

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

July 7, 2017

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

Dear Mr. McAleenan:

I write in response to troubling allegations of abuse, harassment and hazing within Customs and Border Protection (CBP).¹

At least four CBP Officers at Newark Liberty International Airport allege that officers repeatedly lured newer agents into a dark room in the CBP workspace and assaulted them.² The assaults against these officers centered on a conference table in the CBP workspace that employees referred to as the “rape table.”³ One officer described a group of co-workers gathering to assault him by forcing him onto the “rape table,” simulating sex acts, and grabbing at his genitals through his clothing.⁴ At least two officers allege that they were duct taped to a chair.⁵ One of these officers had a plastic bag placed over his head while he was restrained.⁶

¹ *'Why Are They Trying to Kill Me?' Fourth Customs Officer Alleges Extreme Hazing, Sex Abuse at Newark Airport*, NBC New York (May 9, 2017) (<http://www.nbcnewyork.com/news/local/Customs-Officers-Hazing-Sex-Abuse-Rape-Table-Newark-Airport-I-Team-Investigation-426717651.html>); *Airport Officers Allegedly Hazed Newer Agents With 'Rape Table'*, The Daily Beast (May 10, 2017) (<http://www.thedailybeast.com/airport-officers-allegedly-hazed-newer-agents-with-rape-table>); *I-Team: Feds Investigate 'Rape Table,' Bombshell Hazing Allegations of Customs Officers at Newark Airport*, NBC New York (May 10, 2017) (http://www.nbcnewyork.com/investigations/Hazing-Customs-Officers-Newark-Airport-Border-Patrol-Sex-Investigation-Rape-Table-Feds-Allegations-Security-Camera-421748953.html?_osource=SocialFlowTwt_NYBrand).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *'Why Are They Trying to Kill Me?' Fourth Customs Officer Alleges Extreme Hazing, Sex Abuse at Newark Airport*, NBC New York (May 9, 2017) (<http://www.nbcnewyork.com/news/local/Customs-Officers-Hazing-Sex-Abuse-Rape-Table-Newark-Airport-I-Team-Investigation-426717651.html>).

⁶ *Id.*

The other officer was taped to the chair after being told that she deserved to be “put on the rape table,” and trying to run away from her attackers.⁷

While the first public complaint of these assaults was made in May, these assaults had allegedly occurred for years and were known to agents and supervisors alike within CBP. CBP did not act to stop the assaults or punish the perpetrators.⁸ Officers who made these allegations stated that they had hesitated to do so because they feared retaliation by their coworkers and supervisors at CBP.⁹ CBP supposedly transferred these officers for their own protection.¹⁰ The Department of Homeland Security’s Office of Inspector General is now investigating these reports.¹¹

Since I worked as a sex crimes prosecutor in Missouri, I have been an advocate for victims of sexual violence and harassment. I successfully sponsored bipartisan legislation to curb sexual assault in the military and fought to renew the Violence Against Women Act.¹² I firmly believe that abuse of any kind is unacceptable in any workplace, but this is especially true in the law enforcement profession where officers rely on each other for their safety and the safety of others. In the conversations I have had with victims of sexual assault on college campus and their advocates, I found that tolerating abuse creates a “chilling effect,” where victims are reluctant to come forward. In this case, I am concerned that senior leaders at CBP knowingly maintained an environment that allowed assault and harassment to take place despite complaints.

⁷ *I-Team: Feds Investigate 'Rape Table,' Bombshell Hazing Allegations of Customs Officers at Newark Airport*, NBC New York (May 10, 2017) (http://www.nbcnewyork.com/investigations/Hazing-Customs-Officers-Newark-Airport-Border-Patrol-Sex-Investigation-Rape-Table-Feds-Allegations-Security-Camera-421748953.html?_osource=SocialFlowTwt_NYBrand).

⁸ *Airport Officers Allegedly Hazed Newer Agents With 'Rape Table'*, The Daily Beast (May 10, 2017) (<http://www.thedailybeast.com/airport-officers-allegedly-hazed-newer-agents-with-rape-table>).

⁹ *'Why Are They Trying to Kill Me?' Fourth Customs Officer Alleges Extreme Hazing, Sex Abuse at Newark Airport*, NBC New York (May 9, 2017) (<http://www.nbcnewyork.com/news/local/Customs-Officers-Hazing-Sex-Abuse-Rape-Table-Newark-Airport-I-Team-Investigation-426717651.html>).

¹⁰ *Id.*

¹¹ *'Why Are They Trying to Kill Me?' Fourth Customs Officer Alleges Extreme Hazing, Sex Abuse at Newark Airport*, NBC New York (May 9, 2017) (<http://www.nbcnewyork.com/news/local/Customs-Officers-Hazing-Sex-Abuse-Rape-Table-Newark-Airport-I-Team-Investigation-426717651.html>); *Airport Officers Allegedly Hazed Newer Agents With 'Rape Table'*, The Daily Beast (May 10, 2017) (<http://www.thedailybeast.com/airport-officers-allegedly-hazed-newer-agents-with-rape-table>).

¹² S. 2870, 114th Cong. (2014); Pub. L. 113–4 (2013).

These victims reportedly waited months and even years to complain because they feared that they would be ignored or even punished. Throughout my tenure in Congress, I have worked hard to ensure that whistleblowers are protected, sponsoring bipartisan legislation that expanded and strengthened whistleblower rights across the federal government.¹³ I am concerned that CBP's whistleblower policy failed to encourage employees to report such abuse and as a result allowed abuse to continue. An ineffective policy unfortunately means there may be additional cases that have not been reported.

In order to fulfill my Congressional responsibility to conduct oversight of Customs and Border Protection, to determine whether and what abuse occurred at Newark Liberty International Airport, and the extent to which its policies and management may tolerate harassment, hazing and abuse, I request that you provide the following information:

- 1) All reports and complaints related to the alleged assaults at Newark Liberty International Airport, including the dates of the reports, a description of the report or complaint if none was made in writing, the names and positions of the CBP officials to whom the report was made, and a description of any action that CBP took in response to these reports;
- 2) The personnel file of any CBP employee who may have committed or tolerated assault at Newark Liberty International Airport. For each of these employees, please include information regarding any transfers, demotions, promotions, evaluations or other adverse or beneficial action including the dates of each action and a copy of any complaints issued by or regarding that employee;
- 3) CBP's policy on sexual harassment, hazing, and workplace conduct;
- 4) CBP's policy on whistleblowers and its employee complaint process, to include measures to protect the confidentiality of complainants and guidelines for transferring complainants;
- 5) The number of complaints that CBP has received from employees for abuse, harassment, or sexual misconduct each year since 2007. Please include a description of the complaint, the location of the incident that gave rise to the complaint, and how each complaint was resolved.

Given the gravity of these allegations, I request that you provide this information as soon as possible, but no later than July 28, 2017. Additionally, I request that you provide a briefing regarding the allegations made by employees at Newark Liberty International Airport and CBP's response to the situation as soon as possible, but no later than July 28, 2017.

¹³ S. 795, 114th Cong. (2016).

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If you have any questions regarding this request, please contact Caitlin Warner on my staff at caitlin_warner@hsgac.senate.gov. Please send any official correspondence to caitlin_warner@hsgac.senate.gov and amanda_trosen@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Ranking Member

cc: Ron Johnson
Chairman