021 10:49 PM
To: [REDACTED]
Subject: EPAB AMO Request

Thank you [REDACTED]

[REDACTED]
SAIA OPERATIONS SUPERVISOR
RECRUITER
EPAB
[REDACTED] CELL
[REDACTED] OFFICE

From: [REDACTED]
Sent: Thursday, February 11, 2021 10:39 PM
To: [REDACTED]
Subject: Audio/Video Request Form

Sir,

Attached is the Audio/Video request form to process your request.
This is standard protocol for any requested audio or video for our tracking purposes.

Thank you.

Supplemental Report

DI-20-001009

Exhibit 13



Chat Tools Help

Tech Support JIOC ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB

STN YST Sus Event *Tucson *Big Bend

[05-10-06:40:13] [REDACTED] (EPT IOC/EPT SIU): 10-4

[06-10-02:00:13] [REDACTED] (EPT IOC/EPT SIU): STN Requesting Air Support for a large group 10+ in Zone 17

[05-10-02:20:31] [REDACTED] (EPT IOC/EPT SIU): POC: S117 Method of Detection: FLIR on Man 3 Hill detected via camera. GPS: N31.785292 W-106.559047, Radio Freq: S1 ES W/A

[06-10-02:32:07] [REDACTED] (EPT IOC/EPT SIU): FHT is Requesting Air Support for a group in Zone 39. POC H-22/ N31.066398, W-105.577798

[06-10-02:33:03] [REDACTED] (EPT IOC/EPT SIU): FYI, STN reports there are currently 20+ subjects being tracked throughout STN AOR within approximately 4 separate groups.

[05-10-05:01:14] [REDACTED] (EPT IOC/EPT SIU): LOB Requesting Air Support, Agents had visual of group 7-8 on RECON at approx. 0100 hrs. Reacquired sign at 32.022370, -108.940778 south of McCarty/Grandad's, Agents currently working group, L211 & L234 POC

[05-10-05:16:43] Sergio Garibay: EPA5 is 10-8, one flight is prepping to go up for El Paso, Will try to help as many as we can.

[06-10-05:17:30] [REDACTED] (EPT IOC/EPT SIU): 10-4 Gbay. DNM Requesting Air Support for two groups on scope. Each group is east of the 16MM on Hwy. 11 (N31.31.82145, W-107.73539) & (N31.93546, W-107.57413) respectively. POC is D-25

My Status: Available
My Role: [REDACTED]
Message Sound: pling
Message Color: Black

Auto Scroll Time in Zulu

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] (IOC/BP WC)
- [REDACTED] (EPT IOC/AMO ODO)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] (EPT IOC/EPT SIU)



Chat Tools Help

Tech Support JIOC ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB

STN YST Sus Event Tucson Big Bend

[06-10 00:18:47] [REDACTED] (JIOC/ZC-FA3): Good evening, I'll be your JIOC POC tonight.

[06-10 05:42:11] [REDACTED] (EPT IOC/EPT SIU): Requesting Release of 07F83 for Air Support assistance for LOB and DNM groups.

[06-10 05:41:29] [REDACTED] (EPT IOC/EPT SIU): LOB Requesting Air Support, Agents had visual of group 7-B on RECON at approx. 0100 hrs. Reacquired sign at 52.022370, -108.940778 south of McCarty/Granddad's. Agents currently working group, L211 & L234 POC

[06-10 05:41:45] [REDACTED] (EPT IOC/EPT SIU): DNM Requesting Air Support for two groups on scope. Each group is east of the 16MM on Hwy. 11 (N31.31,82148, W-107.73539) & (N31.93346, W-107.57413) respectively. POC is D-25

[06-10 05:42:56] [REDACTED] (JIOC/BP WC): 10-4 JIOC copies, currently we have no air available to support, will advise if we have anything that is able to support, please keep us updated.

[06-10 05:43:08] [REDACTED] (EPT IOC/EPT SIU): 10-4 sir

[06-10 05:47:09] [REDACTED] (JIOC/BP WC): DAU Omaha is prepping for launch assigned to FA3-07 this morning. We can assist with these groups in LOB / DMN if we get approval from and release from our scheduled JIOC/ZC-FA3 07 patrol.

[06-10 05:48:38] [REDACTED] (JIOC/BP WC): DAU JIOC will release for support to EPT. Thank you

[06-10 05:48:25] [REDACTED] (EPT IOC/EPT SIU): Thank you sir. We appreciate it

My Status: Available

My Role: ...

Message Sound: ping

Message Color: Black

Auto-Scroll Time in Zulu

- [REDACTED] (EPT IOC/AMQ)
- [REDACTED] (JIOC/AC)
- [REDACTED] (Tucson/SUP)
- [REDACTED] (JIOC/BP WC)
- [REDACTED] (JIOC/ZC-FA1)



Chat Tools Help

Tech Support JIOC ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB
STN YST Sus Event *Tucson *Big Bend

respectively, POC is D-25
 [06-10 05:42:58] (JIOC/BP WC): 10-4 JIOC copies, currently we have no air available to support, will advise if we have anything that is able to support, please keep us updated.
 [06-10 05:43:28] (EPT IOC/EPT SIU): 10-4 sir
 [06-10 05:47:06] (DAU Omaha): DAU Omaha is prepping for launch assigned to FA3-07 this morning. We can assist with these groups in LOB / DMN if we get approval from and release from our scheduled JIOC/ZC-FA3 07 patrol.
 [06-10 05:48:00] (JIOC/BP WC): DAU JIOC will release for support to EPT. Thank you
 [06-10 05:48:25] (EPT IOC/EPT SIU): Thank you sir. We appreciate it
 [06-10 05:49:13] (EPT IOC/EPT SIU): POC info is current as of 15 mins ago
 [06-10 05:55:19] (T4): T4 thank you. We will assist LOB / DMN BP.
 [06-10 06:16:55] (EPT IOC/EPT SIU): Good morning....I'm the EPT IOC POC until 1500.
 [06-10 06:17:08] (Douglas/ZC-FA3): 10-4, good morning.
 [06-10 06:20:43] (Request): Request to redirect Omaha 8BP from FA3-07 patrol was not approved.
 Omaha 8BP 10-13 from Deming to FA3-AZ
 [06-10 06:22:19] (JIOC/BP WC): 10-4 JIOC Copies, Currently no pending ASR's in FA3. Check in with X4000 when entering our AOR

My Status: Available
 My Role: ---
 Message Sound: ping
 Message Color: Black
 Time in Zulu

[Avatar] [Redacted]
 [Avatar] [Redacted] EPT IOC/AMO
 [Avatar] [Redacted] JIOC/AC
 [Avatar] [Redacted] Fusion/SUP
 [Avatar] [Redacted] JIOC/BP WC
 [Avatar] [Redacted] JIOC/ZC-FA1

BIGPIPE
National Air Security Operations (NASO)

El Paso Sector

04:08 PT 05:08 MT 06:08 CT 07:08 ET 11:08 UTC

Chat Tools Help

Tech Support / ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB STN

YST Sus Event Tucson Big Bend

[07-24 06:19:46] [REDACTED] The Deming Station is requesting air support in locating a distressed/deceased subject south-west of the Aerostat. No gees or other location description was given. Caller stated there would be clothes and a back-pack near the subject to help locating the subject. Mids ATVs searched the area throughout the night with negative findings.

[07-24 08:24:50] [REDACTED] (EPT IOC/EPT SIU): Good morning, I'll be the IOC POC until 1500 hours.

[07-24 07:32:43] [REDACTED] Deming Air Unit is available for Emergency Callout only-Must receive approval from EPAB CDO to launch.

[07-24 07:32:43] [REDACTED] (EPT IOC/EPT SIU): 10-4

[07-24 08:29:55] [REDACTED] (EPT IOC/EPT SIU): [REDACTED] (LOB/EP SUP): LOB deployed a sUAS in ZN 42 near 17.5 road off of NM Highway 81 from 0830-1600, max elevation 400 feet

[07-24 12:48:21] [REDACTED] (EPT IOC/EPT SIU): DNM is requesting Air Support in locating distressed/deceased subject of Aerostat.

[07-24 12:31:06] [REDACTED] PAB does not have anything available at this time.

[07-24 12:31:06] [REDACTED] (EPT IOC/EPT SIU): 10-4

[07-24 3:4:02:35] [REDACTED] (EPT IOC/EPT SIU): Good Afternoon, is there any air support available this afternoon/evening? DNM is requesting assistance with locating a possible individual in

My Status: Available
My Role: [REDACTED]
Message Sound: pling
Message Color: Black
Auto Service [checked] Time in Zulu [unchecked]
[REDACTED] (STN/EP SUP)
[REDACTED]
[REDACTED] (//IOC-WC)

DENIED REQUESTS: Deming BP station requested air support with locating possible distress/deceased individual through Big Pipe. CDO [REDACTED] denied request to launch for alien in distress, per DAO Deming is not to launch. El Paso Air Branch (EPAB) responded through Big Pipe, that EPAB does not

08:01 ET 09:01 MT 10:01 CT 11:01 ET 12:01 UTC

Chat Tools Help

Tech Support / ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB STN

YST Sus Event Tucson Big Bend

[07-15 08:29:15] (DNM/BP SUP): DNM Station received information from ILU in regards to an alien in distress. Allen called family on the 12th of July stating he was dizzy and could not walk anymore. The only location given was north of the Sierra Ricas and near Hwy 9. Subject also could possibly be near Hachita area. No other information for location was given. Cell phone is turned off and unable to ping through Luna County Central Dispatch. If needed DNM has subject information if needed and cell number (that is turned off)

[07-15 08:29:32] (DNM/BP SUP): Also requesting air support to attempt to locate this individual.

[07-15 08:29:41] (DNM/BP SUP): ILU received information from the Mexican Consulate.

[07-15 08:29:45] (EPT IOC/EPT SIU): Stand by

[07-15 08:29:48] (DNM/BP SUP): DNM has ATV unit and HPU unit in area attempting to locate the individual. ATV - D194 and HPU - D183

[07-15 08:29:56] (EPT IOC/EPT SIU): 10-4

[07-15 08:31:05] (EPT IOC/EPT SIU): No air support available

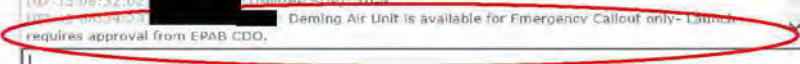
[07-15 08:32:02] (DNM/BP SUP): 10-4

[07-15 08:32:03] (DNM/BP SUP): Deming Air Unit is available for Emergency Callout only- Limited requires approval from EPAB CDO.

My Status: Available
My Role: ---
Message Sound: ping
Message Color: Black

Auto Logout Time in Zulu

- [Avatar] (//1IOC-ZC)
- [Avatar] (//1IOC-WC)
- [Avatar] (//1IOC-SUP)
- [Avatar] (DNM/BP SUP)
- [Avatar] (EPT IOC/EPT SIU)
- [Avatar] (//1IOC-SUP)



DENIED REQUESTS. DMN Station requested air support for a UDA in distress near the Sierra Rica Mountains / DMN AOR. EPAB CDO was informed of the situation and denied the air support request. CDO states denied per DAO [REDACTED]

BIGPIPE Paso Sector

08:51 PT 09:51 MT 10:51 CT 11:51 ET 12:51 UTC

Chat Tools Help

Tech Support / ALA ANMTCN DNM EPS EPT IOC EPT 500 FBN FHT LAS LOB STN

YST Sus Event *Tucson *Big Bend

[08:42:14:00] : 10-4
 [09:18:11:40] : Good afternoon, I'll be the EPT-IOC POC until 2300 hours.
 [10:12:45:00] : 10-4
 [10:18:22:50] : (EPT IOC/EPT SIU): Good evening, I'll be the IOC POC until 0600 hours
 [10:18:40:21:0] : DNM Station is requesting air support regarding an alien in distress. The alien called on July 12 and stated that he was feeling dizzy and could not walk anymore. The last location was north of the Sierra Rizas, near New Mexico State Road (NMSR) 9. No other information was given.
 [10:18:58:30:00] : Deming Air Unit-On STBY(Emergency Only). DAU will forward request to EPAB at 0600hrs, when they go 10-8.
 [10:19:09:40:37] : (DNM/BF-SUP): Thank
 [10:20:06:14:00] : (EPT IOC/EPT SIU): Good morning, I'll be the IOC-POC until 1500 hrs.
 [10:20:06:14:00] : [07-16 06:22:42] : EPAB is currently on a mission of higher priority. Omaha 905 (Front.com) will be the best point of contact.
 [10:20:06:14:00] : (EPT IOC/EPT SIU): Deming Air Unit available for Emergency Callout. DAU's request to assist DNM/LOB denied per EPAB/CDO.

My Status: Available
 My Role: ---
 Message Sound: ping
 Message Color: Black
 Time in Zulu

(//720C-2C)
 (//720C-2C)
 (//720C-60P)
 (//720C-WC)

DENIED REQUESTS: Deming Border Patrol Station requested air support via big pipe to assist in locating an Alien in distress. EPAB/CDO was notified and denied DAU to launch on this request, per CDO and DAO.

Denied Requests: August 17, 2020 Air support not available for Alien in distress call SW of Deming, NM.

08:36 PT 09:36 MT 10:36 CT 11:36 ET 12:36 UTC

Chat Tools Help

Tech Support ALA ANM TCN DNM EPS EPT IOC EPT SOD FBN FHT LAS LOB STN

*YST *Sus Event *Tucson *Big Bend

[08-17 19:52:29] (EPT IOC/EPT SIU): As per DNM: [08-17 19:52:29] (DNM/BP SIU): DNM is requesting air support to assist with a search for a subject in distress at or near the following geographical coordinates: N32-D77621, W-107-947519. Reporting party stated she is going in and out of consciousness and is unable to walk further. Field POC will be D35.

[08-17 20:18:34] (EPT IOC/EPT SIU): T4
EPAB will be unable to support at this time due to aircraft mechanical issues

[08-17 20:28:57] (EPT IOC/EPT SIU): T4
EPAB will be available tomorrow (08/18) after helicopter maintenance inspection.

[08-17 20:31:11] (EPT IOC/EPT SIU): T4
Is there still air support in the DNM AOR?

[08-17 20:31:11] (EPT IOC/EPT SIU): No air support available today

[08-17 20:31:11] (EPT IOC/EPT SIU): 10-4

My Status: Available
My Role: ---
Message Sound: ping
Message Color: Black
Time in Zulu

(EPT IOC/EPT SIU)
(DNM/BP SIU)
(EPT IOC/EPT SIU)
//TIOC-SUP
//TIOC-SUP
//TIOC-WC
(EPT IOC/EPT SIU)
//TIOC-SUP
(EPT IOC/EPT SIU)

Request for air support originally came in at 15:26. First 911 call from this group being track was over 4 hours later at 19:43. If the unit had responded to the first call there is a good possibility the group would

CBP BIGPIPE COMMUNICATION LOG

[07-09 11:05:17] [REDACTED] (DNM/BP SUP): Is there going to be any air assets available later to help with the lost subject search?

[07-09 11:06:02] [REDACTED] Stand by

[07-09 11:07:55] [REDACTED] What's the information on the lost subject and I will push it up my chain, but right now we do not have anything available.

[07-09 11:10:28] [REDACTED] (DNM/BP SUP): On July 8, 2020 at approximately 1456 hours, Deming Station (892) was notified by Luna County Central Dispatch (LCCD) of a 911 call from a subject reporting himself to be lost. The call was transferred to 892 and the following information was obtained from the subject before the call was dropped.

Subject identified himself as [REDACTED] 27 years old, wearing brown pants, black shirt, and white tee shirt. Subject stated he was part of a group of 6 that was apprehended this morning and he fled prior to the apprehension. Subject stated he traveled from 1 hour from the location of the apprehension in an unknown direction. Subject did not recall crossing a paved highway (Both groups would have crossed Hwy 9) and that he had departed from Palomas Mexico early this morning. The subject stated he could see a hill with an antenna on it but no other unique land marks.

GPS of the 911 call was pinged by LCCD at GPS: 32.2592810, -107.2989810, approximately 1 mile north of I-10 mm 110. Las Cruces Station was notified and will be dispatching ATVs to this area. A group of 6 were apprehended at 0631 hours this morning approximately 12 miles south of I-10 mm 110 by the Deming ATV unit. TSM-DNM-2020-07-00832 GPS: 32.059029, -107.365572.

Last contact with the subject was at 0740 today, he claimed his phone was out of battery. LAS agents are actively looking for the subject.

~~[07-09 11:21:19] [REDACTED] EPAB am not going to be able to send any air support~~

~~[07-09 11:24:01] [REDACTED] (DNM/BP SUP): T4, thanks.~~

Supplemental Report

DI-20-001009

Exhibit 14



**SCHOOL OF
MEDICINE**
OFFICE OF
THE MEDICAL INVESTIGATOR

Report of Findings

Case Number: 2020-03986

[REDACTED]

County Pronounced: Hidalgo
Law Enforcement: Hidalgo County Sheriff's Office
Agent: Deputy [REDACTED]
Date of Birth [REDACTED]
Pronounced Date/Time: 6/12/2020 4:20:00 AM
Central Office Investigator: [REDACTED]
Deputy Field Investigator: [REDACTED]

CAUSE OF DEATH

Hyperthermia and dehydration

MANNER OF DEATH

Accident

[REDACTED] MD

Medical Investigator, Director of Forensic
Neuropathology, Assistant Professor of Pathology

All signatures authenticated electronically

Date: 9/1/2020 8:41:21 AM



Medical Investigator

[Redacted] MD



SUMMARY AND OPINION

PATHOLOGIC ANATOMIC DIAGNOSES:

- I. Hyperthermia and dehydration.
 - A. History of hiking as US Border Patrol Officer, high temperature of 86 degrees F.
 - 1. Reported complaints of thirst and muscle cramping.

