

Hi Johanna,

First and foremost, thank you so much for your work and efforts. I was very impressed at the depth of the work performed by your office.

Here are some of my observations that should be pointed out to CBP officials:

No investigations were ever conducted by the agents. The FOS, Omar Alvarez, took TECS access away from the paralegals so the agents could do record checks for them. The record checks were recorded as "investigations" on the End of Shift (EOS) Report. No Report of Investigation (ROI) was ever prepared by an agent nor will you find any type of report (other than a record check) in the case file. In addition, not all the cases required record checks and most record checks involved running the subject through ATS (a product of TECS providing crossing, NLETS, and other information). Also, no investigative work outside the office was ever conducted to follow up on any issue or to build a larger forfeiture case or to locate and secure addition assets. I do not believe that any of these agents had any specialized investigatory skills related to skip tracing, asset location, or asset forfeiture/ seizure law, rules, and regulations. Many of the 0950's mentioned in a meeting that the agents were not doing the record checks so some of them did their own checks. A lot of the agents did not know how to run record checks and used the COMM center to run the checks for them.

The milk runs and runs to the cashier only occurred (or could occur) during regular business hours and access to these facilities was not 24/7 nor could we just show up. In most cases, we had to make an appointment or show up a regularly scheduled times (vault). Usually, Mondays, Wednesdays, or Fridays. We almost never made a run to the vault on Mondays due to the vault's busy schedule with the POE seizures.

FOS Omar Alvarez did not believe any of the paralegal (0950) or SPS (1801) positions should be performed by civilians. It was his goal to replace all the civilians with "green shirts". The agents performing paralegal duties never attended the FP&F training. However, the civilian positions are paid for by TEOAF (Treasury Executive Office of Asset Forfeiture) and positions could have been filled with money from TEOAF at a much lower cost to the government because the 0950's and 1801's are GS-11's. All the BPA's assigned to the office were GS-12's and the supervisors were GS-13's. Had this been a business we would have been out of business because we were paying LEO's to do admin work and paying GS12 pay plus 20-25% above that. Two agents GS rating plus AUO would add up to the salary of one FT paralegal or SPS. You would get more production out of the civilian because they do not rotate out every two years and they quickly become subject experts because they are not on a "detail" or collateral duty.

A large chunk of time was used daily by agents who would jump into a G-Ride and go for coffee. Sups and agents alike would go. One Sup (not assigned to AFO but utilizing an office in our building), Nick Coats would go on a regular basis. He was a former Internal Affairs Investigator for Border Patrol. Long lunches were the norm for agents and when property came in they were nowhere to be found on a number of occasions. I was called back from lunch to handle intake because the agents could not be located. Only a team of two was needed for milk runs Tuesdays and Wednesdays yet the entire SPS 1896

group would be out somewhere. One 1896 Paralegal, Nick Santos, would brag about being done with all his work then spend the rest of his day searching the net or working on his master's program.

The entire office closed at 16:30. Agents would wait for the civilians to leave and then leave a few minutes later. Agents believed they were entitled to the entire 30 minute period even if they worked only a minute into it. Unfortunately, few of the SPS agents were working. Most were searching the net, writing emails, or something similar. Agents felt the AUO was a right or entitlement; not a premium pay that must be earned.

One paralegal, Judy Grano, was accused twice by the AFO (O.Alvarez) of spying and security violations because he believed she was using her phone to record agents leaving early. Her phone had no camera capability. It shows the length they would go to hide the deceit. She was asked to write memos about the reason she was still in her car, on the property, minutes after her shift.

FOS Alvarez created the end of shift reports and required an agent to email it to him by 4pm daily so he could get it on his Blackberry when he was away from the office.

I have overheard some talk about how I screwed over the agents. They do not see that what they did was unethical and theft. I'm worried about attending the union meetings and a little apprehensive.

Currently all the agents except one of the supervisors have bailed out and returned to the field. It appears management has not even considered there are agents out there who would be willing to work in the AFO w/o AUO because they would have a regular work week (M-F), and nights, weekends, and holidays off. We have found, after the exodus of the agents that there are a significant number of overdue cases and unprocessed petitions.

It is the position of Chief Beeson (SDC Sector Chief) that he believes border security and control can be achieved with zero percent AUO. The union is resisting this but does tell agents to "work" AUO in the field and not expect to receive AUO for checking emails and surfing the net back at the station.

AFO management would not allow any overtime for the paralegals to get caught up nor would they authorize any comp time for either the paralegals or the 1801's to make burn runs or conduct any field activities that might run over their normal workday. Like I may have mentioned before, 1801's were not permitted to transport any high risk property. (most likely just to keep us in the office) I personally have overtime hours that were not paid but were credited as comp time for a burn run I worked and training I provided.

