

Human and Civil Rights Violations Uncovered: A Report from the Arizona/Sonora Border



“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” - Universal Declaration of Human Rights. December 10, 1948



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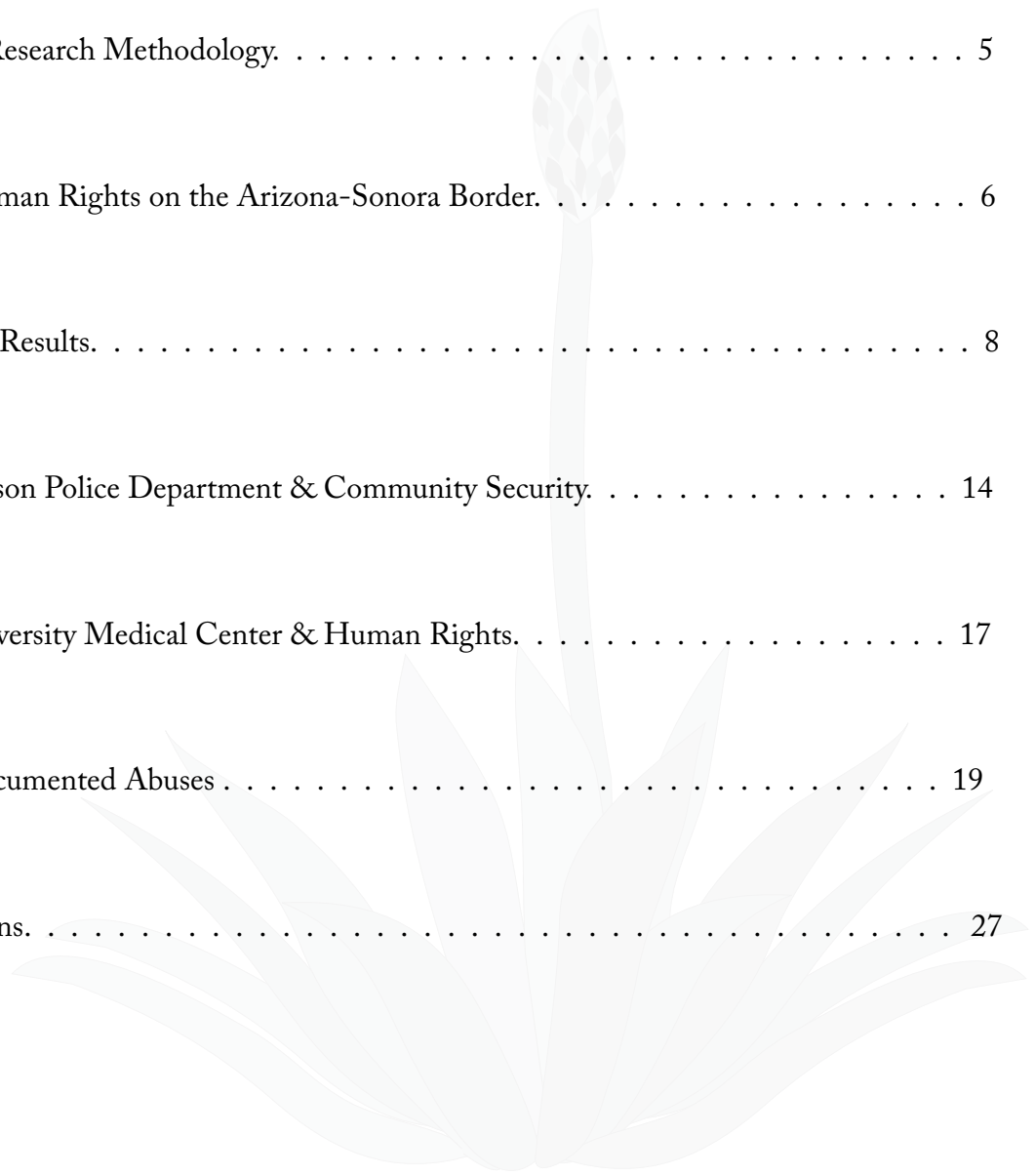
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INTRODUCTION

Border Action Network formed in 1999 and works with immigrant and border communities in southern Arizona to ensure that our rights are respected, our human dignity upheld and that our communities are healthy places to live.

We are a membership-based organization that combines grassroots community organizing, leadership development, litigation and policy advocacy to build the voice and power of those who are impacted the most by border and immigration policies and to build a national movement that calls for the fulfillment of human rights in this country.

As outlined in the Universal Declaration of Human Rights and as part of the political ethics of Border Action, our work is grounded in the principle that all people are born free and equal in dignity and rights.

This report reflects one step in a larger community process rooted in the knowledge that in order to prevent rights violations and create a culture of dignity and equality, we must first clearly define the problems and abuses that are occurring and then work as a community to shift from individual pain and suffering to collective action to challenge and prevent rights violations.

The following report delineates the results of our 2007 Human Rights Abuse Documentation Campaign. It explains the human rights crisis on the border and, most importantly, offers constructive solutions that can transform failed border enforcement strategies and dangerous, antagonistic immigration policies by creating a new vision of community security grounded in a commitment to human and constitutional rights and access to safe and dignified lives for everyone.

The cases described in this report are only a small sample of the incidents heard by Border Action Human Rights Promoters and Abuse Documenters. Fear of reprisals from the abusing agency prevented the vast majority of people from reporting incidents. This situation, in and of itself, exposes the urgent need for accountability and oversight within the agencies involved in border enforcement operations. We have the deepest respect and appreciation for the people who were courageous enough to share their experiences and we urge policy makers to honor the risks that individuals are taking to participate in the democratic political process, and to defend the rights and safety of everyone living in the United States.

The following report demonstrates that the human costs of the current wide-net approach to border and immigration enforcement are brutal, unequally borne, and antidemocratic; that the practices that constitute border enforcement can be demonstrated to routinely violate domestic as well as international law; and that in short, current policies and practices are unacceptable. Our research documents the daily abuses, from unlawful entry into homes to psychological abuse, that add up to the sometimes overwhelming sense of Intimidation and social isolation that border community residents and immigrants suffer in Arizona. Our research establishes the urgent need for practical reforms and alternative policy solutions grounded in the experience and expertise of our communities who suffer the harshest side-effects of border enforcement and immigration policy. Our report recommends concrete, practical alternatives to existing policies and practices; alternatives grounded in a commitment to human rights and the knowledge that isolation and intimidation at the hands of law enforcement reduces the capacity of law enforcement agencies to ensure community security.

CAMPAIGN AND RESEARCH METHODOLOGY

In September 2007, Border Action Network launched a three-month intensive campaign to document human and civil rights violations in Arizona and educate our communities about their Constitutional and Human Rights. During this period, Border Action trained more than 100 local residents to document human and civil rights abuses in Douglas, Naco, Agua Prieta, Sierra Vista, Yuma, Nogales, Sahuarita, Summit, Tucson, Phoenix, Prescott and Cottonwood. In addition to the volunteer Abuse Documenters, 50 youth and adults in Douglas, Nogales, Phoenix, Tucson, Summit and Sahuarita have been trained as Human Rights Promoters.

The Documenters and Promoters set up tables at their churches, schools, parks, grocery stores and other community centers. They spoke with people about the need to report and denounce rights violations as the first step in preventing them. Stickers and other materials that pronounced “This house is protected by the U.S. Constitution” and “Abuse is Always Illegal. Denounce It!” were distributed in addition to “Know Your Rights” pamphlets.

In addition to setting up tables in public places, Human Rights Abuse Documenters invited individuals and families to confidentially report abuses they had suffered at the hands of federal, state, and local law enforcement agencies, as well as employers, landlords, social service agencies (including hospitals), and individuals.

Trained Abuse Documenters collected information based on a standardized form that collects the following information:

- Authority(s) committing abuse
- Date and time of incident
- Place of incident

- Number of adults and children involved in incident
- Number of perpetrators
- Number of people abused
- Information on people abused including age, gender and immigration status
- Information on perpetrators, including age, gender, ethnicity, physical description, and badge number
- Information on and witnesses to the incident
- Any steps taken by people abused to report or resolve the incident
- An incident narrative

Information documented during the campaign was entered into a confidential database for review and analysis. A team of lawyers specializing in human rights, immigration law and constitutional law examined the information and categorized the abuses committed according to the following areas:

- Endangerment for political migration resulting in death
- Endangerment resulting from persecution or arrest
- Illegal use of firearm
- Psychological or verbal abuse
- Physical abuse
- Torture
- Illegal temporary detention (including the use of racial profiling)
- Illegal stop by police for the violation of immigration laws
- Illegal arrest
- Illegal deportation or forced exit
- Depriving the right to enter the United States
- Illegal search or damage to property
- Illegal search of a person
- Illegal search of a vehicle
- Illegal search of home or place of work
- Deprivation of basic necessities
- Violation of the rights of legal process
- Deprivation of the freedom of thought, expression, or association

OVERVIEW OF HUMAN RIGHTS ON THE ARIZONA-SONORA BORDER

Since 1994, the Southwest Border Enforcement Strategy brought what has come to be known as border militarization to the Sonora-Arizona borderlands. Arizona-Sonora border communities have experienced the continuing escalation of what has been identified by scholars as a low intensity warfare, characterized by an increasing reliance on military-style tactics, equipment, training and actual troops combined with a lack of government accountability. The effect of building up enforcement in the border region's urban areas, such as San Diego and El Paso, funneled migrants through the isolated treacherous deserts of the Tucson Corridor and has resulted in increasing reports of human and civil rights violations.

Today, border residents and immigrant communities in Arizona face the crisis of this policy failure, including the stationing of National Guard troops and tens of thousands of heavily armed Border Patrol agents, tanks, surveillance equipment, bright lights and miles of 15' high solid metal walls in our backyards. In our communities, we share a fear of law enforcement, unrestrained by public accountability, and a sense of vulnerability in the face of everyday experiences of checkpoints, racial profiling, racist vigilantes, and a pervasive atmosphere of insecurity in our homes, workplaces, schools, and community centers.

Assaults on our human rights, dignity, and safety, such as physical and psychological abuse and high speed chases, are routine amid the media grandstanding and intimidation tactics of anti-immigrant vigilante militias who are not only tolerated, but occasionally deputized by local law enforcement, who in turn, have made unauthorized decisions to enforce immigration law without institutional

oversight or public accountability. With an intensifying atmosphere of xenophobia in Washington, even local police departments opposed to enforcing immigration law are being pressured to do so through threats of withholding federal grant monies.

