

NOTE: I got a copy of the investigative report and published a story ahead of all my competitors. This story answered questions about the deaths of two Border Patrol agents and prompted nationwide safety policy change and enforcement.

## Border agents who drowned last month in Rio Grande were not wearing life preservers

By *SERGIO CHAPA*  
*The Brownsville Herald*

October 28, 2004 — Two Border Patrol agents who drowned in a boating accident on the Rio Grande last month were not wearing life preservers despite their availability and their agency's policy to wear them.

A Texas Parks & Wildlife Department report released Wednesday revealed that Border Patrol agent Travis Attaway, 31, drowned while trying to remove his 21-pound duty belt to rescue fellow agent Jeremy Wilson, 29, after their boat capsized in a Sept. 19 accident near Los Indios.

Investigators from TPWD and the U.S. Coast Guard cited a number of other factors, including dangerous river conditions, the boat's tunnel hull and disengaging the motor as contributing factors to the fatal boating accident.

The report made six key recommendations to the Border Patrol to improve the safety of its river patrols.

Among them were to provide new training for agents on river hazards, strictly enforce its policy for use of life preservers, install kill switches on boats and switch to lightweight marine uniforms.

Local Border Patrol officials had either not read the report or were not available for comment Wednesday.

Agency spokesman Mario Villarreal in Washington, D.C., said the agency could not comment on the report's findings Wednesday.

"This is a tragedy," Villarreal said. "Since the creation of the Department of Homeland Security, agents Attaway and Wilson are the second and third agents killed in the line of duty."

### **A dramatic account**

In the report, a theory of events is detailed that correlates with eyewitness accounts.

According to the report, two boats had been dispatched to patrol an area of the Rio Grande downstream from Los Indios after a sensor had been activated shortly after 2 p.m. Sept. 19.

In previous accounts, Border Patrol officials had never revealed the presence of a second boat.

The report said the boats met at the sensor and traveled side by side for a while, but then the boat carrying Wilson, Attaway and piloted by Javier Sandoval continued upstream to cross a weir.

Both Wilson and Attaway had taken positions toward the front of the boat to use poles to check for shallow areas or submerged objects.

The report said the water level of the river was extremely high due to recent rains and flowing at 14.5 mph and was 60 feet deep.

While approaching the weir, the boat was caught in one of two unseen eddies created by the river's flow. An eddy is a whirlpool created by a river's flow.

The report said Wilson fell in the river from the left side of the boat.

An agent in the second boat yelled at Wilson to grab onto his boat.

At the same time, Sandoval cut off the motor of his boat because he was afraid Wilson would hit it.

Sandoval's boat filled with water and capsized as Attaway moved to the left side to throw a rope to save Wilson.

The report said crewmembers of the second boat tried to rescue their fellow agents, but almost capsized as well.

The second boat made it to the Mexican shore of the Rio Grande.

After surfacing, Attaway told Sandoval he was "all right" and wanted to find Wilson.

Sandoval told investigators he went under each time he tried to kick off his boots and take off his 21-pound duty belt.

Sandoval managed to stay afloat by clinging to debris in the river until men from the second boat rescued him.

Rescuers found the bodies of Attaway and Wilson nearby 48 hours later.

The boat was found four miles downstream.

The report said Attaway was found with his hands trying to remove his unbuckled belt.

Both men were wearing long pants with one of them wearing lace up tactical boots and another in cowboy boots.

A preliminary autopsy report obtained by The Herald last week listed the cause of the death for the men as accidental drownings.

But the autopsy did not include toxicology results for drugs or alcohol.

The report said inflatable life preservers had been issued to each crewmember, but none of them was wearing one at the time of the accident.

TPWD Law Enforcement Division Col. James Stinebaugh said all of the 500 game wardens in his agency are required to wear inflatable life preservers whenever they patrol over water.

"They automatically inflate when the wearer hits the water," he said.

The policy, he said, has been strictly enforced in his agency since the drowning deaths of two East Texas game wardens more than 10 years ago.

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