



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

AUG 13 2014

MEMORANDUM FOR: The Honorable Jeh Johnson
Secretary

FROM: John Roth *John Roth*
Inspector General

SUBJECT: Investigation of Alcan Boy Scout Encounter

The Office of Inspector General (OIG) and Customs and Border Protection (CBP), Office of Internal Affairs (IA), are conducting an investigation into an allegation that a CBP Officer (CBPO) drew and pointed a firearm at a Boy Scout while conducting an inspection at the Alcan Port of Entry (POE), Alaska. This report covers fieldwork performed from July 25, 2014 through August 8, 2014.

A Boy Scout Scoutmaster, traveling with his Boy Scout troop through the Alcan POE, alleged that an unknown CBPO (CBPO 1) pointed a firearm at an unnamed Boy Scout (Boy Scout 1). As noted below, based upon the investigation to date, which is substantially completed, the allegation appears to be unsubstantiated.

Agents from OIG and CBP IA traveled to multiple states, including Alaska, in support of this investigation. Agents reviewed the POE security video of the encounter; conducted CBP policy research; and interviewed the Scoutmaster, the Boy Scouts of America Executive Staff, all adults that were part of the Boy Scout group involved in the encounter, CBP leadership, and the CBPOs involved in the encounter.

Timeline of the encounter:

- At 8:50 p.m., July 7, 2014, a group of Boy Scouts and their adult chaperones arrived at the Alcan POE in four vehicles.
- During the primary inspection process, a Boy Scout (Boy Scout 2) took pictures of the POE. A CBPO (CBPO 2), CBP, Alcan, Alaska, instructed Boy Scout 2 to delete the pictures and to show him that the photos were deleted. After Boy Scout 2 deleted the last photograph, CBPO 2 saw another photograph of a hand holding what appeared to be marijuana. Boy Scout 2 admitted that it was his hand in the photograph holding a marijuana bud/flower. CBPO 2 subsequently searched the vehicle while the occupants waited in the POE office and the rest of the group



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

waited in their respective vehicles. During the search, CBPO 2 instructed the drivers and occupants of the other three vehicles to remain in their vehicles, and that the failure to do so would result in being detained.

- While CBPO 2 searched the vehicle, CBPO 1 located and obtained Boy Scout 2's bag. Initially the bag was believed to be in a roof storage container on a separate vehicle, so Boy Scout 1 climbed on the vehicle to obtain the bag while CBPO 1 watched. The bag was eventually located inside a different vehicle and CBPO 1 subsequently searched the bag. Nothing of evidentiary value was found in the search of the vehicle or bag.
- CBPO 2 released the group at 9:39 p.m., July 7, 2014, 49 minutes after arriving at the POE.
- The Scoutmaster returned to the POE office shortly after being released and asked for assistance in fixing a flat tire. CBPO 2 helped fix the tire, but recommended that the Scoutmaster visit a mechanic in Border City, Alaska, approximately three miles away, for a more permanent repair. CBPO 2 lent the Scoutmaster his personal tire patch kit and asked that he leave it with the mechanic, which the Scoutmaster did.

Investigative findings regarding the encounter:

- On July 30, 2014, the Scoutmaster told agents that he did not witness any CBPO withdraw a firearm, but that he was told by Boy Scouts that they witnessed CBPO 1 withdraw a firearm and point it at a Boy Scout while the Boy Scout was on top of the vehicle. The Scoutmaster refused to identify the Boy Scouts; however, it was later determined that the scouts who were alleged to have seen the weapon were Boy Scout 1 and another Boy Scout (Boy Scout 3). The Scoutmaster also refused to assist arranging interviews of Boy Scout 1 and Boy Scout 3.
- Interviews of the other adults on the trip identified Boy Scout 1 and Boy Scout 3 as the Boy Scouts who claimed they saw a CBPO draw a firearm. No one other than Boy Scout 1 and Boy Scout 3 alleged to have seen a weapon. The driver of the vehicle carrying Boy Scout 2 (who was taking photographs) stated that CBPO 2 instructed the boy not to take pictures and that every picture was a \$10,000 fine.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