SUMMARY AND EXPLANATION OF FINDINGS:

[Redacted] a [Redacted]-year-old man, was reported patrolling on foot when he ran out of water and was found unresponsive.





SCHOOL OF
MEDICINE
OFFICE OF
THE MEDICAL INVESTIGATOR

DEATH INVESTIGATION SUMMARY

Case Number: 2020-03986

[REDACTED]

County Pronounced: Hidalgo
Law Enforcement: Hidalgo County Sheriff's Office
Agent: Deputy [REDACTED]
Date of Birth: [REDACTED]
Pronounced Date/Time: 6/12/2020 4:20:00 AM
Central Office Investigator: [REDACTED]
Deputy Field Investigator: [REDACTED]

CAUSE OF DEATH

Hyperthermia and dehydration

MANNER OF DEATH

Accident

[REDACTED] MD

Medical Investigator, Director of Forensic
Neuropathology, Assistant Professor of Pathology

All signatures authenticated electronically

Date: 9/1/2020 8:41:21 AM

DECLARATION

The death of [REDACTED] was investigated by the Office of the Medical Investigator under the statutory authority of the Office of the Medical Investigator.

I, [REDACTED] MD, a board certified anatomic, forensic pathologist a licensed to practice pathology in the State of New Mexico, do declare that I personally performed or supervised the tasks described within this Death Investigation Summary document. It is only after careful consideration of all data available to me at the time that this report was finalized that I attest to the diagnoses and opinions stated herein.

Numerous photographs were obtained along the course of the examination. I have personally reviewed those photographs and attest that they are representative of findings reported in this document.

This document is divided into 8 sections with a final Procedural Notes section:

1. Summary and Opinion
2. External Examination
3. Medical Intervention
4. Postmortem Changes
5. Evidence of Injuries
6. Internal Examination
7. Microscopy
8. Postmortem Computed Tomography

Should you have questions after review of this material, please feel free to contact me at the Office of the Medical Investigator (Albuquerque, New Mexico) - 505-272-3053.

Medical Investigator

██████████ MD

SUMMARY AND OPINION

PATHOLOGIC ANATOMIC DIAGNOSES:

I. Hyperthermia and dehydration.

A. History of hiking as US Border Patrol Officer, high temperature of 86 degrees F.

1. Reported complaints of thirst and muscle cramping.

SUMMARY AND EXPLANATION OF FINDINGS:

██████████ a ██████-year-old man, was reported patrolling on foot when he ran out of water and was found unresponsive.





Medical Investigator

[Redacted] MD

External exam date time: 6/13/2020 10:20:00 AM
 Authority for examination: OMI
 ID confirmed at time of exam: Yes
 Means used to confirm identity: Visual
 Other verification means:
 Location of orange bracelet: Right wrist
 Name on orange bracelet: Decedent name
 Other name on orange bracelet:
 Location of green bracelet: Right wrist
 Name on green bracelet: Decedent name
 Other name on green bracelet:
 Hospital ID tags or bracelets? No

If yes specify stated name and location:

Body length (cm):

Body weight (kgs):

BMI:



Development:

Development comments:

Stature:

Age:

Anasarca:

Edema localized:

Dehydration:

Scalp hair color:

Scalp hair length:

Eyes:

Irides:

Eyes corneae:

Eyes sclerae:

Eyes conjunctivae:

Eyes petechiae:

Palpebral petechiae:

Bulbar petechiae:

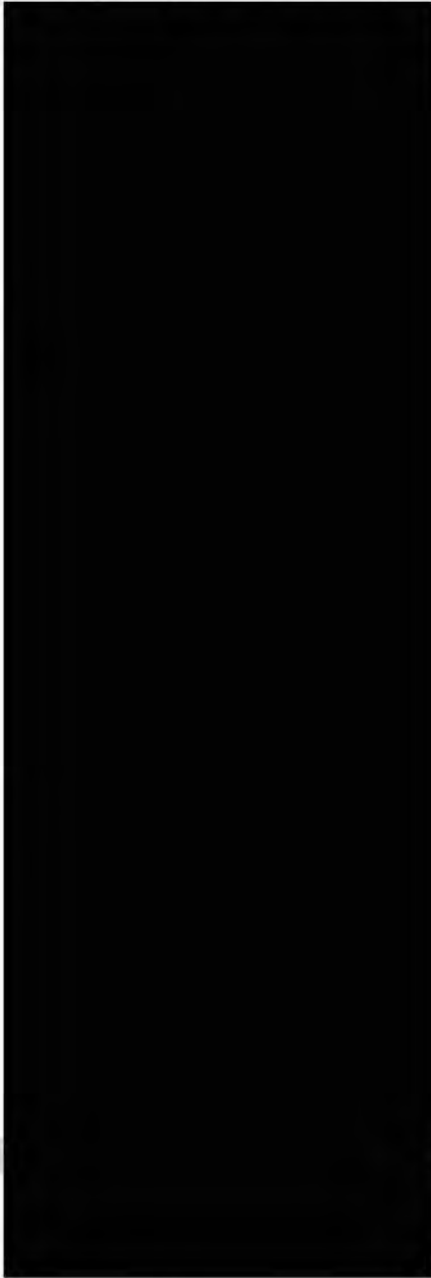
Facial petechiae:

Oral mucosal petechiae:

Nose:



Ears:
 Lips:
 Facial hair:
 Facial hair color:
 Maxillary dentition:
 Mandibular dentition:
 Condition of dentition:
 Neck:
 Trachea midline:
 Chest development:
 Chest symmetrical:
 Chest diameter:
 Abdomen:
 Anus:
 Back:
 Spine:
 External genitalia:
 Breast development:
 Breast masses:
 Right hand digits complete:
 Left hand digits complete:
 Right foot digits complete:
 Left foot digits complete:
 Extremities:
 Muscle group atrophy:
 Senile purpura:
 Pitting edema:
 Muscle other:
 Tattoos present:
 Tattoo anterior chest:



Cosmetic Piercing(s)

Cosmetic piercing present:



Scar(s)

Scar(s) present:



Reporting Tracking

Reported by:



MD

Verified by:

MD on 9/1/2020 8:41:08 AM



Reviewed and approved by:



MD on 9/1/2020 8:41:21 AM



Medical Investigator

MD

Evidence of medical intervention: Yes

Indwelling Tubes

If nasogastric tube present, specify course and position:

If endotracheal tube present, specify course and position:

Tracheostomy site/tube:

Mediastinal tube(s):

Chest tube(s):

If Foley catheter present, specify course and position:

Medical intervention other:

Needle puncture, left antecubital fossa

Electrocardiogram (ECG) Monitoring Pads

ECG Monitoring Pads Present?:

ECG Chest Pads:

ECG abdomen pads:

Other pads comments:

Defibrillator Pads

Defibrillator pads present?:

Right upper outer chest:

Left Lower outer chest:

Vascular Catheter(s):

Vascular catheter(s):

Recent Surgical Intervention

Evidence of recent surgical intervention:

Report Tracking

Reported by:

MD

Verified by:

MD on 9/1/2020 8:40:47 AM

Reviewed and approved by:

MD on 9/1/2020 8:41:21 AM

Medical Investigator

[Redacted] MD

External exam date: 6/13/2020 10:22:00 AM

Body temperature: [Redacted]

Rigor mortis: [Redacted]

Livor mortis - color: [Redacted]

Livor mortis - fixation (if applicable): [Redacted]

Livor mortis - position (if applicable): [Redacted]

State of preservation: [Redacted]

Report Tracking

Reported by: [Redacted] MD

Verified by: [Redacted] MD on 9/1/2020 8:40:50 AM

Reviewed and approved by: [Redacted] MD on 9/1/2020 8:41:21 AM

Case Number: 2020-03986

Evidence of Injury

Medical Investigator

MD

Are there any injuries: Yes

Evidence of Injury:

Autopsy date: 6/13/2020 10:12:00 AM

| # | Injury | Location | Injury Description |
|---|--------|----------|--------------------|
| 1 | | | |
| 2 | | | |

Report Tracking

Reported by: MD
Verified by: MD on 9/1/2020 8:40:51 AM
Reviewed and approved by: MD on 9/1/2020 8:41:21 AM

Medical Investigator

██████████ MD

Date of Autopsy: 6/13/2020 10:12:00 AM

Date of Internal Exam: 6/13/2020 12:00:00 AM

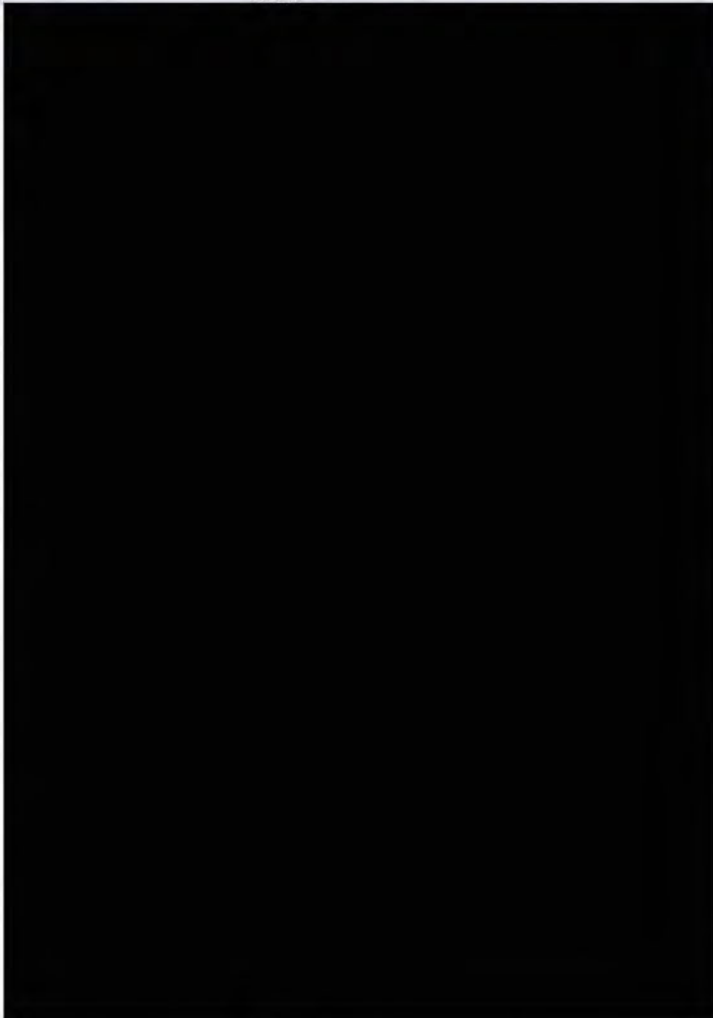
BODY CAVITIES

Chest cavities examined:
See evidence of injury section
Organs in normal anatomic position
Other organ position comments
Diaphragm:
Serosal surfaces:
Body cavity adhesions present:
Fluid accumulation present:



HEAD

Brain examined:
See separate forensic neuropathology consultation report
See evidence of injury section:
See evidence of medical Intervention section:
See postmortem changes section:
Brain fresh (g):
Brain fixed (g):
Facial skeleton:
Calvarium:
Skull base:
Skull comments:
Dura mater:
Dural venous sinuses:
Leptomeninges:
Epidural hemorrhages / hematomas:
Subdural hemorrhages / hematomas:
Subarachnoid hemorrhages:
Cerebral hemispheres:
Gyral and sulcal patterns:
Gyral convolutions and sulci:
Uncal processes:
Cerebellar tonsils:





Cranial nerves:
Basilar arterial vasculature:
Cerebral cortex:
White matter:
Corpus callosum:
Deep gray matter structures:
Brainstem:
Cerebellum:



Spinal Cord

Spinal cord examined:



Middle Ears

Middle ears examined:



Neck

Neck examined:
See Evidence of Injury section:
See Evidence of Medical Intervention section
See Postmortem Changes section:
Subcutaneous soft tissues:
Strap muscles:
Jugular veins:
Carotid arteries:
Tongue:
Epiglottis:
Hyoid bone:
Larynx:
Palatine tonsils:



CARDIOVASCULAR SYSTEM

Heart examined:
See separate Cardiovascular Pathology report:
See Evidence of Injury section:
See Evidence of Medical Intervention section:
See Postmortem Changes section:



Heart

Right coronary ostium position:
Left coronary ostium position:
Supply of the posterior myocardium:
Heart fresh (g):
Heart fixed (g):



Coronary artery stenosis by atherosclerosis (in percent):

Other coronary artery comments:

[Redacted]

Cardiac Chambers and Valves:

Cardiac chambers:

Tricuspid valve:

Pulmonic valve:

Mitral valve:

Aortic valve:

Right ventricular myocardium:

Left ventricular myocardium:

Atrial septum:

Ventricular septum:

Right ventricular free wall thickness:

Left ventricular free wall thickness:

Interventricular septum thickness:

[Redacted]

Aorta

Aorta examined:

Orifices of the major vascular branches:

Coarctation:

Vascular dissection:

Aneurysm formation:

Complex atherosclerosis:

Other aortic pathology:

[Redacted]

Vena Cava

Great vessels examined:

Vena cava and major tributaries:

[Redacted]

RESPIRATORY SYSTEM

Lungs examined:

See separate Cardiovascular Pathology report:

See Evidence of Injury section:

See Evidence of Medical Intervention section:

See Postmortem Changes section:

Lung right (g):

Lung left (g):

Upper and lower airways:

Pulmonary parenchyma color:

Pulmonary parenchyma congestion and edema:

[Redacted]

[Redacted]

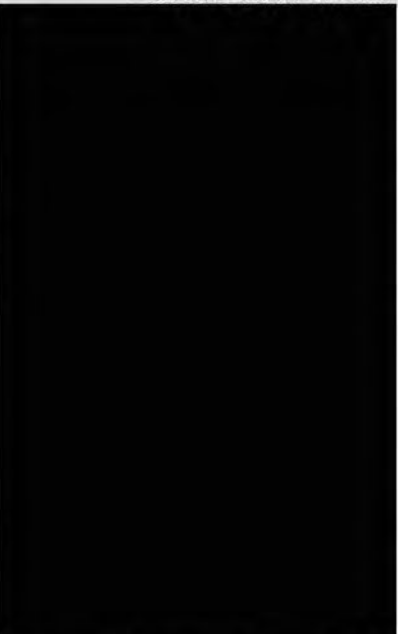


Pulmonary trunk:
Pulmonary artery thrombi:
Pulmonary artery atherosclerosis:



HEPATOBIILIARY SYSTEM

Liver examined:
See Evidence of Injury section:
See Evidence of Medical Intervention section:
See Postmortem Changes section:
Liver (g):
Bile vol (mL):
Gallstones autopsy:
Gallstones autopsy desc:
Hepatic parenchyma (color):
Hepatic parenchyma (texture):
Hepatic vasculature:
Gallbladder:
Gallstones:
Intrahepatic biliary tree:
Extrahepatic biliary tree:



GASTROINTESTINAL SYSTEM

Alimentary tract examined:
See Evidence of Injury section:
See Evidence of Medical Intervention section:
See Postmortem Changes section:
Stomach contents vol (mL):
Stomach contents description:
Appendix found:



Esophagus

Course:
Mucosa:



Stomach

Mucosa:
Pylorus:



Small Intestine

Luminal contents:
Mucosa:
Caliber and continuity:



Colon

Luminal contents:
Mucosa:
Caliber and continuity:





Pancreas

Form: [Redacted]

GENITOURINARY SYSTEM

Genitourinary system examined: [Redacted]
See Evidence of Injury section: [Redacted]
See Evidence of Medical Intervention section: [Redacted]
See Postmortem Changes section: [Redacted]

Kidneys

Kidneys capsules: [Redacted]
Cortical surfaces: [Redacted]
Cortices: [Redacted]
Calyces, pelves and ureters: [Redacted]
Kidney right (g): [Redacted]
Kidney left (g): [Redacted]
Urine volume (mL): [Redacted]
Urine description: [Redacted]

Urinary Bladder

Urinary bladder mucosa: [Redacted]

Male

Male: Yes

Testicles

Location: [Redacted]
Size: [Redacted]
Consistency: [Redacted]
Other testicle comments: [Redacted]
Not removed.

Prostate Gland

Size: [Redacted]
Consistency: [Redacted]
Other prostate gland comments: [Redacted]

RETICULOENDOTHELIAL SYSTEM

Reticuloendothelial system examined: [Redacted]
See Evidence of Injury section: [Redacted]
See Evidence of Medical Intervention section: [Redacted]
See Postmortem Changes section: [Redacted]

Spleen

Spleen (g): [Redacted]
Spleen parenchyma: [Redacted]
Spleen capsule: [Redacted]
Spleen white pulp: [Redacted]

Case Number: 2020-03986

Internal Examination



Bone Marrow

Color:



Lymph Nodes

Regional adenopathy:



Thymus

Thymus (g):

Parenchyma:



Other thymus comments:



ENDOCRINE SYSTEM

Endocrine system examined:

See Evidence of Injury section:

See Evidence of Medical Intervention section:

See Postmortem Changes section:



Pituitary Gland

Size:



Thyroid Gland

Position:

Size:

Parenchyma:



Adrenal Glands

Adrenal right (g):

Adrenal left (g):

Size:

Parenchyma:



MUSCULOSKELETAL SYSTEM

Musculoskeletal system examined:

See Evidence of Injury section:

See Evidence of Medical Intervention section:

See Postmortem Changes section:

Bony framework:

Musculature:

Subcutaneous soft tissues:



ADDITIONAL COMMENTS

Report Tracking

Reported by:

MD

Verified by:

MD on 9/1/2020 8:40:52 AM

Reviewed and approved by:

MD on 9/1/2020 8:41:21 AM





Medical Investigator

[Redacted] MD

Medical Investigator Trainee

unassigned

Microscopic description:

LIVER: [Redacted]

HEART: [Redacted]

KIDNEY: [Redacted]

LUNGS: [Redacted]

BRAIN: [Redacted]

*Unless otherwise indicated sections are stained only with hematoxylin and eosin (H&E).

| Block | Tissue Location | Description | Stain |
|-------|-----------------|-------------|-------|
| A1 | [Redacted] | | |
| A2 | [Redacted] | | |
| A3 | [Redacted] | | |
| A4 | [Redacted] | | |

Report Tracking

Reported by: [Redacted] MD
 Verified by: [Redacted] MD on 9/1/2020 8:40:48 AM
 Reviewed and approved by: [Redacted] MD on 9/1/2020 8:41:21 AM



Medical Investigator

[Redacted] MD

Date of examination: 6/13/2020 10:12:00 AM
Study date: 6/13/2020 8:03:00 AM
Accession number: OMI 2020-03986
Exam type: Full body postmortem
Technique: Computed tomography scan
Comparison: None
Comments:

A full body postmortem computed tomography scan is reviewed by the pathologist and demonstrates no injuries that contributed to death and no significant natural disease findings.