Our family members and neighbors suddenly disappear, swept up in raids and random checks on their way to school, to church, to work. Without legal status, we have no recourse when our paychecks are commonly withheld and we are encouraged to feel afraid to report any abuses or crimes committed against us, whether by law enforcement, school officials, employers, hospital personnel, or vigilantes.

Thousands of migrants cross into southern Arizona every day, where community members can be arrested for offering water, food, rides, or a place to sleep in the backyard to poor, sometimes ailing, exhausted travelers.

Hundreds of dead bodies are found yearly in the desert, and Arizona's detention facilities are brimming with children, women and men, often intimidated into signing inadequately explained deportation documents and locked into squalid cages before the unlucky are finally dumped in Nogales or Agua Prieta, Sonora.

The policy failures that have created this human rights crisis tear our families and communities apart and contradict the legal and political foundations of this country and of international law at the same time that they fail to accomplish the real goals of border enforcement: to protect this nation, including the rights and dignity of everyone who lives here.

One Huge Net: A Failed Strategy

Central to the political engineering of this crisis is that border operations, like “Gatekeeper” and “Hold-the Line,” are asked to simultaneously solve three very distinct problems with one “huge net” strategy: immigration through areas other than legal ports of entry, cross-border criminal activity, and national security threats. This approach is not only inadequately administrated, but it is failing to accomplish all three missions. Yet, policy makers continue to ignore the distinctions among these goals, insisting that an escalation of status quo policies and practices is the only solution.

In addition to the misguided attempt to accomplish three unrelated goals with one strategy, punitive policy approaches encourage the false perception that the presence of immigrant families endangers national security and public safety. This in turn supports xenophobic backlash against immigrants by implying that we represent a threat to this nation’s security. Not only does this encourage violence against our communities at the hands of law enforcement officers as well as private citizen militias who may believe they are “protecting” something, it also creates the illusion that violating our rights, making us live in fear and dividing our families is the equivalent of exercising the sovereign right of nations to protect their borders. Finally, this human rights crisis that defines the daily lives of immigrants spills over into the lives of border residents who experience the detrimental effects of racial profiling, racist attacks, high-speed chases, and myriad other side-effects of living in a low intensity war zone. Since the failure to pass comprehensive immigration reform this year, the escalation of raids, racial profiling, detention, and deportation in the nation’s interior are spreading this human rights crisis throughout the United States.

Throughout 2007, federal lawmakers on

both sides of the aisle renewed the debate regarding immigration reform. While the provision of a path to permanent residency and other comprehensive approaches failed, intensification of border enforcement was sustained as the unquestionable basis for any solution to immigration realities. This past year, we have witnessed the escalation of enforcement from the ongoing build-up of agents to the massive construction of border walls and the expansions of operations to criminally charge and detain undocumented immigrants. Despite concerted efforts by a few members of Congress to craft comprehensive immigration reform legislation, policy makers have continued to ignore the impacts of existing border enforcement policies and practices on the lives, basic rights, and community safety of those that live in the border region. In fact, these impacts are now spreading to the rest of the nation. Truly comprehensive reform cannot ignore this crisis. This report is an effort to bring to light the ubiquity of human and civil rights abuses in the border region and present concrete alternatives that can ensure community security, human rights and government accountability.

It is important to acknowledge that the rights violations documented during the campaign correspond with issues that are not unique to the border region or border enforcement. Discrimination on the job, housing rights violations and mistreatment by social services emerged frequently. A forthcoming report will focus on workplace and labor rights violations paying particular attention to the horrendous impacts of the employer sanctions law that was signed by Governor Napolitano in 2007 and scheduled to be implemented in January 2008.

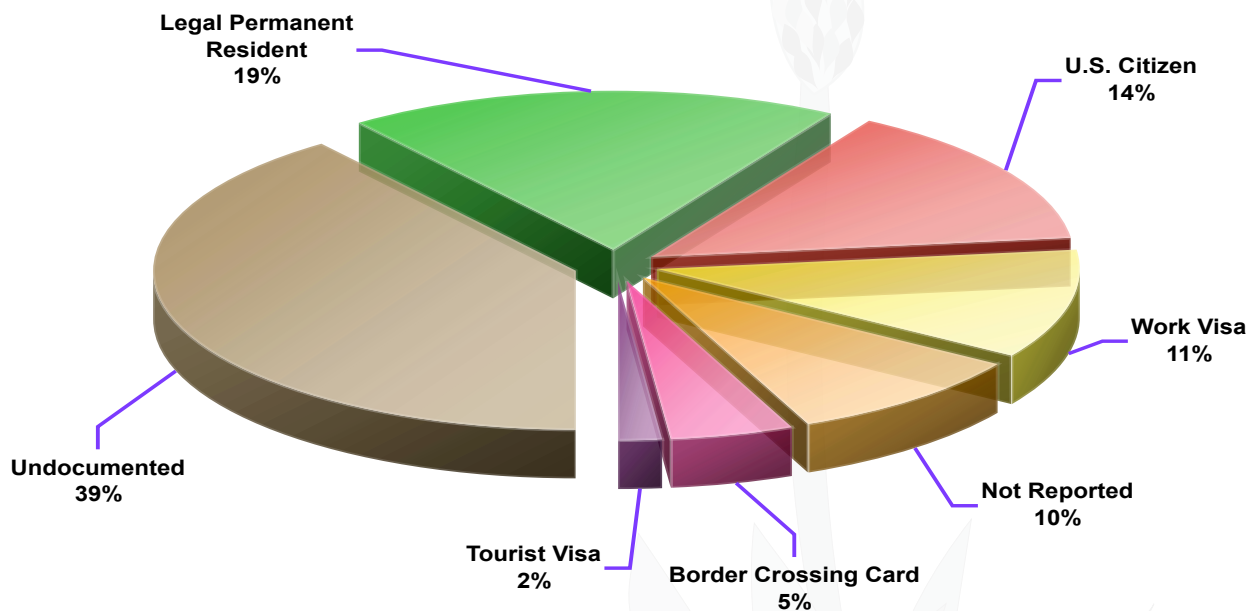
We submit that the vigorous protection of our rights, safety and dignity through the enforcement of civil and international law by means of oversight and accountability will make this nation safer for everyone.

CAMPAIGN RESULTS

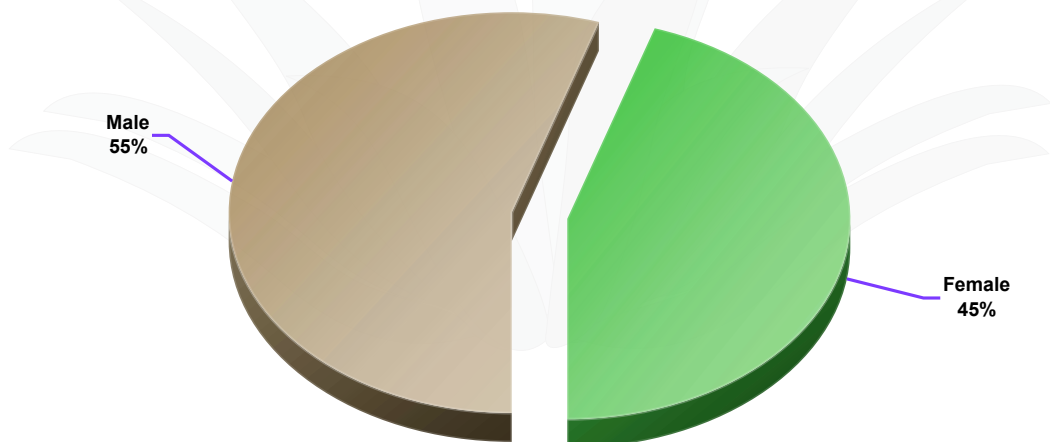
Between September–December, 2007, volunteer Human Rights Abuse Documenters and Human Rights Promoters, trained by Border Action Network, documented 64 incidences of possible abuse against Arizona residents by various law-enforcement agencies, employers, landlords, government agencies, and individuals. These 64 incidences of possible abuse were committed against 134 people by 103 abusers.

Of the 134 survivors of alleged abuses, information was collected on the 78 individuals who reported incidents to abuse documenters (the remaining 54 were children or additional individuals involved in the incident.) Of these 78 people reporting abuse, 55% were male and 45% were female. The average age of people reporting abuse was 34 years old while the youngest was 18 and the oldest was 65 (not including minors.) People reporting abuse reported various immigration status: 14% United States citizens and only 39% were undocumented.