- Agents attempted to interview Boy Scout 1 and Boy Scout 3 on multiple occasions, but neither family responded. A Boy Scout executive attempted to facilitate the interviews of Boy Scout 1 and Boy Scout 3, but was unable to gain cooperation from either family.
- A review of the POE security video gave no indication that a CBPO withdrew a firearm during the encounter. CBPO 1 stepped out of the frame once for 13 seconds; during this time, Boy Scout 1 initially climbed on top of the vehicle. However, there were no visual indications from anyone else in the field of view to indicate that CBPO 1 withdrew a firearm. Furthermore, Boy Scout 1, who told other members of his group that he saw CBPO 1 point a firearm at him, appears to have had his back to CBPO 1 during the entire 13 seconds. CBPO 1 came back into frame while Boy Scout 1 was still on top of the vehicle and did not appear to be reacting to Boy Scout 1 in a defensive manner.
- CBPO 1 and CBPO 2 were interviewed and denied drawing a weapon at any point during the encounter.
- The Scoutmaster stated that the scout who had the firearm pointed at him (Boy Scout 1) heard a "click" and turned around to observe a CBPO pointing a firearm at him. The video review noted that Boy Scout 1 did not appear to turn around during the period in which CBPO 1 stepped out of frame. During CBPO 1's interview, CBPO 1 demonstrated the use of his holster and agents noted that the holster is nearly inaudible.
- The Scoutmaster stated that a CBPO threatened a fine and jail time for photographing at the POE. CBPO 1 and CBPO 2 denied this.
- CBPO 1 and CBPO 2 both stated that the POE is marked with a sign noting that photographs at the POE are not allowed. Agents obtained photographs of the sign, which says "NOTICE NO PHOTOGRAPHY BEYOND THIS POINT." The sign is posted on the exterior of the POE building and faces the entry inspection lane, serving as notice for travelers entering the inspection lanes.
- The POE is Federal property subject to General Services Administration (GSA) rules governing conduct on such property. See 41 C.F.R. subpart C, Conduct on Federal Property. GSA's rules give authority to agencies occupying Federal property and also govern conduct by any person entering such property. Specifically, photography for non-commercial purposes is only permitted with the permission of the occupying agency, see 41 C.F.R. §102-74.420, and any



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

person entering Federal property must “comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers....” 41 C.F.R. §102-74.385. Thus, CBP has the authority to prohibit photography within the POE and to post signs accordingly, and anyone entering the POE must comply with CBP’s prohibitions, unless granted permission otherwise by CBP.

- CBPO 2 stated that he instructed the drivers of the other vehicles to remain in their vehicles because the Boy Scouts had exited the vehicles and were throwing items at one another; CBPO 2 said that he believed that the situation was becoming an officer safety concern.

Conclusion:

- All investigative leads have been pursued and exhausted. Based upon the investigation to date, OIG does not believe any CBP personnel acted inappropriately. The allegation appears to be unsubstantiated.

Costs:

- Between July 25, 2014 and August 11, 2014, DHS OIG has spent a total of \$19,224.49 investigating this encounter. OIG does not have the cost figures for CBP IA, but it is likely comparable.

cc: The Honorable Gil Kerlikowski, Commissioner
U.S. Customs and Border Protection
The Honorable Thomas R. Carper
The Honorable Tom Coburn, M.D.
The Honorable Mary L. Landrieu
The Honorable Dan Coats
The Honorable Patrick J. Leahy
The Honorable Charles Grassley
The Honorable Michael McCaul
The Honorable Bennie G. Thompson
The Honorable John Carter
The Honorable David Price
The Honorable Darrell E. Issa
The Honorable Elijah Cummings
The Honorable Bob Goodlatte
The Honorable John Conyers, Jr.