Report Tracking

Reported by: [Redacted] MD
Verified by: [Redacted] MD on 9/1/2020 8:40:49 AM
Reviewed and approved by: [Redacted] MD on 9/1/2020 8:41:21 AM



Case Number: 2020-03986
Decedent Name: [REDACTED]
Pathologist: [REDACTED] MD
Fellow/Resident: none
Date of Examination: 6/13/2020 10:12:00 AM

Morphology technican(s) present

| Yellow Sheet | Morphology Technician |
|----------------|-----------------------|
| Evidence | [REDACTED] |
| Attendees | [REDACTED] |
| Identification | [REDACTED] |
| Autopsy | [REDACTED] |
| Evidence | [REDACTED] |
| Radiology | [REDACTED] |
| Retention | [REDACTED] |
| LabOther | [REDACTED] |

Morphology technican supervisor(s) present

| Yellow Sheet | Morphology Technician Lead |
|----------------|----------------------------|
| Attendees | [REDACTED] |
| Identification | [REDACTED] |
| Autopsy | [REDACTED] |
| Evidence | [REDACTED] |
| Radiology | [REDACTED] |
| Retention | [REDACTED] |
| LabOther | [REDACTED] |



Autopsy attendees

Other morphology technicians present:

[Redacted] - Senior Technician

Law enforcement officers present:

BPA [Redacted]
BPA [Redacted]
United States Border Patrol



Specimens obtained for laboratory testing

- HIV serology:
- HIV spin and store:
- HCV/HBV serology :
- Influenza serology:
- Other serology:
- Freezer protocol:
- DNA card:
- Metabolic screen:
- Cytogenetics:
- Med-X protocol:
- Urine dipstick:
- Blood cultures (bacterial):
- Lung cultures (bacterial):
- CSF culture (bacterial):
- Spleen culture (bacterial):
- Stool culture (bacterial):
- Other bacterial culture (specify):
- Mycobacterial culture (lung):
- Mycobacterial culture (other):
- Viral Cultures:



Approach to autopsy dissection

- Rokitansky evisceration:
- Virchow evisceration:
- Modified evisceration:





Special autopsy techniques

- HIV serology:
- Pericranial membrane removal:
- Neck anterior dissection:
- Neck posterior dissection:
- Facial dissection:
- Vertebral artery dissection (in situ):
- Cervical spine removal:
- Layered anterior trunk dissection:
- Anterolateral rib arc dissection:
- Back dissection:
- Posterior rib arc dissection:
- Extremity soft tissue dissection:
- Eye enucleation:
- Inner middle ear evaluation:
- Maxilla or mandible resection:
- Spinal cord removal (anterior):
- Spinal cord removal (posterior):
- Other dissection(s):



Tissues retention

- Stock jar with standard tissue retention:
- Rib segment:
- Pituitary gland:
- Breast tissue (women only):
- Brain retention:
- Spinal cord retention:
- Cervical spine retention:
- Heart retention:
- Heart-lung block retention:
- Rib cage retention:
- Long bone retention:
- Other retention,specify:



Disposition of tissues retained for extended examination

Specimen outcome:





Number of scene photos produced by the OMI

Scene Photos: 20

Number of autopsy photos produced by the OMI

Autopsy Photos: 9

Evidence collected

- FBI blood tube:
- Blood spot card:
- APD blood card:
- Thumbprint:
- Fingerprints:
- Palmprints:
- Print hold:
- Oral swab:
- Vaginal swab:
- Anal swab:
- Other swab:
- Fingernails:
- Scalp hair:
- Pubic hair:
- Pubic hair combing:
- Projectile(s):
- Retain clothing:
- Retain valuables:
- Retain trace evidence:
- Retain body bag:
- Retain hand bags:
- Ligature:
- Other evidence retained:



Personal effects



| Property Type | Property Description | Property Detail |
|---------------|----------------------|-----------------|
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |
| Valuables | | |

Clothing

| Property Type | Property Description | Property Detail |
|---------------|----------------------|-----------------|
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |
| Clothing | | |



NMS Labs

CONFIDENTIAL

200 Welsh Road, Horsham, PA 19044-2208

Phone: [redacted] Fax: [redacted]

e-mail: [redacted]

[redacted] PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 06/22/2020 22:03

Patient Name [redacted]
Patient ID 2020-03986
Chain NMSCP61924
Age [redacted] Y
Gender Male
Workorder 20180438

To: 20141
New Mexico Office of Medical Investigators
Attn: [redacted]
1101 Camino de Salud NE- Ste B
Albuquerque, NM 87102

Page 1 of 2

Positive Findings:

None Detected

See Detailed Findings section for additional information

Testing Requested:

Table with 2 columns: Analysis Code, Description. Row 1: 8051B, Postmortem, Basic, Blood (Forensic)

Specimens Received:

Table with 5 columns: ID, Tube/Container, Volume/Mass, Collection Date/Time, Matrix Source, Miscellaneous Information. Row 1: [redacted]

All sample volumes/weights are approximations.
Specimens received on 06/16/2020.



CONFIDENTIAL

Workorder 20180438
Chain NMSCP61924
Patient ID 2020-03986

Page 2 of 2

Detailed Findings:

Examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Sample Comments:

001 Physician/Pathologist Name [REDACTED] MD

Chain of custody documentation has been maintained for the analyses performed by NMS Labs.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded six (6) weeks from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 20180438 was electronically signed on 06/22/2020 21:25 by:

[REDACTED]
Ph.D., F-ABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 8051B - Postmortem, Basic, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

| Compound | Rpt. Limit | Compound | Rpt. Limit |
|----------------------------|------------|----------------------------|------------|
| Amphetamines | [REDACTED] | Fentanyl / Acetyl Fentanyl | [REDACTED] |
| Barbiturates | [REDACTED] | Methadone / Metabolite | [REDACTED] |
| Benzodiazepines | [REDACTED] | Methamphetamine / MDMA | [REDACTED] |
| Buprenorphine / Metabolite | [REDACTED] | Opiates | [REDACTED] |
| Cannabinoids | [REDACTED] | Oxycodone / Oxymorphone | [REDACTED] |
| Cocaine / Metabolites | [REDACTED] | Phencyclidine | [REDACTED] |

-Analysis by Headspace Gas Chromatography (GC) for:

| Compound | Rpt. Limit | Compound | Rpt. Limit |
|----------|------------|-------------|------------|
| Acetone | [REDACTED] | Isopropanol | [REDACTED] |
| Ethanol | [REDACTED] | Methanol | [REDACTED] |

Supplemental Report

DI-20-001009

Exhibit 15

U.S. BORDER PATROL

EL PASO SECTOR

Patient Care Report

Medical Control: 915-521-7700

MEDICAL

TRAUMA

ALA DNM EPS CTX FHT LAS LOB SOD STN TCN YST

Patient 1 of 1 Patients Location: 31.339982 x -108.982237 MM: DATE: 06/11/2020

Pt Name: [REDACTED] Male Female Age: [REDACTED] DOB: [REDACTED]

Address: City: State:

Height: 5'9" Weight: 210 AVPU A: V: P: U: Glucose: Time:

| TIME | RESP | PULSE | B/P | PUPILS | SKIN | GCS SCORE: |
|------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 2345 | <input type="checkbox"/> Regular <input type="checkbox"/> Shallow <input type="checkbox"/> Labored | <input type="checkbox"/> Regular <input type="checkbox"/> Irregular 0 | / | <input type="checkbox"/> PERRL <input type="checkbox"/> Dilated <input type="checkbox"/> Constr <input type="checkbox"/> Unequal | <input type="checkbox"/> Warm, Pink, Dry <input type="checkbox"/> Cyanotic <input type="checkbox"/> Flushed cool to the touch | EYE OPENING: 1 VERBAL RESPONSE: 1 MOTOR RESPONSE: 1 TOTAL: 3 |
| | <input type="checkbox"/> Regular <input type="checkbox"/> Shallow <input type="checkbox"/> Labored | <input type="checkbox"/> Regular <input type="checkbox"/> Irregular | / | <input type="checkbox"/> PERRL <input type="checkbox"/> Dilated <input type="checkbox"/> Constr <input type="checkbox"/> Unequal | <input type="checkbox"/> Warm, Pink, Dry <input type="checkbox"/> Cyanotic <input type="checkbox"/> Flushed | EYE OPENING: VERBAL RESPONSE: MOTOR RESPONSE: TOTAL: 0 |
| | <input type="checkbox"/> Regular <input type="checkbox"/> Shallow <input type="checkbox"/> Labored | <input type="checkbox"/> Regular <input type="checkbox"/> Irregular | / | <input type="checkbox"/> PERRL <input type="checkbox"/> Dilated <input type="checkbox"/> Constr <input type="checkbox"/> Unequal | <input type="checkbox"/> Warm, Pink, Dry <input type="checkbox"/> Cyanotic <input type="checkbox"/> Flushed | EYE OPENING: VERBAL RESPONSE: MOTOR RESPONSE: TOTAL: 0 |

SAMPLE: Dispatch: 2322 Scene Arrival (time): 0044 Pt Contact (time): 0045 Burns: 1st% 2nd% 3rd%

S/S: Unresponsive male chest compressions being done.
 Allergies: N/A
 Meds: N/A
 PMH: N/A
 Last Meal: N/A
 Events to incident: The pt had been hiking prior to going unresponsive.

OB: Gravida: Para: Weeks Gestation:

OXYGEN THERAPY:

OXYGEN LPM NRM NC BVM OPA NPA INTUBATION: Combi tube ET: Size:

IV THERAPY:

Attempt: 1st
 Time: 0050 Catheter Size: 18 Site: L-AC LR NS Rate: TKO Bolus Amount Infused: 500 CC

| | | |
|-----------------------|-----------------------------|------------------------|
| EYE OPENING: | VERBAL RESPONSE: | MOTOR RESPONSE: |
| 1 - Unresponsive | 1 - No Response | 1 - No Response |
| 2 - To Pain | 2 - Incomprehensible Sounds | 2 - Abnormal Extension |
| 3 - To Verbal Command | 3 - Inappropriate Words | 3 - Abnormal Flexion |
| 4 - Spontaneous | 4 - Disoriented & Converses | 4 - Withdraws to Pain |
| | 5 - Oriented & Converses | 5 - Localizes Pain |
| | | 6 - Obeys Commands |

Chief Complaint:

Pt was found unresponsive and not breathing.

Narrative:

Report filled out by: EMR EMT AEMT PARAMEDIC

Pt Transferred To:

Print Name

Signature

L222
Star #

HCEMS 2617 AEMT [REDACTED]

**United States
Border Patrol
Patient Care Report**

PATIENT CARE FORM CONTINUATION

Date of Service:
06/11/2020

Date of Report:
06/12/2020

Star #
1.222

Patient Name:
[REDACTED]

Age:
[REDACTED]

DOB:
[REDACTED]

Sex:

Male

Female

Narrative (cont.):

D: At 2322 hours Border Patrol Agent (BPA [REDACTED]) advised via service radio that he found his partner unresponsive and is not breathing. At this time I was approximately 2.5 miles from my truck and then I started to run back to my vehicle to respond.

C: Unresponsive and not breathing.

H: The pt partner advised that they have been hiking all day in the heat and they were making there way back to the truck. BPA [REDACTED] arrived at his truck but he hadnt seen his partner. At this time he started to try to make contact with his partner and wasnt able to reach him on the radio. As BPA [REDACTED] started to drive back to were he last seen him. He encountered the pt laying in the middle of roadway unresponsive and not breathing. He then started CPR on rescue breathing on the pt.

A: Arrived onscene at 0045 hours and found a single male pt laying in a supine position with his partner doing chest compressions and rescue breathing. BPA [REDACTED] advised that he has been doing CPR and rescue breathing at a rate of 30 compressions to two rescues breaths. He had been doing CPR for approximately an hour and a half already. The pt was unresponsive and cool to the touch. No pulse noted at the carotid artery. The pts shirt was then removed and no signs of trauma was noted to the upper anterior portion of the pts body. An AED was placed on the pt at 0047 and no shock was advised. Chest compression was started immediately after no shock was advised by the AED. I then attempted to insert an sized 4 I-GEL airway into the pt. The pt skin was cool to the touch and the pts jaw had some stiffness as in rigor mortis was setting in. An OPA was then inserted for the airway at 0048 hours. A BVM was then used for the rescue breathing at the rate of 30 compressions to two breaths. An IV was then started by AEMT [REDACTED] in the pts left AC. Succesfull on the first attempt with an 18g catheter. A bolus of 500cc of LR was being given at this time. At 0052 hours Epinephrine 1:10,000 1.0mg was given IV. The AED then analized and no shock was adivsed and CPR was immediately started again. At 0053 Hidalgo County EMS 2617 arrived on scene and a report was given. The pt was then placed on their monitor and Asystole was seen on the cardiac monitor. At this time AEMT [REDACTED] terminated resuscitation efforts at 0056 hours. OMI and the Hidalgo County Sheriff Office was then contacted.

RX: AED, IV 18g, 500cc LR bolus, 1:10,000 of 1mg of EPI given, Airway OPA.

EQUIPMENT / SUPPLIES USED:

- 1 pair of gloves
- 1 IV start kit
- 1 multi drop set
- 1 500cc bag of LR
- 1 AED
- 1 set of AED Pads
- 1 18 g catheter
- 2 10cc NS prefilled flush
- 1 18g needle
- 1 vial of EPI 1:1,000 (had to make an EPI 1:10,000)
- 1 saline lock
- OPA
- 1 BVM

Pt Transported To:

Pt Status: Non-Critical

Receiving Physician:

CREW MEMBERS:

Certification Level

BPA [REDACTED] AEMT

Supplemental Report

DI-20-001009

Exhibit 16

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TRANSCRIPTION OF INTERVIEW WITH SAIA [REDACTED]
DECEMBER 11, 2020.

APPEARANCES: **SPECIAL AGENT [REDACTED]**
 SPECIAL AGENT [REDACTED]
 SAIA [REDACTED]

TRANSCRIBED BY: **[REDACTED]**

1 SPECIAL AGENT [REDACTED] ...being recorded. Today's
2 date is December 11, 2020. The time is now 10:05 a.m.
3 and this is the statement of Supervisory Air
4 Interdiction Agent [REDACTED] being given for Case
5 Number 2021-00443. This is being given through the
6 TEAMS application. Mr. [REDACTED] is in Alpine, Texas?

7 [REDACTED] El Paso, Texas.

8 SPECIAL AGENT [REDACTED] El Paso, Texas currently.
9 Agents [REDACTED] and [REDACTED] are in Buffalo, New York.
10 Present at this interview is Senior Special Agent [REDACTED]
11 [REDACTED] Can you spell your last name?

12 SPECIAL AGENT [REDACTED] [REDACTED]

13 SPECIAL AGENT [REDACTED] Special Agent [REDACTED]
14 [REDACTED] and SAIA [REDACTED] Could you spell
15 your last name, please?

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] (inaudible)

17 [REDACTED]

18 SPECIAL AGENT [REDACTED] Okay, thank you. Questions
19 will be asked by Agents [REDACTED] and [REDACTED] Responses
20 will be provided by SAIA [REDACTED] unless otherwise
21 specified.

22 Mr. [REDACTED] has been provided his administrative
23 warning and acknowledgment which he has signed and

1 returned via email.

2 Could you please stand and raise your right hand?

3 [REDACTED] [REDACTED] Yes, sir.

4 SPECIAL AGENT [REDACTED] Do you solemnly swear or
5 affirm that the statements you're about to provide will
6 be true and correct to the best of your knowledge and
7 belief?

8 [REDACTED] [REDACTED] I do.

9 SPECIAL AGENT [REDACTED] Okay, have a seat. Please
10 state your complete name.

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 SPECIAL AGENT [REDACTED] Okay. What is your position
13 title?

14 [REDACTED] [REDACTED] Currently I'm the Supervisory Air
15 Interdiction Agent at the El Paso air branch with the
16 Alpine air unit following under me as well.

17 SPECIAL AGENT [REDACTED] Okay. What is your job
18 series?

19 [REDACTED] [REDACTED] Job series 1881.

20 SPECIAL AGENT [REDACTED] Pay grade?

21 [REDACTED] [REDACTED] GS-14.

22 SPECIAL AGENT [REDACTED] And you already mentioned it,
23 but your duty station?

1 [REDACTED] [REDACTED] Duty station's El Paso in Alpine,
2 Texas.