Legal status of individuals reporting abuse

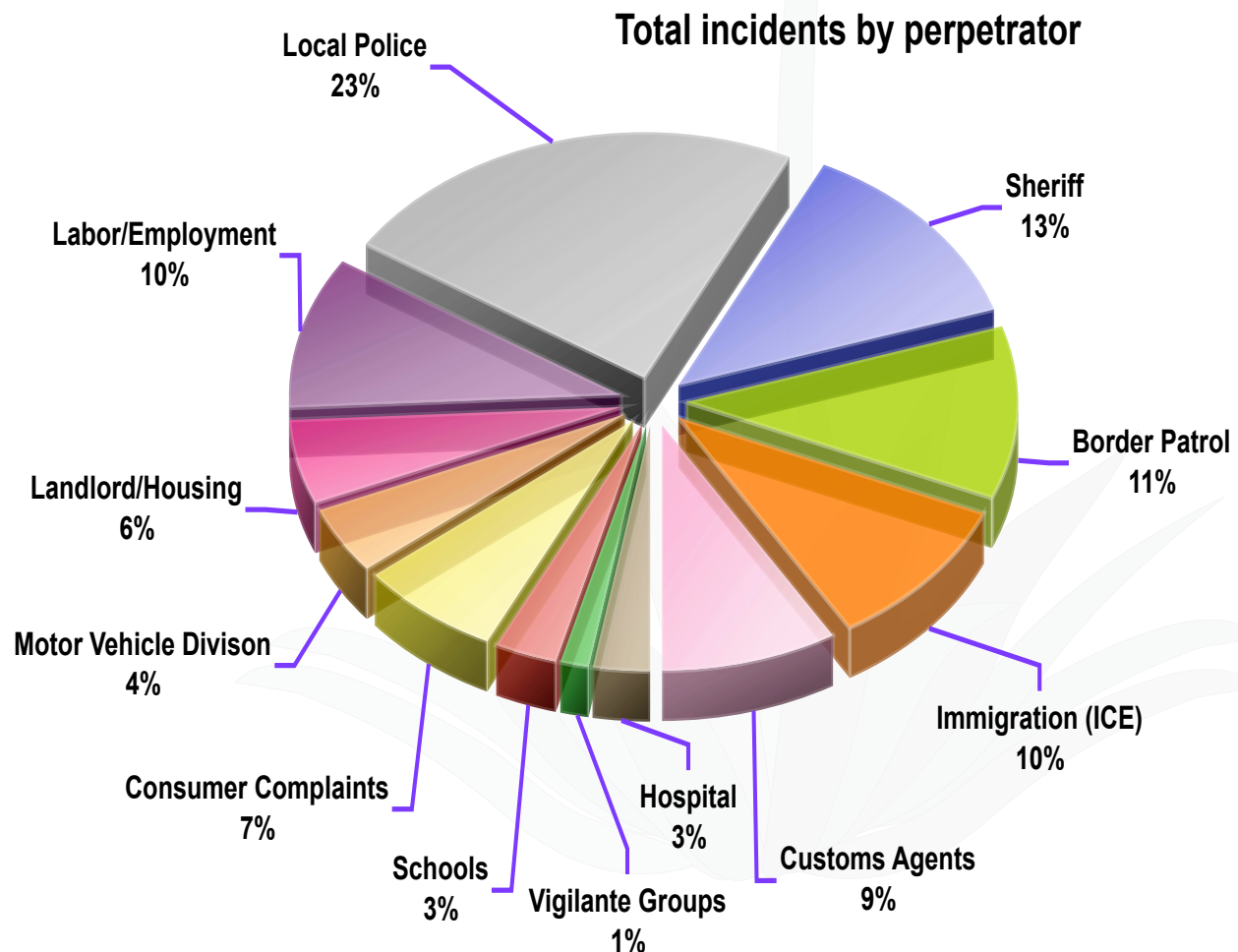


Gender of individuals reporting abuse

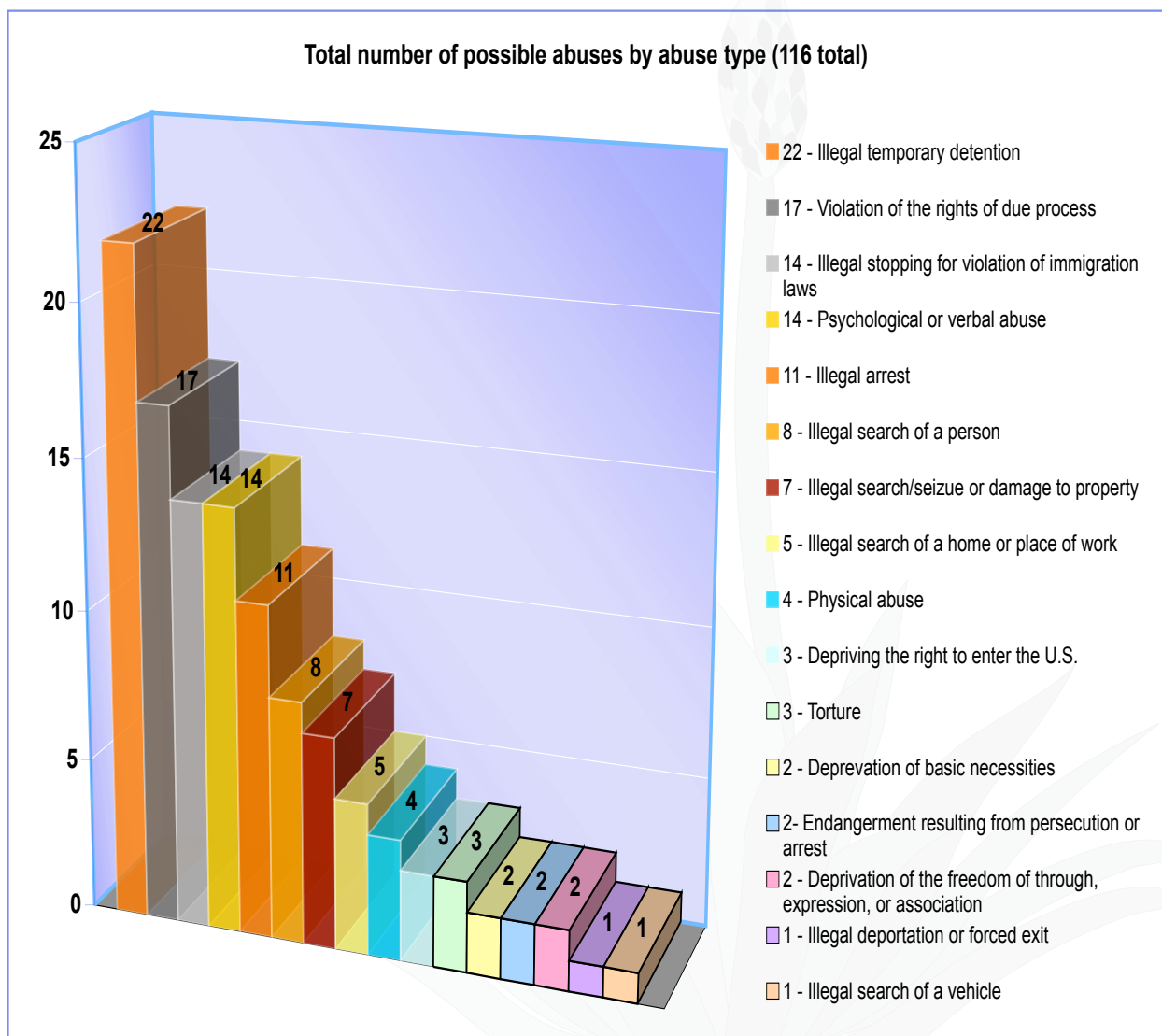


While the campaign attempted to identify individual abusers involved in more than one incident, due to the frequent unwillingness of law-enforcement officers and pervasive practices within and across departments, not all individuals are provided with, aware of, or able to record, the name and badge number of law enforcement agents involved in committing possible abuses. This leaves the possibility that there are individuals involved in repeated, systematic abuses against immigrants. This consideration does not, however, affect the overall percentages of authorities involved in possible incidences of abuse against immigrants.

According to the campaign findings, the largest group of perpetrators of possible abuses against immigrants is local law enforcement and border/immigration enforcement agencies. From these statistics, we see that southern Arizona is an environment in which those intended to safeguard the safety and well-being of the border region are those most involved in actions that damage the safety of border communities. Mirroring this dynamic are individuals, employers, landlords, and government/social service agencies that were also documented to violate the rights of immigrant communities. Since government agencies are supposed to be responsible and responsive to the communities they serve, this report will focus on abuses by law enforcement agencies rather than individuals

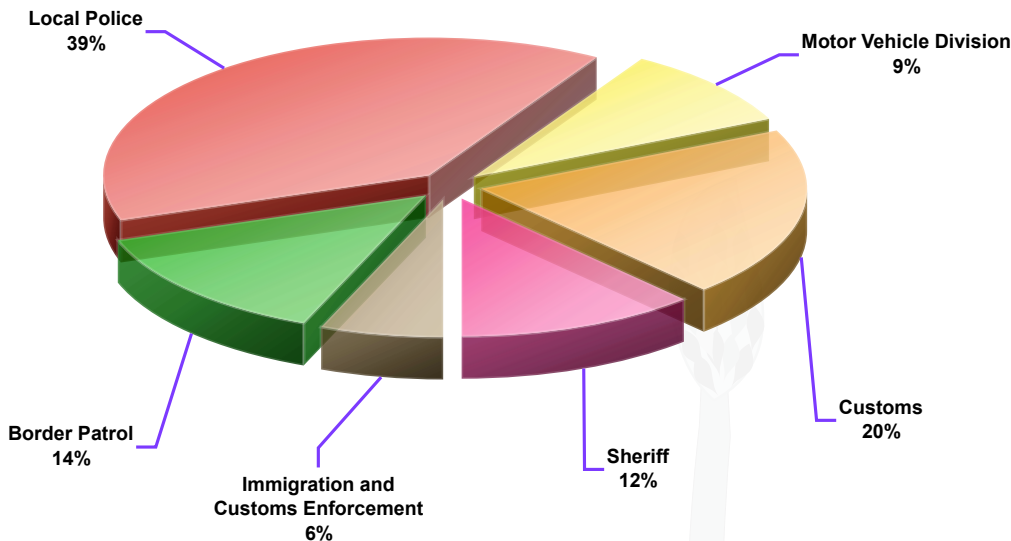


During the campaign, 116 specific possible violations of domestic and/or international law were documented. 19% of these possible abuses were illegal temporary detention, 15% were violation of the rights of due process, and 12% were illegal stopping for violation of immigration laws. Possibly more disturbing than the high incidences of abuse and unlawful detention is that 3% of the abuses met the legal definition for torture.



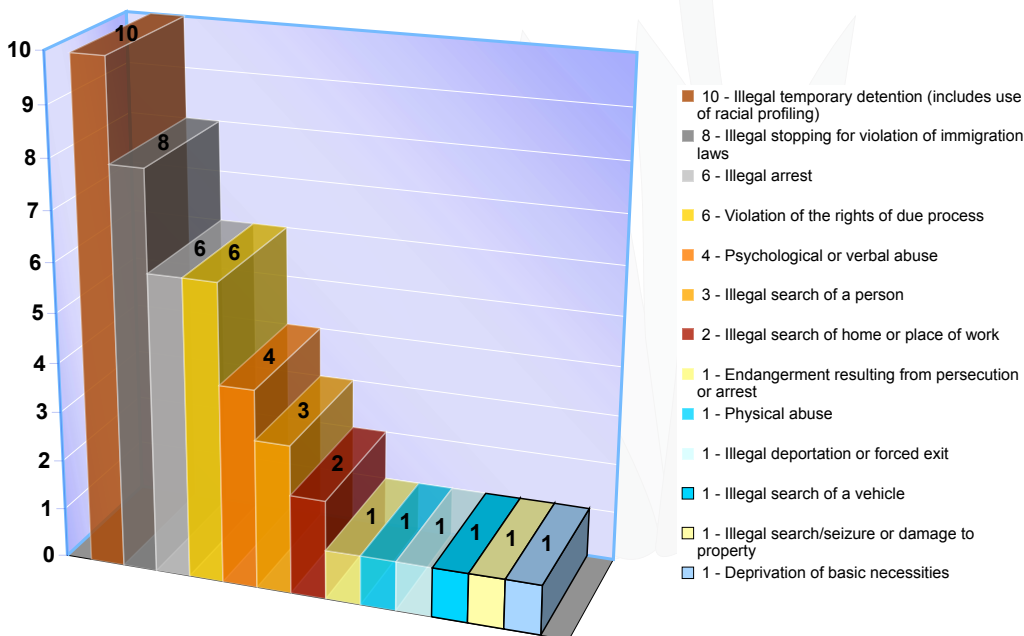
The majority of documented incidences of possible abuse were committed by law enforcement agencies. 70% of all reports involved local police, the Border Patrol, Immigration and Customs Enforcement, Sheriff’s Department, Customs, or the Motor Vehicle Division. In addition to the number of incidences reported, those involving law enforcement agencies had on average a higher number of possible abuses than those involving non-law enforcement agencies.

