



# FBI Media Release

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## **Border Patrol Agent Arrested for Civil Rights Violation**

As a result of a joint investigation conducted by the Federal Bureau of Investigation (FBI) and the Department of Homeland Security Office of the Inspector General (DHS-OIG), in coordination with the U.S. Border Patrol (USBP), a five year veteran of the USBP was arrested today, without incident, for violating the civil Constitutional rights of two female aliens by engaging in non-consensual sexual contact with them while they were in his custody.

Pablo Rosario, 31, was indicted Wednesday, January 18, 2006, on two counts of Deprivation of Rights Under Color of Law (18 U.S.C. § 242) and two counts of making false statements to agents of FBI and DHS-OIG.

The Indictment alleges that, in March of 2004, Rosario made sexual contact with the two aliens, a mother and her 15-year-old daughter, who he had detained for crossing the Mexico border and entering the United States illegally. The Indictment further alleges that, when questioned by federal agents about the March 2004 incident and about another similar incident involving a female Honduran who crossed the Mexican border into New Mexico in October of 2004, Rosario lied and claimed he had not engaged in sexual contact with the females in either incident; lied and claimed that he had not detained illegal immigrants; and lied and claimed that he did not fail to have the aliens properly processed.

“We commend the Border Patrol for their prompt action in bringing such a serious matter to our attention,” said Manuel E. Mora, Special Agent in Charge of the El Paso FBI. The USBP has provided complete cooperation throughout the investigation.

The two counts alleging false statements are felony offenses and each carries a penalty of up to five years imprisonment and a fine not to exceed \$250,000 upon conviction. The two counts alleging Deprivation of Rights under Color of law are misdemeanors and each carries a penalty of up to one year imprisonment and a fine not to exceed \$100,000 upon conviction.

The case is being prosecuted jointly by James Felte, attorney with the United States Department of Justice Civil Rights Division, and Debra Kanof, Assistant United States Attorney for the Western District of Texas, El Paso Division.

It is important to note that an indictment is merely a charge and should not be considered as evidence of guilt. The defendant is presumed innocent until proven guilty in a court of law.