3 SPECIAL AGENT [REDACTED] Perfect. You're advised that
4 this is an official investigation being conducted by
5 the CBP Office of Professional Responsibility.
6 Knowingly providing false or fictitious statements may
7 subject you to criminal prosecution under Title 18,
8 United States Code 1001 or administrative discipline up
9 to and including dismissal from federal service. Do
10 you understand this requirement?

11 [REDACTED] [REDACTED] I do, sir.

12 SPECIAL AGENT [REDACTED] Okay. You are hereby
13 notified that any discussion of matters under official
14 review by the Office of Professional Responsibility to
15 unauthorized personnel is prohibited. Further, you are
16 cautioned any discussion or disclosure of the substance
17 of the interview or any of the circumstances
18 surrounding any of the incidents discussed during this
19 interview may result in disciplinary action being taken
20 against you. Do you understand this nondisclosure
21 requirement?

22 [REDACTED] [REDACTED] I do, sir.

23 SPECIAL AGENT [REDACTED] Okay. Do you have any

1 question before we begin the interview?

2 [REDACTED] [REDACTED] No, sir.

3 SPECIAL AGENT [REDACTED] Okay. So, what -- the main
4 part of this is we wanted to go over the events that
5 occurred on June 11th that had to do with the response
6 from the El Paso air branch to the BPA [REDACTED] death
7 incident or scene. So if you could just -- do you
8 recall that date?

9 [REDACTED] [REDACTED] Very vividly, yes, sir.

10 SPECIAL AGENT [REDACTED] Okay. So if you could go
11 through the events, just starting prior to receiving
12 the call as to what you were doing and where you were
13 at and go forward.

14 [REDACTED] [REDACTED] Okay. I was -- at the time I was a
15 GS-13 Aviation Safety Officer Instructor Pilot,
16 Maintenance Test Pilot here at the El Paso air branch.
17 The day of that incident, I was the Command Duty
18 Officer, the CDO. I assumed duties around plus-minus
19 06:00 that day. I had cleared multiple flights to fly
20 throughout the air branch that day based on, on our
21 flight schedule that we had set up on that Thursday to
22 include covering the night -- the evening and swing
23 shift flights. So it was from the -- for a 24 hour

1 period I was the Command Duty Officer.

2 I was here in El Paso for approximately 10 hours
3 that day from 06 to roughly 15, 16:00-ish, at which
4 point I went home for the evening, but I stood
5 responsible for clearing flights.

6 That evening we had protests in downtown El Paso of
7 which our local teams had requested air support. That
8 evening crew and I had been in lots of discussion that
9 evening regarding the weather that night and I actually
10 had put them on a weather hold, so the ground agents
11 were requesting support for a potential riot that was
12 taking place downtown El Paso and we had to tell them
13 we were not available due to weather unless it was an
14 absolute law enforcement emergency, then we're not
15 going to be able to respond. We would be in a standby
16 posture.

17 So that evening, (inaudible), I actually went to
18 sleep roughly -- sorry, sir?

19 SPECIAL AGENT [REDACTED] I just coughed.

20 [REDACTED] [REDACTED] I thought you were going to ask a
21 question. So that evening, and I don't remember an
22 exact time, but 8, 9:00 in the evening, 20, 21:00-ish I
23 went ahead and went to sleep. I got woken up roughly

1 2:30 and I have the exact time in my notes from where a
2 CEO supposedly -- my ODO supposedly called me relaying
3 that -- received a call from Agent [REDACTED] (sp) that a
4 border patrol agent was down in zone (inaudible)
5 unresponsive with no pulse and that agents had already
6 started chest compressions.

7 Native Air was called out, which is our local
8 medevac team either at Deming or Douglas, Arizona and
9 they were not able to respond due to the weather.

10 SPECIAL AGENT [REDACTED] Okay.

11 [REDACTED] [REDACTED] So myself and the pilot, Mr. [REDACTED]
12 [REDACTED] went into a very lengthy discussion at that
13 point regarding the weather, where they're going to
14 respond to, because there's lots of confusion as to was
15 the agent mobile, were they moving the agent, where
16 exactly the agent -- was the agent down in the field?
17 There was a lot of conflicting information going on.

18 So which point I was still at the house. I took it
19 upon myself not to respond the 45 minute drive down to
20 El Paso to, to, to come to our command center. I
21 stayed at the house, got on my laptop, had two
22 cellphones (inaudible) and I had my cellphone hooked up
23 to the radio so I could hear all the radio traffic that

1 was going on from Lordsburg and whatnot.

2 So the pilot and I were in discussion because the
3 weather was not good at all. It was really close to
4 our limits to even operating legally. Brought in the
5 discussion by the pilot, Mr. [REDACTED] had asked me if
6 Deming was an option to launch. And I told Mr. [REDACTED]
7 I -- Deming's not a player in this because they don't
8 have any crews available. I had launched and I had
9 cleared Mr. [REDACTED] who was the pilot out in Deming that
10 day, the only pilot on duty for a patrol roughly
11 6:30-ish to go out and fly and he flew roughly 3 -- I'm
12 sorry, 5, 5.3 hours I believe, if I'm not mistaken
13 correctly. And he had not -- I believe I told
14 Mr. [REDACTED] that I said, I just think I told him they're
15 not an option.

16 So him and I continued the flight planning process.
17 So from when he notified me to when he launched was
18 roughly 23 minutes of, of time of getting his risk
19 done, me notifying the director of a high risk mission.
20 So we had to get -- let the director let -- hey, I'm
21 launching them under my authority, but I'm giving you
22 the courtesy of -- we're under a high risk mission and
23 here's what's going on. So I gave him some phone calls

1 as to what was going on.

2 He -- so they had to preflight, do their risk, and
3 then get the aircraft out of the hangar (inaudible)
4 they put to bed for the night because of the weather.
5 And get out there, make the weather call, make the
6 final call, finally figure out exactly where the agent
7 was because of the El Paso IOC was trying to send us to
8 the scene and then it was to FOB Garza, then to the
9 scene. So it was going back and forth.

10 So my response was to get him airborne, let's --
11 it's, it's going to be a lengthy response to get out to
12 the New Mexico (inaudible). (Inaudible) could to, to
13 try to get there as fast as we can. So I launched
14 Mr. [REDACTED] He went off westbound.

15 During all this, I was notified somewhere in the
16 middle of it that after I got Mr. [REDACTED] airborne, that
17 Tucson was also a player in this. Tucson air branch
18 was launching an aircraft. So I called the JFC there
19 in Tucson and I was inquiring what's going on. What
20 aircraft are you launching, what is the capability, how
21 long is their response time? Well, we had the tailwind
22 in El Paso. We had a significant 40 knot (inaudible)
23 wind in El Paso which turns into a 30 to 40 knot

1 headwind coming out of Tucson, based on the monsoonal
2 flow down here in the southwest border.

3 So we knew that right away that they were literally
4 going to get there roughly the same time-ish is what we
5 were, what we were estimating.

6 As all that was progressing, I was continuously
7 contacting the aircraft. I started coordinating with
8 the (inaudible) so that when my aircraft could pick up
9 the patient, the agent and fly them directly to the
10 nearest medical center. Initially, wanted him to fly
11 him back to either Deming, Lordsburg, or even all the
12 way to El Paso and I kept arguing with the JSC and
13 arguing with El Paso -- the IOC that that is
14 (inaudible). I was a medevac pilot in the army. We
15 need to get them to the most definitive, quickest
16 (inaudible) possibly can and that was going to be the
17 hospital there in Douglas. That was the quickest
18 response.

19 So we were already coordinating with the hospital.
20 I was already talking to the actual emer doctor at that
21 hospital. Says yes, land in the parking lot, we'll
22 have the gurney and everything ready to get him out,
23 getting him into the ER as quick as you can. And he

1 was asking me for updates. So I also seen to the
2 radio, (inaudible) was there in progress. He asked me
3 how long the patient had been down for. I told him I,
4 I honestly don't know. So I was doing all that
5 coordinating at the house via cellphones. I mean, I
6 was, I was busy to say the least as well as notifying
7 my director who's notifying our SES chain of command
8 headquarters, everybody else.

9 It took him roughly 50 minutes, 55 minutes to get
10 there. And during all of this, the JFC instructed us
11 to send our aircraft to FOB Garza, not to the scene.
12 They said they wanted the Tucson aircraft to go to the
13 scene for a deconfliction of air space, deconfliction
14 of air (inaudible). Kind of made a mistake during
15 that, I kind of showed an inappropriateness is where I
16 told the JFC my aircraft is 10 minutes closer, why are
17 they not going to the scene? Why is my aircraft now
18 sitting on the ground at FOB Garza? And I may have
19 used inappropriate language on the phone call. I think
20 I told that already. I think I told them why the, why
21 the hell isn't my aircraft sitting in Garza and may
22 have used an explicit (inaudible). They said that the
23 Tucson aircraft was roughly 5 to 8 minutes out. We'll

1 keep my aircraft at Garza as a standby. The Tucson
2 aircraft now became the primary to pick up the patient
3 and fly them out.

4 The Hidalgo County EMS roughly 1 a.m.-ish I guess
5 made the call. I don't know who in it -- I don't know
6 who made the call of the, of the patient. So all of
7 our aircraft were told to RTV. I know the Tucson
8 aircraft made three attempts to land at the scene and
9 he was not able to do so, just because the ruggedness
10 of the terrain and everything else.

11 So at that point, we gathered up everyone's
12 together. I kept my aircraft there a little bit longer
13 because you don't know what's going to happen. Yeah,
14 RTV aircraft, send everybody home and then 5 minutes
15 later, no, no, no, no, no, we need them back. So I
16 left my aircraft, it was already staged on the ground,
17 refueled, ready to go at Garza. I kept them on the
18 ground there a little bit longer until we got
19 additional confirmation that the agent was not going to
20 be moved in the ER, then we were clear to bring my
21 aircraft back. And he got back roughly 3:20, 3:30 in
22 the morning is when he finally got back to El Paso.

23 SPECIAL AGENT ██████████ Okay, thank you. That was a

1 lot of information.

2 [REDACTED] [REDACTED] (Laughs.) My mind is going
3 literally 4,000 miles an hour during this whole
4 incident.

5 SPECIAL AGENT [REDACTED] I can imagine. It's a
6 stressful and -- scene. So I just have a couple
7 follow-up questions so we can get -- dig a little
8 deeper on a couple of the, the things you discussed.
9 So you were at home and you got the call from your,
10 your duty officer that was at the station or at the
11 office?

12 [REDACTED] [REDACTED] El Paso.

13 SPECIAL AGENT [REDACTED] Okay. And what was his name?

14 [REDACTED] [REDACTED] At El Paso, yes, sir. At El Paso.
15 Her name is [REDACTED]

16 SPECIAL AGENT [REDACTED] [REDACTED] Okay. And
17 she let you know that the request for the air support
18 had come in?

19 [REDACTED] [REDACTED] Yes, sir. She called and advised me
20 that there was a -- emergency request out for an agent
21 down. We didn't know the details of it. We really
22 didn't know any -- we just knew that the agent was
23 down, that CPR was in progress.

1 SPECIAL AGENT ██████ Okay. Now how does that
2 necessary -- work? So do you continue communication
3 with ██████ getting coordinates and things of that
4 nature or do you do something else?

5 ██████ ██████ No, I -- absolutely, you're
6 absolutely right. That's exactly what I did.

7 SPECIAL AGENT ██████ So ██████ is feeding you the
8 information that's coming via radio and/or Big Pipe?

9 ██████ ██████ Big Pipe, radio and phone calls,
10 yes.

11 SPECIAL AGENT ██████ Okay. So ██████ -- or ██████
12 ██████ is the one coordinate -- is she an AIA?

13 ██████ ██████ No, she's actually a BPA. She's a
14 supplemental air crew member we have assigned at El
15 Paso air branch.

16 SPECIAL AGENT ██████ Okay.

17 ██████ ██████ So basically she gets the
18 information and relayed it to me. But she was -- I had
19 kept her on my speaker phone, so as she was getting
20 information, I was hearing the information in real time
21 because at the exact same time I was also talking to
22 the pilot. And we were doing -- he was getting the
23 exact same information I was getting at the same time

1 so we could make a coordinated decision.

2 SPECIAL AGENT [REDACTED] Okay. And that pilot is

3 [REDACTED]

4 [REDACTED] Yes, sir.

5 SPECIAL AGENT [REDACTED] Okay. And where was he when
6 you called him?

7 [REDACTED] At the El Paso air branch.

8 SPECIAL AGENT [REDACTED] He was in the office?

9 [REDACTED] Yes, sir.

10 SPECIAL AGENT [REDACTED] Okay. So he was on his
11 scheduled shift doing administrative work?

12 [REDACTED] Yes, sir.

13 SPECIAL AGENT [REDACTED] Prior --

14 [REDACTED] He was just on standby because of
15 the weather.

16 SPECIAL AGENT [REDACTED] Okay. So he had previously
17 been on weather standby. Okay.

18 [REDACTED] Yes.

19 SPECIAL AGENT [REDACTED] So where was the aircraft at
20 the time?

21 [REDACTED] Inside the hangar.

22 SPECIAL AGENT [REDACTED] Okay.

23 SPECIAL AGENT [REDACTED] And --

1 ████████████████████ Because of the storms in the area.

2 SPECIAL AGENT ██████████ Okay. ██████████, normally if
3 it was good weather, that aircraft would have been
4 outside, ready to, ready to go or --

5 ████████████████████ Based on the AMAP, a (inaudible)
6 aircraft would have been just returning from a
7 patrol.

8 SPECIAL AGENT ██████████ Okay. Because of the
9 weather, you put -- physically put it inside the
10 hangar?

11 ████████████████████ Yes, sir.

12 SPECIAL AGENT ██████████ Understood. Thank you.

13 SPECIAL AGENT ██████████ But it -- was it fueled and
14 ready to go, just inside the hangar?

15 ████████████████████ Absolutely, yes, sir.

16 SPECIAL AGENT ██████████ Okay. Ready -- okay. And
17 you had stated that Mr. ██████████ had suggested that maybe
18 Douglas was a closer response --

19 SPECIAL AGENT ██████████ Deming.

20 SPECIAL AGENT ██████████ Or not Douglas, Deming, I'm
21 sorry, was a closer response.

22 ████████████████████ Yes, sir.

23 SPECIAL AGENT ██████████ And you, you stated that you

1 thought Deming was timed out or what have you because
2 of their earlier patrol?

3 [REDACTED] [REDACTED] Yes, sir.

4 SPECIAL AGENT [REDACTED] Okay. Now did you dig any
5 deeper in that, did you call anyone, the supervisor in
6 Deming or just to confirm?

7 [REDACTED] [REDACTED] I didn't, sir. I was, I was the CDO
8 and the clearance authority that day, so -- and I
9 just -- it just happened to be (inaudible) that
10 situation where the Deming supervisor did not clear his
11 aircraft that day, I did. I'm on the risk as being the
12 clearance authority.

13 SPECIAL AGENT [REDACTED] Okay.

14 [REDACTED] [REDACTED] So in the back of my mind I already
15 knew that they had flown early morning and that they
16 were on crew rest right now and that they weren't
17 available now. I did not click on the schedule and
18 look to see exactly what time or Big Pipe to see what
19 time he came in at. I just knew in the back of my mind
20 that they were not going to be available.

21 SPECIAL AGENT [REDACTED] So you, you had mentally
22 disqualified them based on your prior knowledge, but
23 you didn't dig down to the nitty-gritty?

1 [REDACTED] [REDACTED] I wouldn't -- I just -- I made a
2 decision based on the moment.

3 SPECIAL AGENT [REDACTED] (Inaudible).

4 [REDACTED] [REDACTED] That I have a crew available in El
5 Paso right now. We're game planning it. We're looking
6 at the weather. And that it would take -- be an
7 extended -- it would take longer to get a crew into
8 Deming, briefed, their aircraft out and not knowing the
9 exact weather conditions in Deming at that time because
10 I believe the weather was worse in Deming than it was
11 in El Paso. So I just, I made a decision that I have
12 my crew (inaudible). The aircraft is prepped. My guys
13 are ready. We're already briefed. So I knew that that
14 crew had already flown earlier that day.

15 SPECIAL AGENT [REDACTED] Okay. Did you ever work in
16 Deming?

17 [REDACTED] [REDACTED] Yes, sir, I did.

18 SPECIAL AGENT [REDACTED] Okay. So just based on your
19 knowledge and belief and this is hypothetical, if you
20 lived in Deming within, you know, short response to the
21 airport, which when I say short response, within 10
22 minutes, and you had crew available, but nobody was in
23 the office, what do you guesstimate the time frame via

1 from phone call, waking up, driving to the office,
2 prepping the aircraft and launching would be?

3 [REDACTED] [REDACTED] 30 minutes minimal.

4 SPECIAL AGENT [REDACTED] Okay. Now --

5 [REDACTED] [REDACTED] (Inaudible) from I'm waking up,
6 getting dressed, driving to the airport, doing a risk,
7 talking to command duty officer, getting the --
8 everybody, all the crew members in so that way we can
9 legally pull the aircraft out of the hangar, to the
10 flight line, launch, to get -- you talking to get the
11 aircraft airborne?

12 SPECIAL AGENT [REDACTED] Yes.

13 [REDACTED] [REDACTED] Minimum of 30 minutes, sir. You'd
14 have to really be on your game to get that in 30
15 minutes.

16 SPECIAL AGENT [REDACTED] Okay. That, that would be
17 the bare minimum?

18 [REDACTED] [REDACTED] Absolutely, sir. Now that's with
19 everything clicking and in place.