Law enforcement agencies committing possible abuses (116 total possible abuses in 33 documented incidents)

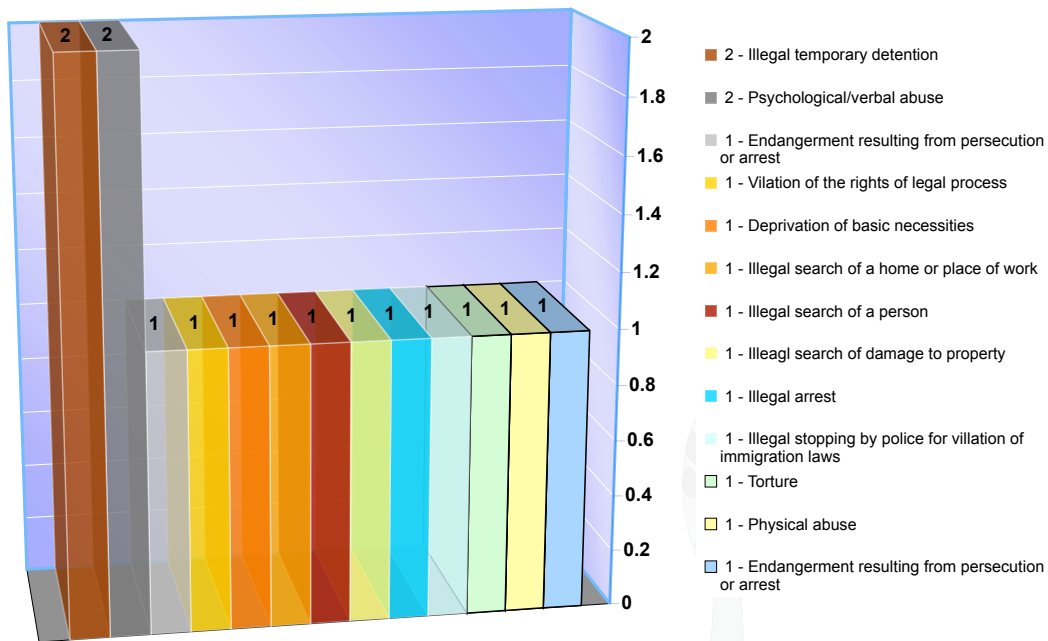


Local police were both involved in the largest number of reported incidences and committed the largest number of possible rights violations. The three primary types of possible abuse committed by local police agencies were illegal temporary detention (including the use of racial profiling,) illegal stopping for violation of immigration laws, and violation of the rights of due process.

Total abuses possibly committed by local police (45 total)

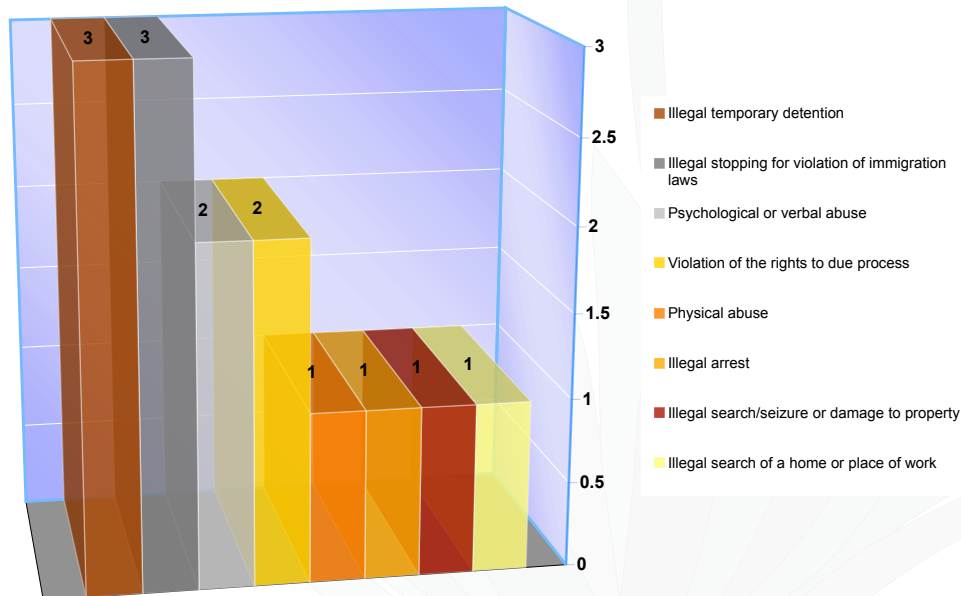


Total abuses possibly committed by Border Patrol



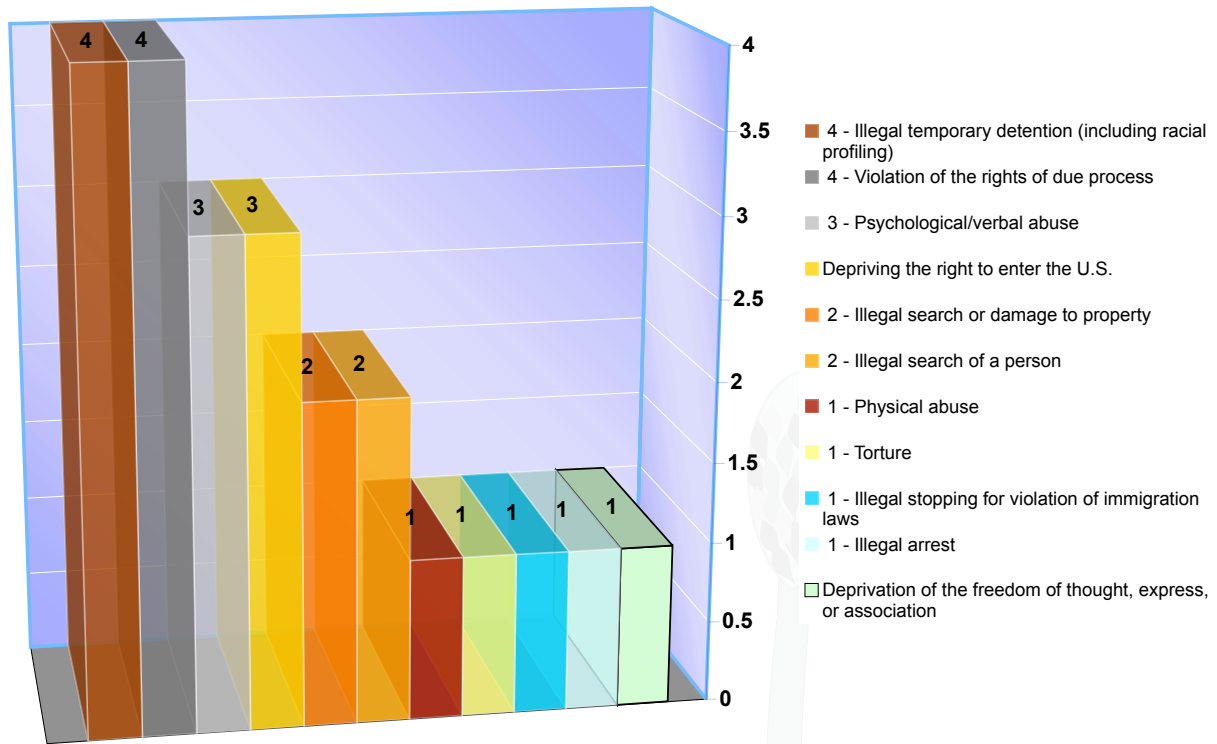
The two primary types of possible abuse committed by the Border Patrol were verbal/psychological abuse and illegal temporary detention, each comprising 13% of total abuses possibly committed by the Border Patrol.

Total abuses possibly committed by Sheriffs' Department



While there were fewer incidences involving the sheriffs' departments than other agencies, incidences involving the sheriffs' departments had the highest rate of abuse per incident. Physical abuse and illegal arrest were the two most common abuses possibly committed by sheriffs' department.

Total abuses possibly committed by Customs



Customs comprised 15% of all reports involving law enforcement agencies and had a high average abuse per incident ratio. The most common types of abuses possibly committed by Customs were Illegal Arrest, Illegal Stopping for the Violation of Immigration Laws, and Physical Abuse.



CASE STUDY: TUCSON POLICE DEPARTMENT AND IMMIGRATION ENFORCEMENT

In November, 2007 in Tucson, Arizona a 17-year old student at Catalina Magnet High School and his family were detained by immigration as a result of questioning by Tucson Police Department officers regarding their immigration status. School administrators had discovered a small amount of marijuana in the boy's backpack. They called the police and the boy's parents. When the parents arrived, police officers asked for the parents' drivers' licenses. The parents admitted that they did not have licenses because they did not have social security numbers and have been living in the United States as undocumented immigrants. The police officers then called the Border Patrol who entered the school and detained the young man, his parents and his younger brother who attended a different school.

As expected, this incident incited debate over the efficacy and social costs of simultaneously enforcing civil immigration statutes and criminal law, in this case, through the collaboration of school districts, police departments and Border Patrol.

