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June 9, 2021

Mr. Merrick Garland, U.S. Attorney General  
Office of the Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

Mr. Joseph Maher  
Acting General Counsel  
Department of Homeland Security  
2707 Martin Luther King, Jr. Avenue, S.E.  
Mail Stop 0485  
Washington, D.C. 20528-0485

Ms. Ann Marie Highsmith  
Associate Chief Counsel  
Department of Homeland Security  
U.S. Customs and Border Protection  
Office of the Chief Counsel  
1300 Pennsylvania Avenue, N.W.  
Suite 4.4B  
Washington, D.C. 20229

Re: Federal Tort Claims Act Administrative Claim  
Claimants: Janine A. Bouey (DOB: 8/18/1959)

Dear Honorable U.S. Officials,

I am writing you on behalf of my client, Janine A. Bouey (DOB: 8/18/1959) (“Ms. Bouey”), to make claims for compensation for damages caused by the actions of employees of the U.S. Department of Homeland Security (“DHS”) and U.S. Customs and Border Protection (“CBP”) on June 16, 2020.

The following is a summary of the background and events that give rise to Ms. Bouey’s claims: On June 16, 2020, Ms. Bouey was a 60-year-old retired Los Angeles Police Department officer and U.S. Army veteran residing at her home in Los Angeles. That morning, she travelled to a dental appointment in Tijuana, Baja California, Mexico and then crossed back into the United States via the pedestrian lanes at the Otay Mesa Port of Entry (“OMPOE”).

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While she waited in line to reach the pedestrian primary inspection booth, Ms. Bouey was approached by a male African-American CBP officer with the last name La Pierre or Le Pierre (hereinafter "La Pierre") who requested her passport and asked her questions about where she had been in Mexico and where she was heading in the U.S. Ms. Bouey responded that she had been at her dentist's office that morning and was returning to her home in Los Angeles. La Pierre's tone was flirtatious and pushy, and he pressed Ms. Bouey to give him her home address. Ms. Bouey refused and told him that she did not think it was necessary for her to give him her home address. La Pierre responded by pulling Ms. Bouey out of line and taking her into the main building at the OMPOE.

After entering the building, Ms. Bouey was made to spread her legs with her hands against the wall as a female Caucasian CBP officer used her fingers to feel and penetrate Ms. Bouey's genitalia over her clothes. Ms. Bouey was then put in a holding pen with other people. Ms. Bouey, who is African-American, was asked about her citizenship multiple times by a CBP officer holding her U.S. passport, and Ms. Bouey repeated several times that she was a U.S. citizen. She also told the CBP officer that if they ran her information they could confirm that she was a retired LAPD officer. Ms. Bouey heard someone say that they did "not have to (explicative) run anyone."

Ms. Bouey observed La Pierre talking to a CBP dog handler with his dog. The dog handler brought the dog into the pen and Ms. Bouey was forced to turn around and spread her legs again. She suddenly felt the dogs head pushed into her buttocks. When she turned her head to see what was happening, someone yelled at Ms. Bouey to turn around. While this was going on, Ms. Bouey saw La Pierre glaring at her.

Ms. Bouey was taken into another part of the building and the same female CBP officer who sexually assaulted her earlier then grabbed Ms. Bouey's crotch from behind and fondled and penetrated her genitalia again. Ms. Bouey was then handcuffed and shackled to a bench. Several times she asked what she was being arrested for and she asked to call an attorney, but her purse had been taken into a back room and she was not allowed to call an attorney.

The female CBP officer who sexually assaulted Ms. Bouey and another female CBP officer unshackled Ms. Bouey from the bench and took her into another room. They told Ms. Bouey she had to strip down to her bra and underwear. Before complying, Ms. Bouey noticed that the door to the room was propped open a few inches with an object on the floor. Ms. Bouey told the officers that she did not feel comfortable disrobing with the door open because she could hear people outside the door. One of the female CBP officers moved toward the door but stopped abruptly when it appeared as if she made eye contact with someone outside the partially opened door. Without closing the door, the officer went back to where she was standing and Ms. Bouey was instructed to remove her clothes. When Ms. Bouey was standing in just her bra and underwear, she was instructed to take off her underwear too. Ms. Bouey complied. Ms. Bouey was then told to turn around, bend over and squat, while one of the officers shined a flashlight into her vaginal area from behind. Ms. Bouey was forced to continue to bend over and squat several times before finally being allowed to put her clothes back on. Trembling, terrified, humiliated, and degraded, Ms. Bouey was handcuffed and shackled to the bench again.

Another younger African-American officer arrived and instructed a CBP officer to uncuff

Ms. Bouey, and she was told she was being let go. Ms. Bouey asked the younger African-American officer how he would feel if his mother had been subjected to the abuse that she had just endured for the last three hours. He responded, "These things happen."

Ms. Bouey, a 60-year-old African-American United States Citizen, resident of Southern California, U.S. Army veteran, and retired Los Angeles Police Department officer, did not have any drugs, pain medication, contraband, or arrest warrants that day. She was the person in the photos of her valid U.S. passport, her valid U.S. passport card, and her valid California driver's license, all of which she had on her person or in her purse. Also in her purse was one of her recent Police & Fire Pension pay stubs. CBP had no reasonable basis to sexually assault, humiliate, and degrade Ms. Bouey, or to strip her of her liberty and dignity for no other reason than that "these things happen."

Ms. Bouey suffered severe emotional distress as a result of the actions of the CBP officers. Ms. Bouey cannot help but frequently relive being sexually assaulted, humiliated, and degraded. She suffers severe anxiety and ongoing psychological trauma as a result of the CBP officers' actions.

The actions of the CBP officers give rise to the following causes of action, among others, by Ms. Bouey: sexual assault, assault, battery, false arrest, false imprisonment, intentional infliction of emotional distress, negligent infliction of emotional distress, negligence, Bane Act violations, Ralph Act violations, equal protection violations, and California Civil Code section 49 violations.

The amount of Ms. Bouey's damages for her severe emotional distress and medical bills caused by the actions of the CBP officers as summarized above is \$3,000,000 (three million dollars).

I request that all agencies preserve all evidence including but not limited to any video recordings at the OMPOE depicting Ms. Bouey, Officer La Pierre, the CBP Officers who put their hands on Ms. Bouey or any other events pertaining to the incident on June 16, 2020. Any audio or video recordings of any statements by or to Ms. Bouey, or pertaining to Ms. Bouey, are requested to be preserved also.

Michael R. Marrinan, Esq. and I have been retained to represent the Claimant, Janine Bouey. Any correspondence to the Claimant should be directed to my firm: Law Offices of Joseph M. McMullen, 501 W. Broadway, Suite 1510, San Diego, CA 92101. By my signature below, I attest under penalty of perjury that I have been authorized by Ms. Bouey to submit this FTCA Claim and that I am authorized to act on her behalf, including authorization to make the demands set forth above. *See Warren v. U.S. Dep't of the Interior Bureau of Land Management*, 724 F.2d 776 (1984) (authorized legal representative may submit FTCA claim without extrinsic evidence of the authorization).

Sincerely,



Joseph M. McMullen  
Attorney for Claimant Janine Bouey

I HAVE RETAINED MICHAEL R. MARRINAN AND JOSEPH M. McMULLEN TO REPRESENT ME. THEY, AND THEIR AGENTS, ARE AUTHORIZED TO ACT ON MY BEHALF REGARDING ANY ISSUES INVOLVED IN THIS CLAIM.

DATED: Jun 9, 2021



Janine Bouey (Jun 9, 2021 15:34 PDT)

MS. JANINE BOUEY