20 SPECIAL AGENT [REDACTED] Okay. Did you have any idea
21 if the aircraft was fueled and/or ready to go?

22 [REDACTED] [REDACTED] I did not have that information
23 available, sir. No, sir.

1 SPECIAL AGENT ██████ Okay. You, you stated that
2 after having that discussion with ██████ saying he would
3 be the primary based on his availability and the
4 aircraft's readiness, you contacted director

5 ████████████████████

6 ████████████████████ Yes, sir.

7 SPECIAL AGENT ██████ What was discussed in that
8 conversation?

9 ████████████████████ It was a very brief discussion and I
10 don't know if I did the email first or the discussion
11 first. No, it was the discussion first because I
12 followed up with the email. I just gave him a quick
13 call and said hey sir, we're responding to a high risk
14 mission. We have an agent down in Lordsburg, down in
15 the bottom of the Boot Heel near Monument 70 area, just
16 to give him just a geographical reference, and I was
17 launching Mr. ██████ And he said roger that, see if
18 you can keep me up, keep me up to date what's going on.
19 I'll let Mr., Mr. Jones know.

20 SPECIAL AGENT ██████ Okay. There was no further
21 discussion as to any other craft's availability or any
22 other station's availability?

23 ████████████████████ No, sir.

1 SPECIAL AGENT ██████ Okay.

2 ████████████████████ No, sir. Not that, not that I
3 recall.

4 SPECIAL AGENT ██████ Okay. He didn't bring up
5 hey, what about Deming or anything like that?

6 ████████████████████ Not that I recall, sir.

7 SPECIAL AGENT ██████ Okay. And you didn't bring
8 up the fact that Deming was unavailable?

9 ████████████████████ No, sir.

10 SPECIAL AGENT ██████ Or at least you believed them
11 to be unavailable? Okay.

12 ████████████████████ I don't, I don't remember bringing
13 it up, no, sir.

14 SPECIAL AGENT ██████ Okay.

15 ████████████████████ But again, there was a plethora of
16 information. There was a lot of stuff going on, so for
17 me to recall something 6 months ago is going to be
18 very, very tough exactly what I said and what I didn't
19 say, sir.

20 SPECIAL AGENT ██████ No, I, I understand. I'm
21 just asking if you have a recollection of any specifics
22 relating to that conversation.

23 ████████████████████ Yes, sir.

1 SPECIAL AGENT ██████ Okay. ██████ what was -- we
2 discussed that response time. That was -- excuse me.
3 We have a ton of different notes and --

4 SPECIAL AGENT ██████ Response time --

5 SPECIAL AGENT ██████ -- information that people
6 have given us previously.

7 SPECIAL AGENT ██████ This was based on this 5
8 point which was after the fact.

9 SPECIAL AGENT ██████ Okay.

10 SPECIAL AGENT ██████ Yeah, that -- he talked
11 about the --

12 SPECIAL AGENT ██████ Okay.

13 SPECIAL AGENT ██████ -- the time period.

14 SPECIAL AGENT ██████ So it was from -- so yeah, do
15 you, do you have in your notes from call you woke up,
16 you know, feet on the, on the floor to launch, what was
17 that -- do you know what that time frame is?

18 ████████████████████ (Inaudible), it was 20 to 30
19 minutes. It was roughly 20 to 30 minutes.

20 SPECIAL AGENT ██████ Okay. 20 to 30 minutes. So
21 you, you, you jumped up, got on your laptop. That
22 being said, by the time -- how long do you think it
23 took you to figure out that you were going to be

1 launching a -- your, your aircraft out of El Paso?

2 [REDACTED] [REDACTED] Based on the available information I
3 had at the time, sir, I made the, I made the assertion
4 fairly quickly that my crew on duty is the one I was
5 going to send to this incident.

6 SPECIAL AGENT [REDACTED] Okay. So [REDACTED] is giving you
7 the information. You're processing it and --

8 [REDACTED] [REDACTED] Yes, sir.

9 SPECIAL AGENT [REDACTED] -- within two, three, five
10 minutes, you decided okay, I got to open my laptop and
11 start a risk assessment?

12 [REDACTED] [REDACTED] It was fast -- yeah, that's, that's
13 fair. Yes, sir.

14 SPECIAL AGENT [REDACTED] Okay. I'm just -- you then,
15 you contacted [REDACTED] in that same type of time frame,
16 within --

17 [REDACTED] [REDACTED] Yes, sir.

18 SPECIAL AGENT [REDACTED] -- two to five minutes after
19 your first call?

20 [REDACTED] [REDACTED] Within a few minutes of me being
21 notified, I was already on the phone with a pilot, yes,
22 sir.

23 SPECIAL AGENT [REDACTED] Okay. And once again, I know

1 we're pounding on the same type of thing. So
2 hypothetically, your three to five minutes after
3 initial call, had you determined -- let's say Douglas
4 didn't have a flight -- or not Douglas, I'm sorry. I
5 keep saying Douglas because it's stuck in my head.
6 Deming didn't have a flight today and you believed them
7 to be available, it would have been three to five
8 minutes after your initial call that you would have
9 called, who would you have called in, in Deming to
10 initiate that?

11 [REDACTED] I honestly would have brought up the
12 schedule and looked to see who I had available.

13 SPECIAL AGENT [REDACTED] Okay. So you would have
14 directly called the pilot --

15 [REDACTED] I would.

16 SPECIAL AGENT [REDACTED] -- if there was one
17 available? Okay.

18 [REDACTED] Yes, sir.

19 SPECIAL AGENT [REDACTED] So now, once again, we're
20 talking hypotheticals here. You're two to five minutes
21 into it. You pull up the schedule. You call the
22 pilot, wake him up. Best response time theoretically
23 would be 30 minutes, so now we're about 35 to 40

1 minutes before that aircraft is in the air?

2 [REDACTED] Yes, sir.

3 SPECIAL AGENT [REDACTED] Does that fairly --

4 [REDACTED] That's just -- that's based on
5 hypothetical, my assumptions, yes, sir.

6 SPECIAL AGENT [REDACTED] Hypothetical, sure.

7 [REDACTED] Yes, sir. Purely hypothetical.

8 SPECIAL AGENT [REDACTED] 40 minutes in the air, and
9 your guy launched between 20 and 30 minutes. What
10 would be the time difference all things being equal for
11 a response out of Deming and response out of El Paso?

12 [REDACTED] Can I refer to some quick notes that
13 I have on that?

14 SPECIAL AGENT [REDACTED] Absolutely.

15 SPECIAL AGENT [REDACTED] Sure.

16 [REDACTED] I mean, because I've -- we're
17 looking at -- are we talking with the winds or without
18 the winds that day? Because Mr. [REDACTED] had the help of
19 the winds coming out of El Paso.

20 SPECIAL AGENT [REDACTED] I guess -- do you know if, if
21 Deming would have been -- had a tailwind?

22 [REDACTED] They would -- they would have a
23 little bit. They would have had more of a crosswind

1 component based on the wind conditions that day, so it
2 wouldn't have helped them nearly as much as it helped
3 Mr. ██████ who's the direct.

4 SPECIAL AGENT ██████ Okay. Well, let's say given
5 the wind conditions at both locations at that time,
6 what do you believe the response time in your expert
7 opinion as a pilot?

8 ██████ ██████ I honestly say, all things taken
9 into consideration, it would be -- fairly close, it
10 would be fairly close to which one would get there
11 faster, sir.

12 SPECIAL AGENT ██████ Okay.

13 ██████ ██████ Based on all the data that I have at
14 that time, that evening as we discussed without knowing
15 error, all the factors I have -- know now, it would be
16 very close to who would have gotten there faster.

17 SPECIAL AGENT ██████ That being said --

18 ██████ ██████ Just based (inaudible) on the fact I
19 had the aircraft on the ground here with my crews
20 prepped and ready.

21 SPECIAL AGENT ██████ Right. That would eat away
22 any, any time savings due to the proximity of Deming,
23 right?

1 [REDACTED] [REDACTED] Yes, sir.

2 SPECIAL AGENT [REDACTED] The fact that they weren't
3 there, that would have been a wash?

4 [REDACTED] [REDACTED] Correct.

5 SPECIAL AGENT [REDACTED] Okay.

6 [REDACTED] [REDACTED] And all the unknowns because I
7 didn't know -- I don't know where all the crew members
8 lived in Deming. I don't know if they lived in Las
9 Cruces, Silver City or if they live actually in Deming.
10 I know one person who actually lives in Deming. The
11 rest of them, I don't know. So I don't -- in looking
12 back now, but at that time, at that day, I didn't know
13 if he had anybody in Deming that was able to haul the
14 aircraft out of the hangar. I didn't know if he had
15 anybody that was close enough to help facilitate
16 everything that needed to get done, to get that
17 aircraft out there safely within policy.

18 SPECIAL AGENT [REDACTED] Okay.

19 SPECIAL AGENT [REDACTED] And [REDACTED] --

20 [REDACTED] [REDACTED] I just didn't know. I did not.

21 SPECIAL AGENT [REDACTED] Steve, when you're saying
22 he, who are you referring to?

23 [REDACTED] [REDACTED] I'm referring to a Mr. [REDACTED]

1 He -- I know for a fact he lives very close to the
2 Deming area unit.

3 SPECIAL AGENT [REDACTED] Okay.

4 SPECIAL AGENT [REDACTED] Okay. I think you've given
5 us a, a pretty good picture as to what you were
6 thinking and how things were progressing on that
7 evening. That being said, you've now had time to
8 review everything and go through the documents and, and
9 review schedules, I'm sure. Would you have done
10 anything different, have you had gained any knowledge
11 since then that would have -- if you had it at that
12 time made you do anything different?

13 [REDACTED] No, sir.

14 SPECIAL AGENT [REDACTED] Okay.

15 [REDACTED] I wouldn't have done anything
16 different. I, I -- you always, especially when, when
17 someone passes away. Me being a medevac pilot for many
18 years in the army and being a CBP pilot for many years
19 responding to many, many different incidences, you
20 always do that kind of fact check in the background,
21 did I mess up? Could I have done something better?
22 Looking at the totality of all the data that I have and
23 doing my own checking internally on myself, honestly

1 this, this scenario, this situation is a worst case.
2 Between the weather, the distance. The best case
3 scenario is Native Air would have launched out of
4 Douglas or Civilian Medevac would have launched out of
5 Douglas and that aircraft would have been there much
6 faster with the appropriate medical personnel to, to
7 help that, that person.

8 Second best case scenario, Sierra Vista would have
9 launched because Sierra Vista's closer than any of us,
10 closer than Deming, closer than Tucson, closer than El
11 Paso. And they had the exact same capability as Deming
12 and/or El Paso and/or Tucson. They would literally
13 just fly an A-star to the scene. Hopefully there was
14 an EMT on the ground that can jump on the back with
15 the, the patient or the agent in this case and fly them
16 to the quickest definitive care that they can get them
17 to. So that would have been the second best scenario
18 is have a -- an aircraft available for Sierra Vista to
19 launch.

20 SPECIAL AGENT [REDACTED] Sierra Vista is Tucson air
21 branch?

22 [REDACTED] Yes, sir. Sierra Vista's much
23 closer than the Deming area. I, I believe if you took

1 strict flight time, flight time, no winds, I believe
2 they're roughly 10 minutes closer flight time-wise.

3 SPECIAL AGENT [REDACTED] And do you know why Sierra
4 Vista wasn't available?

5 [REDACTED] [REDACTED] I don't know. I have no idea.

6 SPECIAL AGENT [REDACTED] But that decision would have
7 been made out of the CDO in Tucson, correct?

8 [REDACTED] [REDACTED] Correct, yes, sir.

9 SPECIAL AGENT [REDACTED] So in -- for, for your job as
10 CDO for the El Paso branch, it would have been between
11 Alpine, El Paso and/or Deming?

12 [REDACTED] [REDACTED] Yes, sir.

13 SPECIAL AGENT [REDACTED] And it -- your assessment at
14 the time and since then, El Paso was still the best
15 option for the most efficient response?

16 [REDACTED] [REDACTED] Yes, sir, to the most efficient
17 response, yes, sir. Based on just my opinion based on
18 the data that I know, yes, sir.

19 SPECIAL AGENT [REDACTED] Okay. Were you ever told
20 prior to this incident or during this incident by any
21 of your superiors, "I don't care what's happening,
22 don't call Deming. They suck"?

23 [REDACTED] [REDACTED] No.

1 SPECIAL AGENT ██████ "They're horrible"?

2 ██████████████████ No, sir.

3 SPECIAL AGENT ██████ "We don't want to deal with
4 them anymore"?

5 ██████████████████ No, sir.

6 SPECIAL AGENT ██████ Were you ever instructed by
7 any management official to minimize their role in the
8 El Paso air branch?

9 ██████████████████ Never, no, sir.

10 SPECIAL AGENT ██████ So as CDO, you had no
11 instructions to make sure you'd try everything but
12 Deming and Deming last resort?

13 ██████████████████ No, sir, I would never -- and if I
14 was even -- I've never been told that, ever.

15 SPECIAL AGENT ██████ Okay. You never heard that,
16 you've never been told that? Do you feel that way
17 about that?

18 ██████████████████ To minimize, to minimize an air unit
19 or to disregard an air unit, I would jig that. If
20 somebody were to tell me hey, ██████, don't call Deming
21 for a response in something like this, honestly, beyond
22 unprofessional how unsafe that is in regards to having
23 that capability there and not being able to utilize it,

1 I would have jiggged it.

2 SPECIAL AGENT [REDACTED] Okay. Fair enough. You got
3 any (inaudible)? Based on your knowledge of the Deming
4 air unit's hangar and their situation, is it possible
5 for two people to pull that aircraft out?

6 [REDACTED] [REDACTED] Is it possible? Yes, sir.

7 SPECIAL AGENT [REDACTED] Okay.

8 SPECIAL AGENT [REDACTED] [REDACTED], can you give us a
9 little bit of background as far as -- I know you, you
10 said you worked out of Deming previously, correct?

11 [REDACTED] [REDACTED] Yes, sir.

12 SPECIAL AGENT [REDACTED] Can you, like, just give us a
13 little bit of a, of a timeline of kind of when your
14 experience -- it sounds like you maybe moved around and
15 maybe gotten a couple promotions or things.

16 [REDACTED] [REDACTED] Yes, sir. So I was in the Deming
17 air unit from October of '07 to roughly February of
18 2012. I was a line pilot, aviation safety officer,
19 maintenancetest pilot at the Deming air unit.

20 SPECIAL AGENT [REDACTED] Okay. After that, where
21 did you go?

22 [REDACTED] [REDACTED] After that, I went to the El Paso
23 Intelligence Center as the headquarters liaison,

1 promoted 14. I spent two years at the Intelligence
2 Center as the headquarters liaison and at which point,
3 I was transferred to the El Paso air branch as a, as a
4 GS-14 supervisor.

5 SPECIAL AGENT [REDACTED] Okay. Did you at some
6 point, were you -- did you -- were you transferred to
7 a, a 15 in Tucson or -- GS-15?

8 SPECIAL AGENT [REDACTED] No.
9 [REDACTED] [REDACTED] (Inaudible).

10 SPECIAL AGENT [REDACTED] You froze up on us a little
11 bit.

12 [REDACTED] [REDACTED] (Inaudible) 2019 I promoted to
13 (inaudible) NTE out the Tucson air branch.

14 SPECIAL AGENT [REDACTED] Okay, sorry. You froze so we
15 missed everything you said for the last thing you said.

16 [REDACTED] [REDACTED] Okay. So in March of 2019, I
17 promoted to GS-15 NTE at the Tucson air branch as the
18 deputy director.

19 SPECIAL AGENT [REDACTED] Okay.

20 SPECIAL AGENT [REDACTED] And at the time of the
21 incident with Agent [REDACTED] you were back in El Paso?

22 [REDACTED] [REDACTED] I was in El Paso as -- back in El
23 Paso as a GS-13 safety officer, instructor pilot, yes,

1 sir.

2 SPECIAL AGENT [REDACTED] Some of the information
3 we've been given, is it fair to say based on your time
4 working either in El Paso or in Deming or just in that
5 entire general area, do you know SAIA [REDACTED]

6 [REDACTED] [REDACTED] I do, yes, sir.

7 SPECIAL AGENT [REDACTED] Have you --

8 [REDACTED] [REDACTED] We were, we were peers for many
9 years, yes, sir.

10 SPECIAL AGENT [REDACTED] How would you characterize
11 your relationship with him, is it professional or --

12 [REDACTED] [REDACTED] My relationship -- it was never a
13 personal relationship at all whatsoever. I draw a very
14 distinct line between work and home. I don't cross
15 that line. Professionally, as, as peers, we worked
16 well together.

17 SPECIAL AGENT [REDACTED] Okay. Some of the
18 information we have is that at the time of this [REDACTED]
19 incident, you were allegedly trying to get back to be
20 full-time in El Paso and that because of --

21 [REDACTED] [REDACTED] No, [REDACTED] that's -- no, I was
22 already full-time back in El Paso.

23 SPECIAL AGENT [REDACTED] You were?

1 [REDACTED] [REDACTED] In (inaudible) of this year, yes,
2 sir.

3 SPECIAL AGENT [REDACTED] Potentially maybe trying to
4 promote from a 13 to maybe had some type of
5 aspirations?

6 [REDACTED] [REDACTED] So yes, because the way I had to
7 take a bust back because of some family issues. My
8 teenagers decided to be teenagers when I left the house
9 because I was a geo bachelor. And my wife
10 unfortunately, they really pushed the limits. And some
11 things that they did were not conducive to a good
12 family environment for me not to go into a whole bunch
13 of details.