This is neither a new debate, nor an isolated incident. While Border Action Network's Human Rights Promoters, Human Rights Abuse Documenters and staff have documented and heard numerous accounts of police questioning community members regarding their immigration status and calling Border Patrol over the past several years, such reports have recently become more common and frequent. Yet the end result actually makes police work more difficult as summarized by the points below:

- **Trust and Cooperation with Immigrant Communities is Essential**

Latino families comprise more than 40% of Tucson's population. While not all 40% are immigrants, it is important to recognize that many families have varied immigration status' within them –one household may include a U.S. citizen, legal permanent resident, someone with a valid tourist visa and someone with no immigration documentation. As such, the issue of maintaining trust and confidence is not restricted simply to immigrants, but to U.S. citizens as well who are concerned with the well-being and security of their family members.

For years, many local law enforcement departments have dedicated themselves to community policing, attending neighborhood association meetings, supporting youth programs and having an overall presence in their community. The goal of these efforts is to build trust between law enforcement and community members in order to facilitate the cooperation that is necessary to ensure effective crime-prevention and interdiction. Police departments know that successful policing requires the slow process of building relationships, and that these relationships can only be sustained if community members believe their rights will be respected by police officers they trust. If departments continue

inquiring into people's immigration status, the cooperation that has been built through many years of concerted effort will erode overnight, reducing both law enforcement effectiveness and community safety. Immigrant women need to know that if they report domestic violence, they will not put themselves or their children at risk of deportation. Immigrants need to know that if they are in a car

accident calling the police will not result in the deportation of a family member. Immigrant families need to know that if they report a robbery, gun shots, or any other crime or suspicious activity, they will not be jeopardizing their families.

- **Local Police Resources are Already Strained and Limited**

Since the creation of the Department of Homeland Security in 2001, federal funding for police departments has diminished, according to a report released by Major Cities Chiefs of Police in a June 2006. This decrease in funding has been accompanied by new enforcement mandates. Local departments have been expected to shoulder responsibility previously handled by federal law enforcement agencies that are now more focused in anti-terrorism and national security activities. Meanwhile, local police budgets have not kept pace with these increases in workload and responsibility. And the standard community complaint persists to this day: that the length of time between a call for police assistance and the time the officer arrives to the scene is too long. With federal pressures and ongoing demands at the local level for public safety, the additional responsibility of responding to or investigating immigration related incidents places an exorbitant strain on already limited police resources.

- **Local Police are Not Trained in Federal Immigration Law**

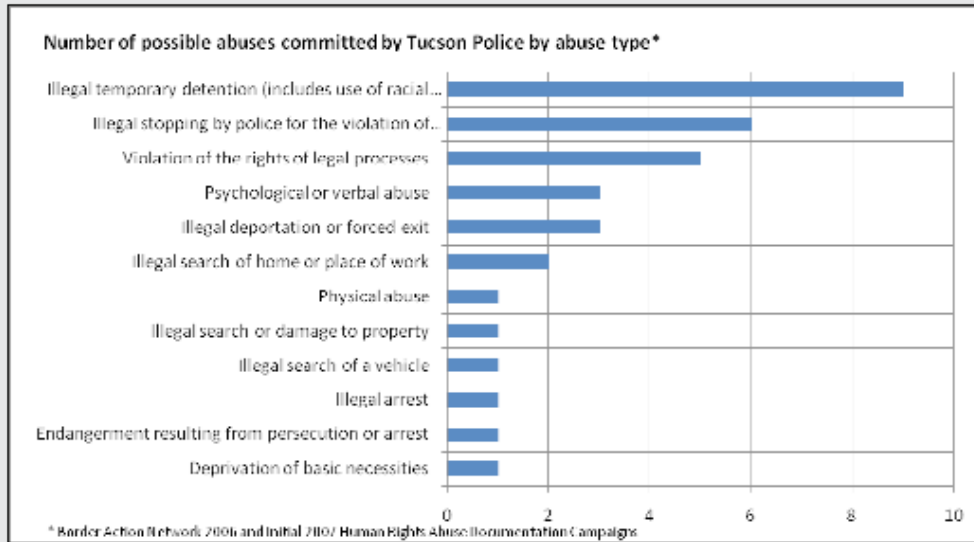
Federal immigration law is often equated to tax law due to its complexity. Every case and individual is different and the combination of civil immigration infractions with criminal law violations only compounds the complexity. Local police officers are already engaged in investigating crimes and upholding criminal laws and protections. Expecting officers to incorporate complex federal immigration law into their investigations is not only unreasonable but unrealistic. It is better that immigration agents and immigration judges who receive extensive training, experience and resources enforce and uphold federal immigration law.

- **Enforcing Immigration Would Increase Police and Sheriffs Departments' Liability**

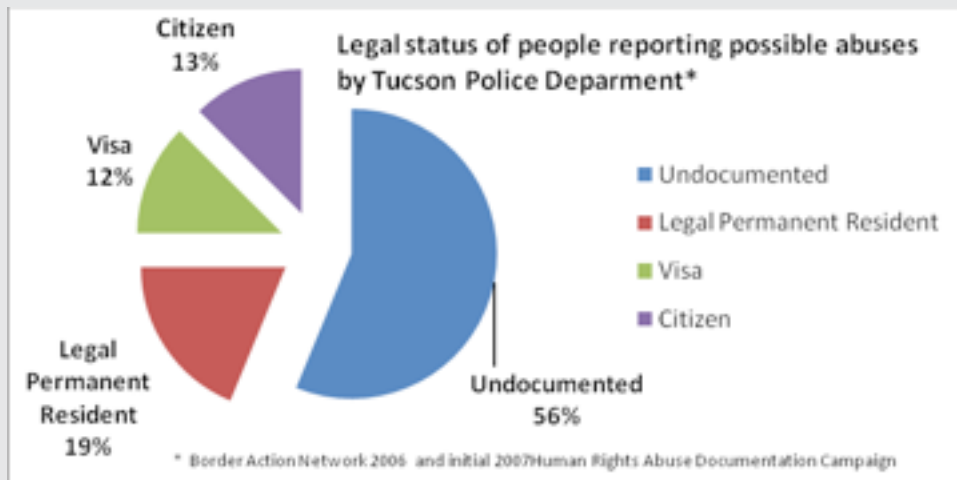
Police departments cannot enforce immigration laws without exposing themselves to lawsuits alleging racial profiling. Unless departments make it a mandatory policy to inquire about the citizenship status of every person they contact – a practice that would disrupt the relationship between the officers and the communities they serve and protect - selective inquiries will inevitably target some who are U.S. citizens, resulting in serious legal consequences for the departments and their city or county governments as the Chandler, Arizona case has shown.

In 1997 immigration agents and local Chandler, Arizona police conducted a massive immigration sweep through the community which resulted in the detention of U.S. citizens and legal permanent residents. The City of Chandler was embroiled in civil lawsuits for years for unlawful detention, racial profiling and other charges. The lawsuit resulted in a \$35 million settlement with the City. This incident and others across the country should send the message that local police who enforce immigration laws expose themselves to significant risk of liability. These are costs that the City of Tucson, Pima County or any other Arizona municipality cannot afford in terms of money, reputation, or community relations.

In spite of the many reasons for not getting involved in questions of immigration enforcement, TPD officers are known to do so. The data below reflects a small sample of the many incidents we heard regarding TPD officers and is only reflective of the documentation from November 2006 and the first two months of our 2007 Abuse Documentation Campaign.



We received information on 15 incidents involving the Tucson Police Department. These 15 incidents encompassed 34 possible rights violations occurred. The most common possible violation was “Illegal temporary detention” at 26% and “Illegal stopping by police for the violation of immigration laws” at 18%. It is particularly important to note that nearly half of all those reporting potential abuse were legally in the United States.



CASE STUDY: HOSPITALS & HUMAN RIGHTS

During the 2007 Abuse Documentation Campaign, we were surprised to receive a number of egregious complaints regarding policies and practices of University Medical Center (UMC) hospital in Tucson, Arizona. There has been significant discussion in local and national media regarding the economic strain on hospital emergency rooms due to providing medical care to uninsured patients. In these emotionally-laden debates, undocumented immigrants are falsely attributed a disproportionate cost on local medical services. In fact, an October 2007 report by the University of Arizona's Udall Center demonstrates that 68% of uncompensated health care costs in Arizona are incurred by U.S. citizens. Another report points to immigrants use half as much medical services than U.S. citizens; \$1,139 per year of health services compared to \$2,546 used by native-border citizens.

Facts aside, it appears the UMC has been pulled into the scape-goating whirlwind by denying or curtailing medical services to people they perceive as undocumented by pressuring them to approve transfers to medical facilities in Mexico. Furthermore, documentation revealed that UMC has instituted a practice of sending medical bills to Citizenship and Immigration Services who uses the information to deny immigration petitions, even if the patient had arranged a bill-payment plan. Apparently the Hippocratic oath had fine print clause that permits medical service providers to utilize racial profiling and exclude people based on nationality.

Mr. Navarro is a young man who lives in Agua Prieta, Sonora where he works in construction. He came to Tucson, Arizona to visit family and friends the weekend of October 27-28 using his valid tourist visa. On October 28, 2007 at 1:40am, Mr. Navarro heard a knock on the door of his friend's house. He opened the door and met a man who asked for someone that did not live in the house. When Mr. Navarro tried to shut the door, he saw the man had a gun in his hand. The man fired five rounds. He was struck in the ribs and the lungs. He was taken by an ambulance to UMC where they quickly attended to him and operated immediately in the emergency room. Several hours after the surgery, Mr. Navarro was informed that he was going to be transferred to Mexico. He did not consent to the transfer; even though he was still half unconscious from the anesthesia, he insisted that he did not want to be transferred and refused to sign anything. The hospital attendees tried to pressure him. The two attendees with the transfer document left. The next day, Mr. Navarro overheard doctors discussing something about a transfer. Mr. Navarro assumed he was going to be transferred to another room in the hospital. Attendees arrived shortly thereafter, moved him onto a bed and placed him in an ambulance by himself even though they had told him the day before that if he was transferred, his parents would ride with him. When his parents learned that he had left the hospital, they became very worried and called the Mexican Consulate. They parents did not know where their son had been taken. The Consulate called the port of entry authorities in Agua Prieta and informed them that they were not to accept the ambulance transfer of this young man; that the transfer was not consensual. When the UMC ambulance arrived at the Douglas Port of Entry, they were turned back.