I broached the issue of AUO with my supervisor on several occasions and the conversation fell on deaf ears. He felt that AUO is being performed across the board in the very fashion it was being employed by this sector and many others and did not believe there was a problem or issue. I relayed my concern to him because FOS Alvarez, although aware of the daily early release, did not sign the Time and Attendance Sheets, my sup did. When the whistleblower article came out in the Washington Post, the A-chief above our office believed AUOP could be paid for admin duties and agreed that leaving early and claiming hours was a violation.

TECS-Treasury Enforcement Communication System. Provides access to NCIC, Criminal History, Vehicle Registration, stolen vehicles, firearms, boats, etc. It provides an internal communication for vehicle crossings, passenger processing, seizures, lookouts, and more.

ATS-Automated Targeting System-is an intranet version of TECS generated information providing a snapshot of people, vehicles, crossings, and seizures. It is a quick snapshot of these items in one request as opposed to several within the DOS based/style of TECS.

FP&F-Fines, Penalties and Forfeiture. The FP&FO is the Fines, Penalties and Forfeiture Officer and is the ranking official within the District Port overseeing the paralegals and seized property specialists.

The FP&FO is responsible for the effective management of all seized property and for the FP&F case processing. They fall under the Port Director who falls under the DFO (Director of Field Operations, who falls under The Director, Fines, Penalties and Forfeiture Division. In Border Patrol the AFO (Asset Forfeiture Officer) for each sector is the equivalent to the FP&FO. They answer to the Assistant Chief of Asset Forfeiture in Washington, D.C.

All the paralegals must attend a basic course title FFPB ("B" for basic.) On the OFO (FP&F) side the class is five (5) weeks and consists of training in handling seizures, penalties, and liquidated damages

Cases, as well as the use of SEACATS (Seized Asset Case Tracking System). The BP Paralegals (0950's) attend a three (3) week version of the course that excludes training in penalties and liquidated damages because BP does not initiate penalty or liquidated damages cases. These courses are held at FLETC in Glynco, GA.

The 1801 (Seized Property Specialists) attend a five (5) week course at FLETC which includes the SAMEPH (Seized Asset Management Enforcement and Procedures Handbook) familiarity, handling, receiving, and other aspects of management of Seized Property as well as SEACATS input. It also has a firearms and defensive tactics component. The agents (1896) must attend an alternate SPS course which is the same as the 1801 course but deletes the firearm and defensive tactics component. We actually had an agent performing the SPS functions w/o having attended the training. He was scheduled to go when the AUO issue came to a head. He was here at the AFO eight months or more, as I recall with access to the systems, vault, and everything else.

Right now the 1801's are not transporting high-risk property. BP management is having the station agents transport the high risk stuff to the Otay Vault. It appears BP here in San Diego plans on sending the paralegals to work at the Otay FP&F office and send me and Doug to the Otay vault rather than try and solicit agents who will work w/o AUO or ask for additional personnel from TEOAF.

(Treasury Executive Office of Asset Forfeiture-where salaries for 1801 SPS's and 0950's Paralegals comes from).

In addition, BP de-authorized AUO for all AFO's across the board. However, many of these AFO's have been "assigned" to the Prosecutions Unit (and still handle AFO duties) in order to retain their AUO. Prosecutions, by and large, is all administrative in nature with agents processing files in an office environment. This is happening around the country.

One of the 0950's told me Omar Alvarez would allow agents working as paralegals to modify their schedules to accommodate their personal needs. In addition, on several or more occasions, agents would take an agent working as a paralegal to the vault, cashier, or milk run rather than taking one of the 1801 SPS's. Modification was not permitted for at least one of the 0950's.

Jimmy Elam was tracking the SBPA's COSS and comparing it to the G-259 (posted schedule) and found that SBPA's were not off duty on the schedule, not at work, and in COSS as on duty. He would have more on this as he had the access. We often discussed this as two of the sups would be gone daily for breakfast and coffee runs, trips to the contractor and who know where.

On Friday's every agent, for the last year, have been arriving early (0600) and leaving at 1400 (2pm). Only civilians, and maybe an SBPA remained to the close of business. Neither Doug nor I were allowed to come in early or modify our work schedule. As a matter of fact, those of us who requested the Alternate Work Schedule (AWS) had to have the SAME day off.

There is hostility over the AUO de-certification order that came from Commissioner Winkowski. I have been told that I screwed them over. They do not realize that what they did was wrong and that they received training on AUO and were accountable for accurately claiming AUO. The union has told agents that management may order agents to details within non-AUO positions regardless of whether or not the assignment would be a financial hardship. The Commissioner has sent out an email to those affected offering advice, assistance, and FLSA (overtime) when necessitated.