14 SPECIAL AGENT [REDACTED] Um-hmm.

15 [REDACTED] [REDACTED] So I wrote a memo and requested a
16 bust back and at which time I was initially by the
17 acting director here in El Paso told no, I was not
18 going to be allowed to. And then headquarters got
19 involved and they literally said we'll take you back
20 two steps, so from a 15 back to a 13, but we'll put you
21 into the Deming air unit. And I went to the Deming air
22 unit in July of '19 on a memo of my own, basically
23 explaining why I requested the bust back. And I was in

1 the Deming air unit from July of '19 -- I'm sorry, July
2 of -- yeah, July of '19 until December of '19 when I
3 was transferred on my request to the El Paso air branch
4 to be the branch safety officer and to help facilitate
5 the induction of the UH 60 Blackhawk because I'm a
6 Blackhawk pilot, fairly experienced Blackhawk pilot.
7 To get the -- help with that program, getting that
8 stood up here in El Paso.

9 SPECIAL AGENT [REDACTED] Okay. And kind of along
10 those lines where essentially it's being put out there
11 that, that because you were in a position where you
12 wanted to stay in El Paso and potentially promote, that
13 you were really kind of trying to, I'll say walk the
14 line with DAO [REDACTED] So essentially, whatever he
15 wanted at the time, you were basically going to go
16 along with it and not make any waves. Do you have any
17 response to that?

18 [REDACTED] No, sir. I've never, ever -- my
19 integrity and my accountability for my actions, I've
20 never put that into question for anything I've ever
21 done. From being the OIC during Hurricane Harvey
22 through all of the different instances I've been in
23 charge of through all the different operations I've

1 worked, I've never let my personal ambitions dictate
2 and/or change my professional handling of my -- how I
3 work and respond.

4 Now my director's my director. If he gives me an
5 instruction to do something, unless it's illegal,
6 immoral, unjust or outside of policy regulation, I'm
7 absolutely going to carry that out. But from what
8 you're suggesting, no, sir, I would never have put
9 myself into that kind of position.

10 SPECIAL AGENT [REDACTED] You mention that you would
11 never -- if DAO [REDACTED] you never would essentially
12 follow through if he gave you some type of order or
13 instruction that was illegal or immoral or unethical.

14 [REDACTED] [REDACTED] No, sir.

15 SPECIAL AGENT [REDACTED] Has he ever done that? Has
16 [REDACTED] ever told you to do something out of spite
17 or for whatever reason? And specific --

18 [REDACTED] [REDACTED] He was in line with a few of the
19 better directors I've worked with. In regards to --
20 and even more so regarding the policy. I've never met
21 a person (inaudible). I've worked with (inaudible)
22 directors. I've worked with some directors
23 (inaudible).

1 SPECIAL AGENT ██████████ Yeah, you're --

2 ██████████ ██████████ You guys back now?

3 SPECIAL AGENT ██████████ Yeah, you were breaking up
4 real bad. I think you, you were -- we kind of lost you
5 where you started to talk and say you've never -- you
6 mentioned policy, as far as policy and that you've
7 never worked with somebody, and then we kind of lost
8 you there, ██████████.

9 ██████████ ██████████ I've never worked with a director
10 who's more in tune with policy in regards to a lot
11 of -- or his direction is policy and/or regulated
12 based. So it makes it easy to, to follow the command
13 of somebody if their direction is policy based and they
14 send you the policy when they give you a direction.
15 You kind of -- there's no room for argument at that
16 point. Like, roger that, sir. We'll carry it out.
17 And he doesn't put us into the gray area. It's, it's
18 black or white.

19 SPECIAL AGENT ██████████ Are you aware of any issues
20 that DAO ██████████ has specifically with SAIA

21 ██████████

22 ██████████ ██████████ Define issues. What do you mean by
23 issues?

1 SPECIAL AGENT ██████████ Any, any personal dislike,
2 any professional ill will based on, you know, maybe
3 prior allegations --

4 ██████████ ██████████ (Inaudible).

5 SPECIAL AGENT ██████████ Or retaliation, I'll say.

6 ██████████ ██████████ I, I see what you're saying, sir.
7 In regards to professional dislikes or if he does have
8 any personal dislikes, he doesn't disclose those to me.
9 In regards to professional, I know with the ongoing
10 investigations that are going on because I've been
11 named a subject in OSC case and --

12 SPECIAL AGENT ██████████ Okay.

13 ██████████ ██████████ -- unfortunately a plethora of my
14 personal information was asked by an OSC investigator
15 which was inappropriate and I believe absolutely
16 unjustly obtained because of my former supervisor. But
17 I think and I'm trying to find the best words to use,
18 but I don't think there's any ill will. There's no
19 malintent. There is no -- (inaudible), nothing's ever
20 been disclosed to me (inaudible).

21 SPECIAL AGENT ██████████ Okay.

22 SPECIAL AGENT ██████████ Looking for a document. I
23 just want to ask you a couple of specific questions if

1 I can get this document to open.

2 SPECIAL AGENT [REDACTED] While he's looking at that,
3 [REDACTED] I guess I'll, I'll go a little further with
4 this. Obviously you're familiar with the El Paso air
5 branch, Deming, that area. You've worked with SAIA
6 [REDACTED] in the past. You said you've gotten along
7 well with him. What, what -- where -- what do you
8 think went wrong, I guess, or where things got
9 sideways?

10 [REDACTED] [REDACTED] The -- so Mr. [REDACTED] made a
11 comment to me last February, March time frame. We're
12 talking February 20, March 20, that something I had
13 said or something I had disclosed had severely hurt his
14 case and --

15 SPECIAL AGENT [REDACTED] Something that you,
16 something that you said personally?

17 [REDACTED] [REDACTED] There's something that I had said.
18 Something I had personally said had severely hurt his
19 case, his OSC case.

20 SPECIAL AGENT [REDACTED] Okay.

21 [REDACTED] [REDACTED] And I told him I don't know, I don't
22 know what you're talking about, sir, but I apologize if
23 I did say something that did hurt anybody. But I told

1 Mr. [REDACTED] I said I would never lie to protect
2 anybody. So if somebody asks me a question and I said
3 something and it hurt your case, I apologize, but I
4 would never lie. And then that's, that's when we
5 pretty much -- that's -- at that point, then that's
6 when I stopped communicating with him all together. I
7 did not -- at that point, if I was going to be accused
8 of something, I don't want to muddy the waters any
9 more. I don't want to be accused of anything else. I
10 just understood, okay. Something I said you did not
11 like, roger that. I'll maintain my professionalism as
12 I always have. I'll maintain my military bearing like
13 I always have, but other than that, then I stopped all
14 other communication.

15 SPECIAL AGENT [REDACTED] All right. Can --
16 [REDACTED] [REDACTED] Other than what I needed to do to
17 get my job effectively done.

18 SPECIAL AGENT [REDACTED] Understood. Can you maybe
19 pinpoint any -- a general time frame where maybe things
20 started to change, whether it be a new manager coming
21 in? Because it sounds like based on what we've been
22 told that the Deming air unit was essentially -- and
23 SAIA [REDACTED] was allowed to kind of run that Deming

1 air unit as he saw fit for, for quite a while.

2 [REDACTED] [REDACTED] Yes, sir.

3 SPECIAL AGENT [REDACTED] And then at some point
4 things changed.

5 [REDACTED] [REDACTED] So when I was the supervisor here in
6 El Paso, (inaudible) Mr. [REDACTED] and I would talk
7 almost daily and it was 99.9 percent (inaudible). Are
8 you guys back?

9 SPECIAL AGENT [REDACTED] We're back. We kind of --
10 you -- your --

11 [REDACTED] [REDACTED] I stopped when you put your finger
12 in the air.

13 SPECIAL AGENT [REDACTED] Yeah, okay. Yeah, you were
14 talking about that back when you were supervisor at El
15 Paso, is that what you were saying?

16 [REDACTED] [REDACTED] Yes, sir. Back when I was a
17 supervisor in El Paso as an op supervisor, Mr. [REDACTED]
18 and I would talk multiple times during the week.

19 SPECIAL AGENT [REDACTED] And when was that
20 approximately, when was that approximately, time frame?

21 [REDACTED] [REDACTED] Rough from 2014 to I left in 2019.

22 SPECIAL AGENT [REDACTED] Okay.

23 [REDACTED] [REDACTED] And it would be 99.9 percent work

1 related. Aircraft movement, missions, HSI missions,
2 different who's going to support what. You know, we
3 have mission in Albuquerque, can you guys support it?
4 No, we'll take it in El Paso. Okay, awesome. And then
5 it would be maybe a .1 percent, hey, how's the wife and
6 kids doing? Oh, they're doing great. That kind of
7 stuff. That's literally the basis of the conversations
8 we had.

9 I got promoted in March of '19 and left and went to
10 Tucson, so something happened after I left and we had a
11 plethora -- I say a plethora of acting directors have
12 come to El Paso. So during that time frame, so roughly
13 that October through when Mr. [REDACTED] (inaudible)
14 here in July of '19, there was a -- quite a few acting
15 directors that came through. So something in that time
16 frame happened and I don't know, I don't know the
17 details of what, who, what, when, where or why.
18 Something had taken place where -- a disagreement or
19 whatnot. Now that's when I think things started, in my
20 person [REDACTED] opinion, that's when I think things
21 potentially have started.

22 SPECIAL AGENT [REDACTED] Understood. Thank you.

23 SPECIAL AGENT [REDACTED] In your time when you were

1 there as CDO, and I know you were in Tucson for part of
2 this, so beginning with Mr. [REDACTED], were you -- did you
3 ever take place or were you ever a part of approving a
4 purely transportational mission as in Mr. [REDACTED] taking
5 an aircraft to fly either to Alpine or Deming just
6 because he didn't feel like driving?

7 [REDACTED] [REDACTED] No, sir, I was not there for that.
8 I was in Tucson when Mr. [REDACTED] was here in El Paso.

9 SPECIAL AGENT [REDACTED] Okay. As CDO, is that
10 something that would be approved if, if, if a director
11 or whoever stated they wanted --

12 [REDACTED] [REDACTED] A pure -- well, pure transportation
13 mission -- a pure transportation mission can go to the
14 AOH, our personal handler. You can't use the aircraft
15 for pure transportation.

16 SPECIAL AGENT [REDACTED] Okay. So there would be some
17 other type of mission that would accomplish both --

18 [REDACTED] [REDACTED] Yes, sir.

19 SPECIAL AGENT [REDACTED] -- both objectives? And what
20 types of things could be done if, if you wanted to fly
21 and you needed to go to Deming, what types of
22 classifications could that mission become so that you
23 could accomplish both things?

1 ██████████ ██████████ You can do a routine patrol, so you
2 can do patrol on your way out there. So you patrol the
3 border and look for calls. If there are no
4 immediate -- no calls, then at that point, you can
5 break off your patrol and go refuel at Deming, for
6 instance, and take care of any business you needed to
7 take care of.

8 SPECIAL AGENT ██████████ Okay. Makes sense.

9 ██████████ ██████████ And then depart Deming and go back
10 on a routine patrol or a training flight. You could
11 take someone on a training flight and then shoot --
12 let's say, for instance, shoot an approach into Deming,
13 land, shut down, go have your -- whatever needed to get
14 done. Have a conversation or you have to go to the
15 restroom and then get back in the aircraft and go back
16 on your training flight.

17 SPECIAL AGENT ██████████ Okay. Additionally, were --
18 maybe with Epic you had more knowledge, but were you
19 aware of a time frame where Deming had been basically
20 reappropriated to cover Tucson hours of flight time?

21 ██████████ ██████████ Yes, sir. That's always been a
22 thing that's kind of we've had to do. Even when my
23 time in Deming years ago, we would occasionally have to

1 go cover the focus area at 3, the far eastern end of
2 Arizona.

3 SPECIAL AGENT [REDACTED] Okay. And during that time,
4 did you ever have to -- and I don't know if disregard
5 is the right word, not service your Lordsburg station
6 due to the requirement?

7 [REDACTED] Yes, sir. There's times where
8 they'll say hey, your focus area is the, the Douglas
9 area today. Roger that, we're going down to the
10 Douglas area. Now if there's law enforcement
11 circumstances or if there's an urgency in the Lordsburg
12 or Deming area, by all means you call the CDO on the
13 radio, hey, Lordsburg is calling for assistance. They
14 have (inaudible) peak bodies run, lack of a better
15 term. But they have people who are trying to abscond
16 apprehension. Me as a CDO, I would tell them roger
17 that, go, go help them out. When you got that cleaned
18 up, continue on to Deming or continue onto Douglas or
19 continue onto the focus area 3.

20 SPECIAL AGENT [REDACTED] Was there ever a time where
21 that -- a call of that nature would have come in and
22 the standing orders were Tucson needs the hours, we're
23 not diverting?

1 ██████████ ██████████ I have not been told that, no,
2 sir.

3 SPECIAL AGENT ██████████ Okay.

4 ██████████ ██████████ Not that I recall.

5 SPECIAL AGENT ██████████ So you've never received a
6 call -- as CDO, you never received a call where someone
7 was just on routine patrol in the Tucson area, but had
8 requested permission to deviate to assist Lordsburg or,
9 or anyone else and denied that just because you felt or
10 you were told --

11 ██████████ ██████████ Not that I remember.

12 SPECIAL AGENT ██████████ Okay. And I don't know
13 that --

14 ██████████ ██████████ (Inaudible).

15 SPECIAL AGENT ██████████ I don't know we have any
16 specific information that you did anything like that.
17 We're just wondering if you're aware of anything like
18 that.

19 ██████████ ██████████ You know that term, felt like you're
20 on the hot seat? That's what that felt like.

21 SPECIAL AGENT ██████████ I understand.

22 ██████████ ██████████ But no, I'm not aware. And I know
23 of an instance and you said to elaborate if I can.

1 SPECIAL AGENT ██████ Sure.

2 ██████ ██████ When the aircraft -- I was CDO, the
3 aircraft had to go to focus area 3 and they did make a
4 call, hey, can you support Lordsburg for the day? And
5 I asked them, understood, is there anything going on in
6 Douglas? And they no. Yeah, absolutely, go out and
7 support Lordsburg. Do they have an active request?
8 Yes, they have an active request. Roger that.

9 SPECIAL AGENT ██████ Okay. So you have approved a
10 request of that nature?

11 ██████ ██████ Yes, sir.

12 SPECIAL AGENT ██████ In your recollection?
13 Okay.

14 ██████ ██████ If ever -- and I can't give you
15 specific dates and times honestly, sir.

16 SPECIAL AGENT ██████ No, no.

17 ██████ ██████ But I can --

18 SPECIAL AGENT ██████ I understand.

19 ██████ ██████ -- remember an incident like that
20 happening, yes.

21 SPECIAL AGENT ██████ How about as a pilot, did you
22 ever feel like the CDO and/or the director wasn't
23 allowing you to do something that you felt was

1 important?

2 [REDACTED] [REDACTED] No, sir.

3 SPECIAL AGENT [REDACTED] Okay. So at any time --

4 [REDACTED] [REDACTED] If I was able to articulate -- I'm
5 sorry, go ahead.

6 SPECIAL AGENT [REDACTED] Any time you would request a
7 deviation from a mission to, to respond to an active
8 call, you've always been approved as a, as a line
9 pilot?

10 [REDACTED] [REDACTED] As a line pilot, yes, sir. I cannot
11 honestly ever remember a time when I have requested
12 something based on the radio traffic I was hearing --

13 SPECIAL AGENT [REDACTED] Sure.

14 [REDACTED] [REDACTED] -- and been denied.

15 SPECIAL AGENT [REDACTED] Okay. Fair enough.

16 [REDACTED] [REDACTED] I've questioned some stuff we've
17 done before, but I've never been -- like, hey, you need
18 to go do this. This is a long time ago. Hey, you need
19 to go pick up these two local Deming PU guys to go look
20 at a crime scene and I kind of questioned the CDOs
21 like, am I allowed to do that? Yes, sir, they're law
22 enforcement officers, you can do that. Okay. Roger
23 that, we'll do it. But that was a long, long time ago.

1 But that's the only time I can also remember I even, I
2 even questioned what was going on.

3 SPECIAL AGENT [REDACTED] Okay. Fair enough. You got
4 anything else, [REDACTED]

5 SPECIAL AGENT [REDACTED] I don't think so.

6 SPECIAL AGENT [REDACTED] I just want to -- we don't
7 want to re-interview you, so we're just going through
8 all the various documents we have here and making sure
9 we've covered everything.

10 [REDACTED] [REDACTED] Oh, understood, sir.

11 SPECIAL AGENT [REDACTED] Yeah, I don't, I don't
12 think he was involved in (inaudible).

13 [REDACTED] [REDACTED] I hope not, whatever that is.

14 SPECIAL AGENT [REDACTED] Just a little bit more on the
15 weather because the weather keeps coming up. You, you
16 had been researching the weather due to a previous
17 request for riots or protests in El Paso. So you had a
18 familiarity as to what the conditions were prior to
19 going to bed that night?

20 [REDACTED] [REDACTED] Yes, sir.

21 SPECIAL AGENT [REDACTED] Okay.

22 [REDACTED] [REDACTED] I knew the weather was -- I live in
23 (inaudible), we all live in the local area, so we know

1 the weather wasn't, wasn't conducive for, for aviation
2 flying if need to be.

3 SPECIAL AGENT [REDACTED] Anywhere in the area?

4 [REDACTED] It's -- it was pretty widespread
5 that night, so yes, sir. It wasn't just an isolated
6 pop up thunderstorm or whatnot. It was a pretty
7 widespread area.

8 SPECIAL AGENT [REDACTED] So then you received
9 information from Ms. [REDACTED] BPA [REDACTED] that Native Air
10 had declined?

11 [REDACTED] Yes, sir.