The paramedics attempted to turn the young man over to the Border Patrol; however, the Mr. Navarro was not deportable as he had entered legally with a tourist visa. The ambulance also attempted to drop Mr. Navarro off to the Douglas medical facility; however that hospital told them that the young man should be returned to Tucson. With no other place to drop off the young man, the ambulance returned to Tucson UMC. Upon arriving, his parents were told they had to pay \$500 and sign a consent form to admit him back into the hospital. He remained in the hospital for several days; the 4-6 hours trip to and from the Douglas border was extremely painful and put the young man's health in a completely unnecessary risk.

In March of 2006 a man applied for his legal permanent residency based on his marriage with his U.S. citizen spouse. At the "green card interview", the immigration officer asked for evidence that he has paid or made arrangements to pay his medical bill at University Medical Center. The applicant was surprised that the U.S. Citizenship & Immigration Services (CIS) would have this information. It was true that he owed over \$50,000 for medical care at UMC. However he had been on a structured payment plan and was in the process of paying off this bill. Ultimately, the applicant's green card application was denied by the CIS because his attorney had not properly returned evidence of his arrangement to pay the medical bill. The man recently hired another attorney who brought this matter to the attention of the Field Office Director of Tucson CIS and was told that the denial was in error and that CIS should not be using outstanding medical bills to deny applicants their green card applications. In further investigating the situation, the attorney learned that the CIS had kept a separate area for files about individuals who owe money to UMC and that UMC is the only hospital in Tucson that was providing their billing information to CIS.



UNLAWFUL TEMPORARY DETENTION

19% of possible abuses committed were Unlawful Temporary Detention which violates the:

- 4th and 14th Amendments of the U.S. Constitution,
- Articles 9 and 13 of the Universal Declaration of Human Rights,
- Articles 9 and 12 of the International Covenant of Political and Civil Rights,
- Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination

“While leaving her daughter’s home, Mrs. Haro turned on her blinker at the intersection of speedway and Silverbell, when a Tucson Police officer pulled up behind her with his lights on. After asking her for her license and registration, Mrs. Haro asked the officer what she had done wrong and he replied, “I don’t need a reason to stop you.” Mrs. Haro then says to the officer “But I don’t think I did anything.” The officer responded, “are you being smart?” Mrs. Haro told him,” no” and he then told her “I can have you arrested.” The officer made her turn off her car while he proceeded to write up a ticket for the next twenty minutes. Meanwhile, Mrs. Haro was made to wait with her infant granddaughter in the back seat. The officer eventually gave her a ticket for having windows tinted too dark. Mrs. Haro says she felt intimidated and made to feel like a criminal. –Mrs. Haro, 56, Tucson, 2004.

“My dad and I were driving to Douglas from the Agua Prieta port of entry, when a Border Patrol agent told us to go to inspection as we were passing through the checkpoint. He took my dad’s passport, and then asked me if he was my father. I told him that he was, the agent however, told us that he didn’t believe us, and that lots of people try to bring others through Douglas. He continued by saying that he didn’t believe that my dad was a citizen, and that they were going to take me to jail for lying to them and telling them that I was a citizen too. They took me into their office and took my fingerprints. After about a half an hour my dad returned with photos and birth certificates so that they would let me go. It was very arrogant how he treated me, because he told me that he was the authority and that I wasn’t anyone.” – Ms. Botello, 25, Phoenix, 2000.

VIOLATION OF THE RIGHT OF LEGAL PROCESS

15% of possible abuses committed were Violation of the Rights of Legal Process which violates the:

- 5th Amendment of the U.S. Constitution
- 7th Amendment of the U.S. Constitution
- Articles 6, 7, 8 10 and 11 of the Universal Declaration of Human Rights
- Article 9 of the International Covenant on Civil and Political Rights
- Article 2 of the Code of Conduct for Law Enforcement Officers
- Principles 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 36, 37, and 38 of the Joint Principles for the Protection of All Peoples in Any Form of Detention or Imprisonment
- 8 CFR § 287.8 and 287.3 Standards for Law Enforcement Activities

I was driving at a normal speed of 35 mph and suddenly I saw the police lights and I quickly looked to see what happened. The officer stopped my car, asked me for my license, and I gave it to him and then asked for my social security number and I didn’t tell him anything. Next, the second police officer asked me if I was carrying my social security card and I told him no. The first officer then asked me for my insurance, the title, and registration to my car. I got out of the van and the officer told me that he was going to impound the van because I did not carry a legal license and that he if wanted, he could arrest me and deport me. I did not answer any questions nor did I say anything. The officer made me sign the ticket and asked me for my insurance card, and then called the tow

truck. We were inside the van when the truck arrived and the officer told all of us to get out. He did not return my insurance card. They took all of us out of the van and we had to carry four children. We need the car very much because of the children. - Ms. Ibarra, 28, Prescott, 2007.

I went to the MVD to get a new license plate for my car. They asked for my license, registration, and proof of insurance in order to help me. I showed them my Mexican drivers license and the woman at the desk told me she was going to make copies of it. When she came back she was with a police officer. The officer asked me if I had another ID. When I got my voter ID out of my purse, the officer saw an old Mexican ID, and he told me that he wanted to see that one. He looked at them and told me that they were false and asked me a lot of questions. I asked him why he said they were false, because they weren't. He told me that he knew 100% that they were false. He called the Border Patrol, who then came and deported me. - Ms. Arvizu, 36, Tucson, 2007.

I was driving on 6th Ave and I saw a police officer turned on his lights. I became frightened as he followed me to the intersection of 34th and 35th St, where I stopped my car. He asked me for my license and registration, which the registration was in my brother-in-laws name. Then, two more officers arrived. The police officer asked me for my passport and he told me that they were going to take my passport because it was a fake. Then he called the Border Patrol. They arrested me and brought me to the jail on 29th St. I was detained for three days and then they made me sign my deportation order. - Ms. Pedregó, 25, Tucson, 2007.

I was going to the store on 10th St., when the police pulled me over. On showing my Mexican driver's license, the officer broke it in half right in front of my face and said, "these identifications don't serve US citizens at all". Afterward, the tow truck picked up my car, and I was given a ticket for not having an ID, license, and no car insurance, even though I did show them proof of insurance. My car was impounded for 30 days for being unable to show an Arizona driver's license. After everything, I had to walk home. - Mr. Garcia, 22, Cottonwood, 2005.

ILLEGAL STOPPING FOR THE VIOLATION OF IMMIGRATION LAWS

12% of possible abuses committed were Illegal Stopping by Police for the Violation of Immigration Laws which violates the:

- 5th and 14th Amendments of the U.S. Constitution
- Article 9 of the Universal Declaration of Human Rights
- Article 9 of the International Covenant on Civil and Political Rights

My girlfriend and I were at the Circle K buying snacks. There was a police office parked in the parking lot watching us. After we had pulled out, I noticed in my rear view mirror that he was behind us with his lights on. When we pulled over the police officer asked for my identification and vehicle registration. There was another police officer at the passenger side window who asked my girlfriend for her identification. She showed him her student ID and the police officer immediately asked her if she was legal. My girlfriend said that she wasn't. I asked him if he had authority to ask her these types of questions. He told me that he did and that he could arrest me if he wanted to. I didn't want to be confrontational with him because I knew it wouldn't turn out well. I decided to remain silent. The police officer called the Border Patrol who showed up after about an hour. But the Border Patrol didn't want to take my girlfriend into custody because she was a minor. The police officer insisted that they take her; eventually the Border Patrol agent agreed and they deported her. - Mr. Marana, 17, Tucson, 2007.

A couple who lived with our family was fighting. The girlfriend called the police when the boyfriend was outside. When the police arrived, they entered the house without asking, and asked if they had papers. They told the police that they didn't, and the officer called immigration, and they were taken away. - Mr. Soto, 41, Tucson, 2006.

PSYCHOLOGICAL/VERBAL ABUSE

- 12% of possible abuses committed were Psychological or Verbal Abuse which violates the:
- 5th Amendment of the U.S. Constitution
- Article 1 of the Universal Declaration of Human Rights
- Article 2 of the Code of Conduct for Law Enforcement Officers
- Principle 21 of the Joint Principles for the Protection of All Peoples in Any Form of Detention or Imprisonment
- 8 CFR § 287.8 Standards for Law Enforcement Activities

My husband and I, along with two of my daughters ages, 17 months and 3 years old, were out getting milk at the Circle K. Suddenly, we were pulled over by the Sheriff patrol for, we feel, no reason at all. The sheriff got out of her car and asked for a driver's license. My husband told her that he did not have one, to which she said, in a scornful voice, that she already knew that and that she already knew where we lived. My husband got out of the car and asked her why she had stopped us, but she did not answer. In five minutes two more sheriff officers arrived along with the Border Patrol, who grabbed my husband and handcuffed him and told him, "to hand over his keys to his wife". The agent did not stop there and said that if he did not calm down he would hit him. The Border Patrol agent wanted only to take my husband away, but the sheriff officer insisted that he take me away as well. They asked me if I had papers and I told them yes, because my brother is a citizen and sponsored me five years ago and immigration sent me an approval. They did not believe me and they put me in a Border Patrol car with my husband and my daughters. I saw the sheriff officer leave and the Border Patrol agent follow her; never would I have imagined that we would go to my house. When we arrived at my house with immigration, the sheriff was already at the house talking with my 14 year old daughter, telling her that my husband and I were going to be deported for living here illegally in this country.

After awhile, two more Border Patrol agents arrived. They took me inside my house, telling me to show them something that would back up my name. They then asked if I knew someone with papers that could pick up the children. When I told them my brother could, they called him to come, only to tell him when he arrived that the children were going to be taken by CPS. Then, the sheriff started to bring me back to the Border Patrol car, but, I hung back in the frame of the door of my house. She pulled me, threw me on the floor, and dragged me to the Border Patrol car. My husband then told her, "what a beautiful Christmas for my kids," and she answered in English that it didn't matter to her, it was just her job. When she put me in the car, she returned to the house and the other two officials asked her what they were going to do now and she answered, "it doesn't matter to me, they can all be taken away."

She then asks my daughter, "what is your name?" My daughter told her and asked her why she was asking. She told her "because your mom has made up lies, she is a liar." The sheriff then interrogated my daughter until she was trembling and told her that she should tell the truth. When my daughter told them that two of my children were not citizens, the sheriff said that, "CPS will take them at 5pm and the other two will go with the parents." My daughter began to cry, and the sheriff told her that she could throw her in the car with her parents or arrest her and take her juvenile prison. The Border Patrol agents were surprised because the sheriff was taking on their role. Next, my daughter asked them if she could change her clothes because she was wearing her pajamas and they said yes. However, they followed her and did not give her any privacy to change. My daughter began to change her brother and sisters' clothes when she overheard the Sheriff say to the agents that I worked and left my children at home all alone, and that is not true.