12 SPECIAL AGENT [REDACTED] And that was due to weather?

13 [REDACTED] And El Paso IOC had -- El Paso IOC
14 had told her that the initial call to Native Air was
15 turned down due to weather.

16 SPECIAL AGENT [REDACTED] Okay. And what's Native
17 Air's proximity to Deming?

18 [REDACTED] Native Air is on the airfield at
19 Deming and also the closest to this incident would have
20 been in Douglas, Arizona. And I don't know if it's
21 Native Air or another medevac, (inaudible) medevac
22 company. I'm not sure which one's down there.

23 SPECIAL AGENT [REDACTED] Okay. You -- so you're not

1 sure which one was called either, right?

2 ██████████ ██████████ I am not sure.

3 SPECIAL AGENT ██████████ Which one declined?

4 ██████████ ██████████ I'm not sure they called Douglas or
5 Deming, yes, sir. The one thing I have in my notes was
6 that Native Air was contacted and they declined the
7 response.

8 SPECIAL AGENT ██████████ Okay.

9 ██████████ ██████████ Due to weather.

10 SPECIAL AGENT ██████████ And then as you had mentioned
11 earlier in the back of your mind, you knew there was no
12 pilot on duty in Deming and that the Deming pilot had
13 flown, leading you --

14 ██████████ ██████████ Yes, sir --

15 SPECIAL AGENT ██████████ -- to believe --

16 ██████████ ██████████ It had occurred earlier that morning
17 and flown a lot that day, yes, sir.

18 SPECIAL AGENT ██████████ Okay. So based on your
19 recollection of those events, you believed them to have
20 been timed out due to crew rest?

21 ██████████ ██████████ Yes, sir.

22 SPECIAL AGENT ██████████ Okay. So you didn't research
23 anything further with Deming, you went on making your

1 risk assessment for El Paso and Mr. [REDACTED]

2 [REDACTED] [REDACTED] Yes, sir.

3 SPECIAL AGENT [REDACTED] Okay.

4 SPECIAL AGENT [REDACTED] And I think, [REDACTED] you
5 said earlier that you had made that decision, you made
6 that decision pretty quickly once the request for
7 support came in for Agent [REDACTED] correct?

8 [REDACTED] [REDACTED] Yes, sir.

9 SPECIAL AGENT [REDACTED] What -- was anybody else
10 involved in making that initial decision as far as not,
11 not reaching out to Deming or not using Deming in the
12 response to the [REDACTED] incident?

13 [REDACTED] [REDACTED] No, no (inaudible). No one else
14 that I'm aware of was in that. It was, it was me based
15 on the information I had available at that time.

16 SPECIAL AGENT [REDACTED] Okay. In that, in that 20 to
17 30 minute response -- I don't know if you can hear us.
18 Goddamn, this internet is driving me nuts.

19 [REDACTED] [REDACTED] (Inaudible) now, but I can hear you
20 now.

21 SPECIAL AGENT [REDACTED] You can hear me? Okay.

22 [REDACTED] [REDACTED] Yes, sir.

23 SPECIAL AGENT [REDACTED] That 20 to 30 minute response

1 for the El Paso branch, specifically AIA [REDACTED] that
2 included preflight risk assessment, pulling the
3 aircraft out of the hangar, all of those things,
4 correct?

5 [REDACTED] [REDACTED] Yes, sir.

6 SPECIAL AGENT [REDACTED] Okay. Anything else, [REDACTED]

7 SPECIAL AGENT [REDACTED] Uh-uh, nope.

8 SPECIAL AGENT [REDACTED] Okay. I think we've covered
9 everything. Is there anything that I haven't asked you
10 that you think is important to add?

11 [REDACTED] [REDACTED] No, sir, not at this time.

12 SPECIAL AGENT [REDACTED] Okay. Would you like the
13 opportunity to review this recording in whole or in
14 part to ensure that it was properly recorded?

15 [REDACTED] [REDACTED] No, sir.

16 SPECIAL AGENT [REDACTED] Okay. That being said, this
17 concludes the statement of Supervisory AIA [REDACTED]

18 [REDACTED] The time is now 11 a.m. and the date is still
19 December 11th, 2020. The recording's being stopped.

20 (Whereupon, the interview was concluded at 11:00
21 a.m.)
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C E R T I F I C A T E

I, [REDACTED], do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 3rd day of January, 2021.

[REDACTED]

Supplemental Report

DI-20-001009

Exhibit 17



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



INVESTIGATIVE ACTIVITY REPORT

| | | | |
|--------------------------------|--------------------------------------|----------------------|-------------------------|
| CASE NUMBER: | TBD | FIELD OFFICE: | New York / RA Champlain |
| CASE AGENT: | RAC [REDACTED] | | |
| CASE TITLE: | Whistleblower retaliation | | |
| SUBJECT NAME AND TITLE: | [REDACTED] | | |
| ACTIVITY CONDUCTED: | Witness Interview of SAIA [REDACTED] | | |

DETAILS OF ACTIVITY

On April 30, 2024, Resident Agent in Charge (RAC [REDACTED]) and Special Agent (SA) [REDACTED], U.S. Customs and Border Protection (CBP), Office of Professional Responsibility (OPR), Investigative Operations Directorate (IOD), Buffalo Resident Agency (RA), Buffalo, NY, interviewed Supervisory Air Interdiction Agent (SAIA) [REDACTED], El Paso Air Unit (EPAU), El Paso, TX. The interview took place via Microsoft Teams and SAIA [REDACTED] was physically located at the EPAU.

The interview was audio and video recorded using Star Witness equipment and uniquely identified by Authentication Code: 01-44jqz-ay923-by59z-1ffwt-gzm47.

This report does not provide a verbatim account of the interview. Instead, it provides a summary of statements made. Refer to the recording for an exact account (Attachment 1).

RAC [REDACTED] explained to SAIA [REDACTED] that CBP OPR had received allegations that DAO [REDACTED] was purposefully retaliating against Mr. [REDACTED] and the DAU as punishment. RAC [REDACTED] then explained to SAIA [REDACTED] that during his (SAIA [REDACTED]) previous interview with OPR dated December 11, 2020, he (SAIA [REDACTED]) made a statement that he alone made the decision as the CDO to launch an aircraft out of the EPAU instead of the DAU during the June 11, 2020, incident involving the death of BPA [REDACTED]. RAC [REDACTED] then asked SAIA [REDACTED] if the statement that he alone made the decision to not launch an aircraft out of the DAU was correct, and SAIA [REDACTED] responded, "Yes sir" (Time stamp 3:45).

SAIA [REDACTED] stated that he made the decision to launch a rescue aircraft from the EPAU instead of the DAU because at that time, he already had a crew available in El Paso that was on a
I affirm that my statements in this report are true and correct to the best of my knowledge and belief.

| | | | |
|--------------|------------|-------|--|
| Prepared by: | [REDACTED] | Date: | |
| Approved by: | [REDACTED] | Date: | |

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



weather hold. SAIA [REDACTED] also stated that he believed at that time, the DAU had flown earlier that day and was on a “crew rest” period. SAIA [REDACTED] stated that a “weather hold” means the weather in the area was not conducive for scheduled patrol. SAIA [REDACTED] then explained that before he makes every decision to either launch or not launch an aircraft, they (pilots) have to fill out a checklist, that weather is included in that checklist, and that the weather conditions factor into every decision he makes to either launch or not launch an aircraft (Time stamp 4:40).

RAC [REDACTED] then explained to SAIA [REDACTED] that during his previous interview with OSC, he was asked if he (SAIA [REDACTED]) had assigned the DAU to fly patrol missions in Arizona in the last three months and that his response was, “I have executed the assigned flight schedule per the AMAP which did have the DAU operating and patrolling in AZ.” SAIA [REDACTED] then explained that the AMAP is a spreadsheet that the Southwest region uses to assign where weekly flights are going to fly and that the AMAP is based on the Chief Border Patrol Agent’s priorities (Time stamp 5:50).

SAIA [REDACTED] stated that, to the best of his recollection, the Southwest region asked the DAU to assist the Tucson, AZ, area with their flight hours. SAIA [REDACTED] stated that he vaguely remembers that Tucson was “falling behind” with their flight hours so the DAU was tasked with helping Tucson use up their flight hours. SAIA [REDACTED] stated that each decision that he makes as the CDO is completely separate from each other and that the missions that the DAU flew in Arizona were completely separate from the decision he made not to launch an aircraft from the DAU on June 11, 2020 (Time stamp: 7:50).

RAC [REDACTED] asked SAIA [REDACTED] if he saw or heard anything that would lead him (SAIA [REDACTED]) to believe that the reason the DAU had to fly missions in Arizona was because DAO [REDACTED] was trying to punish the DAU or retaliate against Mr. [REDACTED] and SAIA [REDACTED] responded, “Absolutely not. No sir.”

| ATTACHMENTS | DESCRIPTION |
|-------------|-----------------------------------|
| 1 | STARWITNESS Audio Video recording |
| | |

Supplemental Report

DI-20-001009

Exhibit 18

RE: OSC File No. MA-19-4412

The Special Counsel, pursuant to the authority contained in 5 U.S.C. Secs. 1212, 1214, 1216 and 1303 and in Civil Service Rule 5.4 (5 C.F.R § 5.4), requires that [REDACTED] answer, under oath, the attached interrogatories. The response to this request is due no later than **15 days** from the date of this request.

Please inform Mr. [REDACTED] that he is a subject of this investigation. I am including a copy of OSC's information sheet titled *Your Role in an OSC Investigation*. This explains the rights and responsibilities of witnesses and subjects in an OSC investigation. If Mr. [REDACTED] chooses to seek legal counsel to advise him as he completes these interrogatories, he and his counsel should complete the *Designation of Representative* form and return the signed form to OSC prior to starting the interrogatories. I have included a copy of that form, as well. Finally, a general statement meant to address all the interrogatories is not sufficient. We must respectfully ask that Mr. [REDACTED] provide a specific answer to each interrogatory. Thank you for your cooperation.

The pertinent provisions of the statutes and of Civil Service Rule 5.4 under which this request is made are set forth on the last page of this form. The request is made for law enforcement purposes and in connection with an official investigation being conducted by the Office of Special Counsel. If you have any questions, you may reach me at the address above, the phone number [REDACTED]

Requested by

[REDACTED]
Attorney, OSC Dallas Field Office

- September 9, 2020

INTERROGATORIES FOR [REDACTED]
OSC CASE MA-19-4412

Please respond to and furnish the requested information no later than 15 calendar days from the date of this request. Your answers may be provided on additional pages attached to this request. Once all the interrogatories have been answered and additional pages have been added as necessary, please complete the certification below and include it as the last page of the response to this request.

I, [REDACTED] understand that I am completing the following Interrogatories for [REDACTED] [REDACTED], who is investigating the complaint of prohibited personnel practices captioned MA-19-4412. I understand that I am a subject in this investigation. I also understand that the information that I provide in these interrogatories may be used in evidence, that it is not confidential, and that it may be shown to the interested parties (those with a legal right to know). I am fully competent to provide the information contained in these interrogatories. I have personal knowledge of the facts stated herein, and they are true and correct to the best of my knowledge and belief.

1. Please provide your full name, title, series and grade, organization, agency.

[REDACTED] **Air Interdiction Agent, 1881 GS 13-10, Department of Homeland Security, Customs and Border Protection, Air and Marine Operations.**

2. Please list a chronology of your work history in the federal service, include locations, dates, titles.

Oct 2007 – Oct 2007 Air Interdiction Agent El Paso Air Branch to Deming Air Unit

Oct 2007 – Feb 2012 Air Interdiction Agent Deming Air Unit NM

Feb 2012 – Jan 2014 Supervisory Air Interdiction Agent (GS-14) HQ AMO Liaison to the El Paso Intelligence Center.

Jan 2014 – Mar 2019 Supervisory Air Interdiction Agent (GS-14) El Paso Air Branch

Mar 2019 – July 2019 Deputy Director (GS-15) Tucson Air Branch

July 2019 – Dec 2019 Air Interdiction Agent (GS-13) Deming Air Unit NM

Dec 2019 – Present Air Interdiction Agent (GS-13) El Paso Air Branch

3. When did you first meet Mr. Boyer?

The first I remember meeting Mr. Boyer was in AUG 2018 in McAllen TX for the AMO quarterly management review.

a. Under what circumstances?

AMO quarterly management review.

b. Have you worked in the same chain of command as Mr. Boyer?

Mr. Boyer is the Deputy Executive Assistant Commissioner for Air and Marine, so he is in all agent's chain of command. I personally have never work directly for Mr. Boyer.

c. When was the last time you sent or received an email to or from Mr. Boyer?

I could not find any emails I directly sent to Mr. Boyer, I have attached the last general email that was sent out by Mr. Boyer I received.



BOYER, STEPHEN A
People

CBP - ALL OFFICE OF AIR AND MARINE OPERATIONS

4/20/2020

All,

Even during this extraordinary time characterized by so much uncertainty, I want to emphasize the importance of the wellbeing and safety of our people and their families. As the accountable executive for *AMO Vision and Strategy 2030* Goal 1–People, I want to spotlight how critical this goal is—without our people, we cannot perform the mission. I know we have incredible people working in our organization and leadership wants to ensure employees feel recognized for their hard work. In quarter one, we retroactively processed 109 Career Service Awards to ensure employees are recognized for their hard work and dedication.

By taking a people-first approach, we can increase the retention, engagement, and resiliency of our workforce. This will not only happen when people enter and exit AMO but will also be reflected in their personal and professional development throughout their time with our organization. We are also developing a plan to increase our personnel to 2,397, as well as increasing employee engagement opportunities.

As we empower employees through more growth opportunities, greater mission success stories will naturally continue to arise. It is important that we share these achievements with each other and to our external partners to tell our story of who we are and what we do. To stay up-to-date on AMO Vision and Strategy 2030 efforts and progress implementing Goal 1–People, please view the highlights in the [Fiscal Year 2020 Quarter One Performance Report](#) and visit the AMO strategy site on CBPnet at [REDACTED].

Thanks for all you continue to do.

Steve A. Boyer
Deputy Executive Assistant Commissioner
[Air and Marine Operations](#)
U.S. Customs and Border Protection
Office: [REDACTED]
Cell: [REDACTED]

4. When did you first meet Mr. [REDACTED]?

I believe I first met Mr. [REDACTED] is when I was TDY to Tucson to fly the UH-1 in 2009.

a. Under what circumstances?

I was TDY to fly the UH-1 to backfill the UH-60's.

5. When did you first meet Mr. Young?

I believe the first time I met Mr. Young was in 2012.

a. Under what circumstances?

When I was first promoted to GS-14 and spent 2 weeks at AMO HQ TDY.

b. When was the last time you sent or received an email to or from Mr. Young?

I could not find any emails I directly sent to Mr. Young, I have attached the last general email that was sent out by Mr. Young I received.



Ladies and Gentlemen,

As we head into the last quarter of 2020, our country and our people have been faced with once-in-a-lifetime challenges. The COVID-19 pandemic; civil unrest; unemployment; business closures; child and elder care issues, fires and tropical storms; the absence of school and social gatherings; and many other activities associated with maintaining a sense of normalcy in our lives. Our society has lost the stability and respite we have been accustomed to for our entire lives. These situations are creating stresses that are unavoidable.

This year's circumstances are significantly more difficult in many ways, especially the impact this is having on our mental health and that of our family and friends. Having a spouse or loved one out of work and worrying about financial impacts, or navigating the medical hurdles when dealing with a relative who is sick, will complicate anyone's life. Even the daily and recurring events of grocery shopping and trying to provide schooling or child care are wearing away at our inner strengths in ways we would have never imagined. The compounding factors of these simultaneous events are strong.

As I have previously messaged on this topic, we need to look out for each other and ensure the well-being of everyone in AMO. The entire management team is listening and looking out for you and the highest levels of leadership at the Department and CBP are doing the same. Please don't forget that while we want you safe, healthy, and well, your local supervisors and leaders are people too and dealing with the same issues. As peers, you might be able to spot signs of stress in your co-workers better than anyone else. If you observe elevated levels of anger, withdrawal, distraction, or fatigue – do not let these observations pass without action. Not everyone will ask for help no matter how badly they may need it.

In conversations I have personally had and others that have been relayed to me, the new and real-world norms are wearing on many of our employees. Workplace adjustments like liberal telework practices, increases in flexible schedules, and other accommodating measures do not completely compensate for the stresses you are facing.

Keeping you safe, healthy, and able to support our mission will take unique actions during these unique times – different than any of us are used to. We may not be equipped to take the same approaches to stress and mental health as we used to – and that's ok. But we still need to look for solutions.

A reminder that the following services are available to you and your families: [Employee Assistance Program](#), [CBP's Resiliency Programs](#), and AMO's Chaplains program. They are trained to help.

- National AMO Chaplain, DAMO [REDACTED] Uvalde Air Branch
- NASO Chaplain, SALA [REDACTED] NASOC-Sierra Vista
- SER Chaplain, AIA [REDACTED] Miami Air and Marine Branch
- SWR Chaplain, MIA [REDACTED] San Diego Air and Marine Branch

We are resilient and we will get through this. Thank you for what you do every day to serve our nation and the American people.

Edward E. Young
Executive Assistant Commissioner
CBP Air and Marine Operations
Desk [REDACTED]
Mobile [REDACTED]

6. When did you first meet Mr. [REDACTED]?

If I remember correctly, I first met Mr. [REDACTED] was in 2007 while he was on a tour of the Deming Air Unit as a new hire to the agency.

a. Under what circumstances?

While he was on a tour of the Deming Air Unit as a new hire to the agency.