They put us all in the car and they took us to the immigration office and the immigration agent was talking to the other officers about what the Sheriff had done to intimidate us, telling us that we had two options—see a judge or never see our children and that could take months to see a judge, or we all return to Nogales, Sonora. We didn't have a choice. – Ms. Bazan, 33, Tucson, 2006.

ILLEGAL ARREST

9% of possible abuses committed were Illegal Arrest which violates the:

- 4th Amendment of the U.S. Constitution
- 14th Amendment of the U.S. Constitution
- Articles 9 of the Universal Declaration of Human Rights
- Article 9 of the International Covenant on Civil and Political Rights
- 8 CFR § 287.8 Standards for Law Enforcement Activities

We were on I-19 as we passed a police car going the opposite direction. He immediately turned around and stayed behind a truck for a few minutes, taking his time, come to find out, so the border patrol could arrive. A few minutes later, the police officer stopped us and he told me that I was going 72 miles per hour. I told him that I had only been going 65 miles per hour. At that moment the border patrol arrived and asked us for our documents. I showed them my documents, as they asked Mr. Rodriguez for his documents as well. He showed them his driver's license, and they told him that that wasn't sufficient and they detained him for ten days. - Mr. Diaz, 53, Douglas, 2007.

I was going to Tucson in my car and was stopped by the Border Patrol and then they asked me for papers. I showed them my license and they did not believe that I was a permanent resident and they took me out of the car, handcuffed me, and took me to the station where they checked my fingerprints. They realized that I was indeed a permanent resident, and they released me with an air of indifference that they had just detained me. - Mr. Fuentes, 33, Douglas, 2007.

ILLEGAL SEARCH OF A PERSON

7% of possible abuses committed were Illegal Search of a Person which violates the:

- 4th Amendment of the U.S. Constitution
- Articles 12 of the Universal Declaration of Human Rights
- Article 17 of the International Covenant on Civil and Political Rights

When I was crossing through the port of entry the agent checked my passport. They took me to a little jail cell where they interrogated me, asking lots of questions, and I answered them all. They handcuffed me and searched me. I insisted that I didn't have anything, but the agent asked me if I had anything that could harm them, because if I did—they would grab me by my hair. They took off all of my clothes, and then took everything out of my bag piece by piece, and there wasn't anything for them. After a while, another agent came and checked all of my documents, clothing, voter ID, work visa, and passport, and he finally told the others to take off my hand-cuffs and let me go. - Ms. Cuevas, 34, Nogales, 2007.

I was walking through the port of entry in Naco, when a Border Patrol agent drove up to me and asked if I had papers. I did and told him so. He asked me to see them and I showed him my birth certificate and social security card. He then asked me what it was that I had in my bag and I told him that it was my school uniform. He grabbed my bag and searched through all my clothes before telling me that I should be more careful and not walk alone at night without an adult. - Mr. Hernandez, 15, Naco, 2007.

ILLEGAL SEARCH OF HOME OR PLACE OF WORK

4% of possible abuses committed were Illegal Search of Home or Place of Work which violates the:

- 4th Amendment of the U.S. Constitution
- Article 12 of the Universal Declaration of Human Rights
- Article 17 of the International Covenant on Civil and Political Rights
- 8 CFR § 287.8 Standards for Law Enforcement Activities

Border Patrol agents arrived at our house and asked one of our kids where their parents were. They told them that my husband was fixing the plumbing underneath the trailer and the agents told them to get him. They came and told me that the Border Patrol was outside, and when we went outside they told us that they had to come into our house because there had been a report of illegals inside. My husband told them that we had nothing to hide and that they could come in as long as they didn't disturb me or the children. When they came in they went through every room in my house, scaring the children. The so-called "report" was a lie, they only wanted to make us uncomfortable and bother us as they do so frequently. – Mrs. Escarcega, 28, Naco, 2007.

The problem I have is that the Border Patrol entered my house. I was working inside and I had left the door open when they came in without asking permission knocking. – Ms. Valencia, 33, Naco, 2007.

PHYSICAL ABUSE

3% of possible abuses committed were Physical Abuse which violates the:

- 4th and 14th Amendments of the U.S. Constitution,
- Article 3 of the Universal Declaration of Human Rights,
- Article 6 of the International Covenant of Political and Civil Rights,
- Article 3 and 4 of the Code of Conduct for Law Enforcement Officers,
- 8 CFR § 287.8 Standards for Law Enforcement Activities

When we arrived at the Mariposa port of entry in Nogales, Arizona, the customs agent asked to see my papers. I gave him my card and told him that I was a Legal Permanent Resident, and he went to check it inside. When he came out he gave me a pink piece of paper and told me to follow him to his office. I said 'okay' and he let my friend go. When we were inside they told me that I was under arrest. I told them that I had received my residency in 2005 and asked them to explain to me why they were arresting me. They told me in a mocking way that my resident alien ID number was fake and that was why they were arresting me. I told them no, that it was real. During this exchange, my friend came back into the office to see what was happening. He asked them and told them that he and my family were waiting for me outside. They told him that this was my problem and none of his business and that he should go. Then they took me to small room and I began to feel really bad. They had me handcuffed, and when I told them that the cuffs were too tight, they just ignored me. They were yelling at me and told me that when I had my court date they would be watching it by video and that they would remember my face. After a while longer my friend came back again and they gave him my papers and told him that he could take me.

I was feeling really bad and looked bad and my friend was about to take me out of the office when they started to yell at him to hurry up and take me away. He decided at that moment that he wanted an explanation as to why they had done this to me. He asked them for the names of the officers who had done it. He told them that they had to give him the names by law. The agents told him that they were not going to give him any names and that it would be best if we left. He kept asking them for the names of the people who did this and an official came out with a taser. The officer shot my friend twice with the taser and when he tried to defend himself they detained him and tried to handcuff him. He resisted because he has a prosthetic arm and his arms couldn't go behind his back to be handcuffed but they forced him and ripped it out. I watched as 5 agents beat him with his back to the table. – Mr. Ruiz, 46, Phoenix, 2007.

DEPRIVATION OF THE RIGHT TO ENTER THE UNITED STATES

3% of possible abuses committed were Deprivation of the Rights to Enter the United States which violates the:

- Article 13 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Civil and Political Rights

I arrived at my friend's house, where my friend was waiting for me to go to Tucson with him. When we arrived at the border, I showed my passport. They looked at my social security number that came up with my name. Then, the customs officers took me to a room where an officer questioned me if I had been working the U.S., and whether I was telling the truth. The customs officers told me he had seen in the system that I had worked in the U.S. They told me to stop being an asshole.

Eventually, there were three customs officers, which one of them said that I should just admit that I had worked in the U.S. because if not, they would put me in jail for each officer I lied to. They then said I could go to jail for 20 years. Finally, an officer came that spoke Spanish and began to say stop being an asshole and that if I told the truth I could go home and sleep in my own house or I could stay in jail if I wanted. The pressure and fear made me say that I had worked in the U.S. before, and with this, the officers took my visa from me. I can no longer come to the U.S. - Mr. Rios, 20, Nogales, 2007.

TORTURE

- 3% of possible abuses committed were Torture which violates the:
- 7th and 8th Amendments of the U.S. Constitution
- Articles 5 of the Universal Declaration of Human Rights
- Article 7 of the International Covenant on Civil and Political Rights
- Article 3 and 5 of the Code of Conduct for Law Enforcement Officers
- Principles 1, 6, and 21 of the Joint Principles for the Protection of All Peoples in Any Form of Detention or Imprisonment
- Articles 1 and 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 8 CFR § 287.8 and 287.3 Standards for Law Enforcement Activities

I went to the MVD and the woman at the window asked to see my license and registration. She made copies of my documents and gave me back my license and told me to wait in a small room. When I went inside, there were police there waiting for me. They kept me there for 30 minutes without asking any questions until immigration arrived. They kept me there for 3 hours in handcuffs until my left hand was hurt and numb and my fingers were swollen. Then they deported me back to Mexico. - Mr. Vazquez, 24, Tucson, 2007.

ENDANGERMENT RESULTING FROM PERSECUTION OR ARREST

2% of possible abuses committed were Endangerment Resulting from Persecution or Arrest which violates the:

- 4th Amendment of the U.S. Constitution
- 14th Amendment of the U.S. Constitution
- Article 3 of the Universal Declaration of Human Rights

- Article 6 of the International Covenant on Civil and Political Rights
- 8 CFR § 287.8 Standards for Law Enforcement Activities

I was physically abused by the Border Patrol. Seven agents beat me severely because, I believe, I am a lesbian. I waited for 4 hours in detention until an ambulance came. I almost died. Ever since then, I have been in and out of both physical therapy and counseling. I have to take physical therapy because of the internal bleeding I suffered from their beating, as well as the constant state of pain that I am for which I can barely sleep at night. I have been in counseling because of my extreme fear of the Border Patrol and the panic attacks I suffer on a daily basis. They told my mother that the agent responsible was transferred to South Carolina, but I think he should have been fired and sent to prison for what he did to me. – Ms. Grijalva, 30, Nogales, 2001.