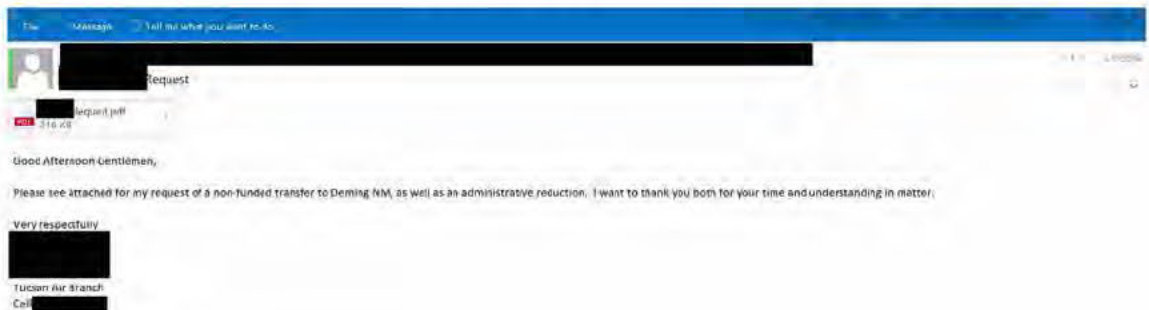
b. When was the last time you sent or received an email to or from Mr. [REDACTED]?

I could not find any emails I directly sent to Mr. [REDACTED], I have attached the last general email that was sent out by Mr. [REDACTED] I received.



7. Was your relocation to EPAB from Tucson a demotion?

No, I was not involuntarily demoted in rank or position by anyone in my chain of command. Yes, I voluntarily requested a demotion in order to return to the EPAB for personal reasons having to do with my desire to be closer to my family. I have included my formal request for demotion and reassignment to EPAB below.



U.S. Department of Homeland Security



U.S. Customs and
Border Protection

Air and Marine Operation
Tucson Air and Marine Branch
3440 South First St
Tucson AZ 85707

June 7, 2019

MEMORANDUM FOR: Dennis Michelini
Executive Director of Operations,
Headquarters Air and Marine Operations

THROUGH Keith Jones
Executive Director
Southwest Region

THROUGH [REDACTED]
Director of Air and Marine Operations
Tucson Air and Marine Branch

FROM: [REDACTED]
Deputy Director Air and Marine Operations
Tucson Air Branch

SUBJECT: Request for Administrative Transfer and Reduction in Grade

The purpose of this memorandum is to request a voluntary reduction in grade to a GS-1881-13 step 10 and immediate non-competitive no cost reassignment to the Deming Air Unit, Deming, New Mexico.

Since my transfer to Tucson, unforeseen family issues have arisen precluding me from being outside the local commuting area of my family who reside in Las Cruces, New Mexico. Significant stress has been placed on my family and it is imperative that I be at home and not in a commuting situation.

a. Who was the deciding official for your move from Tucson to EPAB?

It my understanding that the decision was made jointly by the SES's in AMO. I do not believe that a single individual made the decision.

b. Who was the deciding official for your transfer from Deming to El Paso?

I believe Mr. Jones was the deciding official.

c. Were you provided relocation expenses for your move to Tucson?

Yes, I was, VPR funded move.

d. If so, who was the approving authority?

HQ AMO

e. Were you provided relocation expenses for your move from Tucson to Deming?


No there was no funding, as per my attached memo.



f. If so, who was the approving authority?

No funding was requested

g. Were you provided relocation expenses for your move from Deming to El Paso?

No fund was provided for this move per my request, see memo below

 [Redacted] - 2 8/26/2019
SOLICITATION NUMBER: AMO Dated 22 August 2019

 [Redacted] CBP Resume 08262019.doc 102 KB
 AIA, GS-11 (Open Continuous).doc 62 KB

Good morning,

I am respectfully requesting a VRP later reassignment from Deming NM to El Paso TX. In the word document there is not Solicitation Number Dated 22 August 2019. RELOCATION PREFERENCE (NONE)

[Redacted]
Air and Marine Operations
Cell [Redacted]

h. If so, who was the approving authority?

No funding requested or provided

i. What is the address of your permanent residence?

[REDACTED]

j. Do you have multiple residences?

No, I do not have multiple residences. I have only one home, which I live in with my family in Las Cruces.

8. Did you compete for the position you were in prior your current position?

This was an open announcement from AMO HQ, please previous Memo for the position solicitation.

SOLICITATION NUMBER: AMO

LATERAL REASSIGNMENT OPPORTUNITY

Position Title: Air Interdiction Agent

Series & Grade: GS-1881-11/12/13

Duty Locations:

| | |
|--------------------------------|-------------------------|
| McAllen, TX | Laredo, TX |
| El Paso, TX | Yuma, AZ |
| Miami, FL | Del Rio, TX |
| Deming, NM | Jacksonville, FL |
| Sierra Vista, AZ (NASO) | |
| Grand Forks, ND (NASO) | |
| San Angelo, TX (NASO) | |

Open:

August 22, 2019

This solicitation closing period will change in accordance with the needs of the service.

This is a lateral reassignment opportunity, which confers no promotion potential.

Candidates will be selected and placed at their current grade level.

Air Interdiction Agent enrolled in any Air and Marine Basic Training Academy class are eligible to apply this lateral reassignment opportunity.

This position is not part of the bargaining unit. Current employees may request relocation through the CBP Voluntary Relocation Program (VRP).

The VRP applies to eligible employees relocating for lateral reassignment within the Continental United States only.

***NOTE* Employees relocating from Aguadilla, PR will receive a fully funded Permanent Change of Station (PCS).**

Employees selected for a lateral reassignment opportunity will be required to sign a relocation package that includes: Employee Relocation Expenses Authorization (CBP Form 334-1); Employment Agreement for Relocating within the Continental United States (CBP Form 334C-1); and Customs and Border Protection Relocation Incentive Service Agreement.

Employees who do not own real property that is used as their primary residence must report to their new duty location within 45 calendar days.

Employees who own real property used as their primary residence must report to their new duty location within 90 calendar days.

Employees relocating will receive the following days of Administrative Leave:

| Household Size | House Hunting | Packing | Unpacking |
|-----------------------|----------------------|----------------|------------------|
|-----------------------|----------------------|----------------|------------------|

| | | | |
|------------------|---------------|----------------|----------------|
| One Person | Five (5) Days | Three (3) Days | Three (3) Days |
| Multiple-Persons | Five (5) Days | Five (5) Days | Five (5) Days |

**In accordance with the Federal Travel Regulation (FTR) Section 302-4.400 the daily minimum travel distances is an average of 300 miles per calendar day.*

Employees relocating will receive via direct deposit a lump sum amount to cover all travel related expenses incurred in connection with their relocation. **PLEASE NOTE: Funds distributed are subject to federal tax withholdings.** The lump sum amount is determined as follows:

| Residence | One Person Household | Multiple-Persons Household |
|-----------|----------------------|----------------------------|
| Rents | \$8,950 | \$16,850 |
| Owns | \$27,375 | \$35,275 |

Employees interested in this noncompetitive reassignment opportunity must:

1. **Email your resume to [REDACTED] and [REDACTED]**
2. Your email message should include
 - a. **SOLICITATION NUMBER**
 - b. **YOUR RESUME**
 - c. **DESIRED DUTY LOCATION (s)**
 - d. **RELOCATION PREFERENCE (PCS/VRP/NONE)**

Please forward your questions regarding this solicitation to [REDACTED] at [REDACTED] or [REDACTED]

- a. Who was your supervisor?

SAIA [REDACTED]

- b. Did you relocate for your previous position?

I changed offices for Deming to El Paso as an AIA GS-13, not my previously held position of SAIA GS-14

- c. If so, were you provided relocation expenses?

I was not provided, nor did I request, any relocation expenses.

9. How many times have you geographically relocated during your time working for CBP?

If I recall correctly 7 times in my CBP career.

10. Have any of your relocations been involuntarily?

My first transfer from El Paso to Deming NM (OCT 2007) was involuntary and unfunded.

- a. Have you ever been demoted?

Yes, I have from GS-15 to GS-13, which I address in Interrogatory No. 7 above and clarify that the demotion was voluntary in order to ensure I was able to remain with my family.

- b. If so, was it a voluntary demotion?

Yes, this was voluntary as noted above.

- c. Please explain.

FROM: [REDACTED] Deputy Director Air and Marine Operations

Tucson Air Branch

SUBJECT: Request for Administrative Transfer and Reduction in Grade

The purpose of this memorandum is to request a voluntary reduction in grade to a GS-1881-13 step 10 and immediate non-competitive no cost reassignment to the Deming Air Unit, Deming, New Mexico.

Since my transfer to Tucson, unforeseen family issues have arisen precluding me from being outside the local commuting area of my family who reside in Las Cruces, New Mexico. Significant stress has been placed on my family and it is imperative that I be at home and not in a commuting situation.

It is my hope that favorable consideration will be given to this request. Your full understanding that “family” is the corner stone of a well-balanced life and I look forward to continuing to serve our mission in a capacity allowing me to be home.

11. Have you ever been disciplined for performance and/or conduct?

September 21, 2016

a. If so, explain.

I lost my service weapon out of the UH-1N over the southern NM desert due to the fact that I did not properly secure it when I went on an instrument evaluation flight. I placed the weapon and shoulder rig on my helmet bag while pre-fighting the aircraft. There were no crew members on this flight nor were there any doors on the aircraft. I served a one-day suspension without pay.

b. If so, who was the supervisor?

SAIA 

12. Which aircraft(s) are you currently qualified in?

AS350 B3 2B1, UH-60A+/ L

13. Please list any collateral duties?

El Paso Air Branch Safety Officer and Unit AS350 Instructor and maintenance test pilot.

14. Who was assigned to your collateral duties prior to your arrival at EPAB?

AIA [REDACTED] Safety, and AIA [REDACTED] Instructor Pilot

15. Are you aware of any complaints filed against you?

I have not received any official notification that any complaint has ever been filed against me for any reason.

16. Please list any disciplinary actions you have received including performance and/or conduct.

17. **I served a 1-day suspension without pay for losing my service weapon in September 2016.** Were you provided an office at the EPAB?

Yes

18. Is it common practice for a GS level 13 at EPAB to have an office?

It is a common practice for a GS-12 or 13 who is in a staff position to have an office. Examples of this include, operation officer, training officer, safety officer, instructor pilot, etc.

19. When were you first appointed to work as a CDO?

February 2014 at the El Paso Air Branch

20. Who else in EPAB works as a CDO?

[REDACTED]

[REDACTED]

21. When you've acted as CDO, have you ever been permitted to work from home?

I have performed CDO duties from my house if I am CDO on my scheduled day off (on LEAP) or after I have completed my scheduled workday.

22. As CDO do you assign the crew and destination of the Deming Unit flights?

The Deming Supervisor assigns the DAU's crews to fly each day.

23. Did you assign the Deming Unit to fly patrol missions in AZ in the last three months?

I have executed the assigned flight schedule per the AMAP which did have the DAU operating and patrolling in AZ.

24. As CDO are you the final authority on what flights the Deming Unit will be assigned?

Assigned mission are set by the operations supervisor. The CDO will approve missions per the AMAP.

25. If not, who authorizes the flights the Deming Unit is assigned?

The air unit supervisor assigns the crews and the CDO authorizes the flights per the flight schedule/AMAP.

26. There was a recent incident that resulted in a Border Patrol agent's death were you the CDO on duty for that flight?

I was the assigned CDO that evening/morning.

27. If so, please explain the circumstances of your decision as CDO to send a crew from El Paso rather than Deming?

The Deming Air Unit did not have a crew on duty when the call came in. The CDO was not made aware of any Deming aircrews who were on call, because Deming aircrew had exceeded the 16 duty day and had not had 10 hours from the previous duty. The assigned Deming crew had been on earlier that morning at 0500 MDST and came off shift at 1500 MDST. The weather in the area was thunderstorms and

high winds. The area winds were high enough the civilian HEMS turned down the call from Deming NM and Douglas AZ. There was a crew on duty in El Paso and Tucson. Working with the AZ JOIC a coordinated response was made utilizing 2 AS-350 helicopters from El Paso and Tucson despite the weather conditions, the El Paso crew and I made the determination that they could launch in an attempt to help the reported down agent. Given the facts and circumstances and the mission, I stand by this decision.

28. Were you work from home on the day of the fatality of the Border Patrol agent?

I was at my house when I received the call to provide a respond to an agent down. I had completed my assigned at work shift for that day.

29. How often do you work from home?

I do not “work from home”, rather, on infrequent occasions I have the responsibility of covering CDO duties from my home on either my days off or after I completed my assigned work shift at the branch.

30. Have you been approached by anyone at CBP about replacing Mr. [REDACTED] as the supervisor of the Deming Unit on a permanent or temporary basis?

DAO [REDACTED] noted that it was a possibility that I could be assigned to Deming as an acting Supervisor if needed. I thanked him for the opportunity but declined as I did not want to have a supervisory function in Deming.

31. Did you express concern about [REDACTED]'s ability to pilot the Astar 350 due to his physical size?

No.

- a. With whom did you discuss [REDACTED]'s size in relation to his ability to pilot the Astar 350?

This topic was brought to me by another AS350 instructor pilot. I looked up the center of gravity and weight and balance for the EPAB AS350 and found no issues with Mr. [REDACTED]'s estimated weight as provided by the other instructor pilot.

- b. If it is your opinion that [REDACTED]'s size may negatively impact his ability to adequately pilot an Astar 350, please explain.

No, I do not consider his physical stature to be an impediment to adequately pilot an Astar 350.

32. Were you called out on or about April 1, 2020 to a precautionary landing by pilot [REDACTED] [REDACTED] when he experienced an engine fire light?

No, I was only tasked as the UH-60 Pilot in Command to bring maintenance crew out to the scene.

- a. Please explain in what capacity you participated on April 1, 2020 for the precautionary landing?

I was only tasked as the UH-60 Pilot in Command to bring maintenance out to the scene.

- b. Were you involved as the EPAB Safety Officer?

I there as a UH60 PIC, but since I am the branch safety officer I was there in that position as well.

- c. Were you involved as the Maintenance Test Pilot?

No, I was not.

- d. Did you tell [REDACTED] it was safe to fly the aircraft after he executed the precautionary landing?

I do not remember this conversation in exact detail, however, to address the question I did not have any objections with Mr. [REDACTED] returning to Deming as maintenance personnel determined there were no issues with the aircraft.

- e. Did you brief management in El Paso after you returned from the precautionary landing?

I did brief Mr. [REDACTED] who was the CDO.

- f. Did everyone follow procedure during the precautionary landing?

No.

- g. If not, please explain.

Mr. [REDACTED] did not make contact with the CDO (Mr. [REDACTED] for a clearance for the flight back to Deming once maintenance released the aircraft for flight.

33. Were you on duty on August 3, 2019 when the EPAB responded to a shooting at a Wal-Mart location?

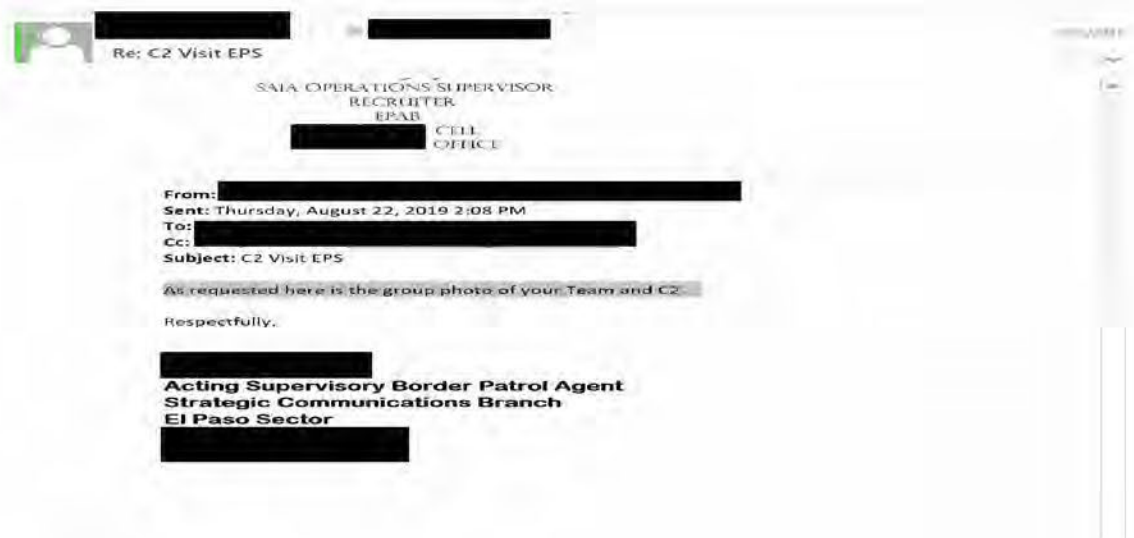
I was off duty at home when I received a call from Mr. [REDACTED] SAIA to respond to El Paso for an active shooter.

- a. If so, what role did you play in the EPAB's response to the incident?

I did respond and was assigned as the second in command of a UH-1N helicopter.

- b. After the incident did any senior CBP employees from Headquarters visit to thank the branch for their response?

Yes C2 Mr. Perez came to El Paso BP Station 1 for a meeting with all CBP agent who responded in one way or another to this incident.



c. Were you in attendance?

Yes.

d. Did you travel to another location or did it occur at the El Paso branch?

This event accorded at El Paso BP Station 1 where I travelled to.

e. Which CBP employees from Headquarters thanked the branch in-person for their response to the shooting?

From what I recall, no one came directly to the El Paso Air Branch to thank us for our part in the response. At least not that I was invited too or a part of.

Certification

I, [REDACTED] affirm that, to the best of my knowledge and belief, the information provided to the Office of Special Counsel in response to its September 9, 2020, Request for Information or Assistance is true, accurate and complete.