DENIAL OF FREEDOM OF THOUGHT, EXPRESSION OR ASSOCIATION

2% of possible abuses was Denial of Freedom of Thought, Expression or Association which violates the:

- Articles 18, 19, 20 of the Universal Declaration of Human Rights
- Articles 18, 19, 21, 22 of the International Covenant on Civil and Political Rights
- Sections 12, 13, 14 of the Basic Principles on Law Enforcement Use of Force and Firearms

It was Sunday, August 5, 2007 at 6:00 am when I crossed into the U.S. through the Mariposa port of entry. They told me to drive into the inspection station and asked to see another form of identification than my visa. I told them that I didn't have any other kind of ID on me. They told me to take everything out of my pants pockets and when they saw that my cell phone had a sticker on it that said "SUR 13" they called other agents in. One of the agents put my hands behind my back and brought me to one of their officers where they searched me. They told me to take off my clothes, and they asked me questions like where I was coming from, what I did, etc. I told them the truth and answered all their questions. They started to tell me that I was part of the Mexican Mafia in California and that I was a criminal. I told them that I they had confused me with someone else. They asked me if I had any gang related tattoos and I told them that I didn't. They made me take off my shirt and they saw my "SUR 13" tattoo, which made them decide that I was in a gang. They asked me what SUR 13 meant to me and I explained to them that it was a reference to Mexico and that I was proud of being a Mexican. One of them got very angry and told me that I wasn't welcome in the U.S. and that to him I was nothing but a criminal. They asked me if I had ever been to prison and I told them I had once spent a day in jail. The agent asked me why immigration hadn't taken away my visa if I had been to jail and whether or not I had paid my fine. I told them that I had had proof of my innocence and I never went to court. They brought me to another office and told me that they were going to punish me by making sure I didn't cross into the U.S. for the next 5 years. They took my fingerprints, my photo, made me sign a paper, and deported me to Mexico. – Mr. Hernandez, 29, Tucson, 2007

ILLEGAL DEPORTATION OR FORCED EXIT

1% of possible abuses committed were Illegal Deportation or Forced Exit which violates the:

- 4th Amendment of the U.S. Constitution
- Articles 9 of the Universal Declaration of Human Rights
- Article 13 of the International Covenant on Civil and Political Rights

UNLAWFUL SEARCH OF A VEHICLE

1% of possible abuses was Unlawful Search of Vehicle which violates the:

- Article 12 of the Universal Declaration of Human Rights
- Article 17 of the International Covenant on Civil and Political Rights
- 4th Amendment of the U.S. Constitution

I was waiting outside of my house for my brother-in-law, who was coming to visit us. As he was coming down our street in a Durango truck with Texas license plates, a police officer pulled him over for no reason. The officer searched his vehicle and asked him where he was coming from and who he was here visiting. He asked how long my brother-in-law had been living in the U.S. and who the owner of the car was. The officer asked for identification, and then told my brother-in-law that he was an illegal because he had a Mexican driver's license. The officer called backup and the Border Patrol. When the Border Patrol arrived, there were already 3 police cars surrounding my brother-in-law. The Border Patrol didn't want to take my brother-in-law away, but the police kept insisting and insisting until they gave in and deported him. - Mr. Bojorques, 25, Tucson, 2005.



RECOMMENDATIONS

As the above statistics illustrate, U.S. communities that lie along the border with Mexico live a reality that adds up to a human rights crisis. It is clear from the sheer volume of incidents we have uncovered that U.S. immigration policy has transformed our region into a militarized zone where the U.S. Constitution and international law are selectively applied.

Sixty-nine percent of all abuses documented are directly related to border, immigration and local law enforcement. While it is clear that this nation needs comprehensive immigration reform that provides a path to permanent residency for the undocumented already living in the United States and a safe, legal, and orderly entry procedure for those that will continue to seek a better quality life in this country, it is equally clear that border enforcement policies and practices must be overhauled to include a strong commitment to accountability, human rights, and civil rights.

Border Enforcement Accountability and Oversight

There is no accountability by federal law enforcement agencies to communities on the border. Community oversight of border operations must be established in order to transform the current atmosphere of fear and intimidation into one of mutual respect and accountability.

The psychological and physical abuses documented demonstrate that federal and state agencies involved directly in border enforcement are utterly disconnected from the communities within which they operate. The vast majority of people that Border Action Abuse Documenters spoke with are too afraid to allow the documentation of their experiences for fear of reprisal. In combination with the shocking incidences of abuse we have successfully documented, this is a clear indication that agency practices have successfully terrorized an entire population; a situation that any law enforcement specialist will explain creates insurmountable barriers to public safety. Enforcement without accountability, oversight, or community engagement is dangerous, antidemocratic, a threat to both community and national security, and must come to an abrupt end.

With 4 incidences of physical abuse, 3 counts of torture, and 14 reports of psychological and verbal abuse, the incidents delineated above point to the existence of a critical mass of agents who will not hesitate to ridicule, humiliate, kick, punch, and hurl racial epithets at immigrants during routine, often illegal, stops; who illegally confiscate and destroy papers and pressure people into agreeing to be deported; and who do not fear reprimand for such actions. Such brutal policing practices, wielded predominantly against people of a single ethnicity, contradict both the law and the intent of responsible criminal justice practice. In addition, they promote forms of ethnic and regional inequality that US civil rights law and international human rights laws were designed to prevent.

The systematic nature of the abuses this report documents suggest that it would be an abuse of authority to blame these incidents on individual agents labeled as the proverbial “bad apples”. Policy makers and agency administrators alike are directly responsible for creating and fostering a professional environment that encourages and rewards the best law enforcement

practices. A pervasive lack of agency discipline and policy vision at the highest levels is evidenced in this report.

1. Create the United States Border Enforcement and Immigration Review Commission

The Review Commission should be an independent agency established to oversee the implementation of federal policies, projects, programs, and to review the activities of federal agencies at the border and in the interior (Border Patrol, Immigration and Customs Enforcement, Citizenship and Immigration Services, and other agencies involved in border and immigration enforcement), with legal authority to hold federal immigration agencies accountable and provide recommendations regarding federal immigration and security policy, enforcement, and complaint procedures.

2. Require Human Rights Certification of Federal Agents. Immigration Agents, Border Patrol Agents, police officers and other law enforcement officers working on the border region should receive ongoing training in ethics, civil and constitutional rights, human rights and community relations.

3. Improve Oversight of the Complaint Process. The complaint process of CBP and ICE should be reviewed by the Independent Commission to ensure that the mandate, resources, and staffing to investigate and resolve claims against ICE and CBP officials in a timely manner exists, and that the agencies have the mandate, resources, and staffing to adequately respond to public inquiry regarding the status of complaints.

4. Develop Non-Lethal Response Techniques and Practices. Guidelines and ongoing training that ensures border agents' responses are commensurate with the level of threat posed should be developed. Border patrol must implement the use on non-lethal force when detaining migrants.

6. Use Human Rights and Civil Rights as a Policy Standard. The cycle of violence at the border can only be stopped if the government recognizes the Civil and Human Rights of Border Communities, any legislation or policy that fails to recognize those fundamental rights is destined to fail and undermines the basic premise of security for the country.

7. Develop a Community Education Program. The program would teach members of border communities about civil and human rights and how to utilize border enforcement agency complaint processes. The program will facilitate denouncing and preventing the human rights abuses that take place on the border. The education program must be coupled with improvements in the internal complaint and review process of the Department of Homeland Security.

8. Encourage the Formation of Local Citizens' Review Committees. The committees will monitor the local activities and complaint review processes of the border enforcement agents and agencies.

9. Conduct a Border Community Consultation and Respect Environmental Protections and Indigenous Peoples' Rights. Any new fencing projects must respect the environment, indigenous peoples' rights and must be done in consultation with border communities. Genuine consultations must be conducted with a diverse cross-section of border communities to determine impacts and alternatives to fencing and other proposals. The REAL ID Act excluded border wall construction and other border projects from compliance with environmental protection laws. The Constitutionality of these exemptions should be reviewed and these exemptions should be removed.

Comprehensive Border and Immigration Policy Reform

One of the fundamental solutions to ongoing human rights violations impacting Arizona immigrant and border communities is a comprehensive reform of border and immigration policy. As noted above, current border policy attempts to combat three disparate issues—national security, cross-border criminal activity and immigration through places other legal ports of entry. -- with one catch-all enforcement approach. Yet each of these issues has unique causes, impacts and of course, solutions and as such, should be treated differently by policy makers. One of the most urgent, practically responses ought to be a reform of our current immigration and border policy that will permit orderly, legal entry through ports of entry and a program that provides a path to permanent residency for undocumented immigrants already in the United States. Below are several recommendations that should be included in this comprehensive reform.

1. U.S. Policies Should Not Contribute to Hundreds of Deaths Yearly. As a matter of basic principle, the United States should establish a guiding principle that no policy should contribute to the death of men, women and children.

2. Replace Operations such as “Safeguard” and “Hold the Line” with Border Community Safety and Security Operations. These operations would be based on strategies that uphold the human and civil rights of migrants, are accountable to border communities, can distinguish between criminal activity and immigration violations, integrate technologies that respect the environmental, economic and social quality of life on the border and are coupled with a comprehensive immigration reform policy.

3. Protect the border environment and quality of life. Border enforcement operations, technology and infrastructure should be guided by criteria that actively minimize their impacts on border residents. Concerns for quality of life, noise, air and light pollution, endangered species and other environmental protections should be integrated into any expansions of border operations. For example, twenty-four hour stadium style lighting within neighborhoods would be determined an unacceptable cost to residents' quality of life.

4. Discontinue current and future wall and fence projects. No fencing projects have proven successful in stopping immigration flows. Current fencing and wall projects should be cancelled. For yet-to-be constructed but approved wall projects, the cost and programmatic effectiveness, fiscal responsibility, environmental impact, and impact on border communities

should be analyzed to ensure that fencing projects do not infringe upon the Human Rights of undocumented workers, the border environment or border communities.

5. Reaffirm and Strengthen the Posse Comitatus Act. Approved as part of the Civil War reconstruction era, the Posse Comitatus Act prohibits the use of military on domestic soil. This act should be reaffirmed and strengthened and cases should be reviewed where the military, under the pretext of fighting the war on drugs, has been under the supervision of immigration agencies and enforcing immigration laws.

6. Require Only Trained Immigration and Customs Agents on Border. Only agents who have been thoroughly trained in immigration law, ethics, civil and human rights should be enforcing US immigration and customs laws. The U.S. military and National Guard have specific jurisdictions and limited resources, none of which include enforcement of domestic administrative issues. Immigration and its enforcement on the southern border should not involve military troops.

7. Conduct a Review of Border Military Operations. Review the constitutionality of direct military operation at the US/Mexico Border, specifically, the purpose, role and activities of the Joint Task Force North and other military operations.

Consistency at Land Ports of Entry

Customs and Border Protection must respect current policies regarding the types of documents that U.S. citizens must present when returning home from Mexico and must improve its complaint process and make it available at primary inspection booths.

Of the 74 people willing to record incidents of abuse, 7 reported having their government-issued documents illegally confiscated and/or destroyed by Border Patrol, police, or other law enforcement agency representatives. Victims of this crime are often subsequently pressured into signing illegal deportation orders. In addition, beyond the parameters of this study, within our communities we know of countless incidences of people having their documents confiscated illegally while passing through ports of entry as well as checkpoints; it is a common occurrence in the lives of immigrants living in the border region. As the above testimonies make clear, the victims of these unlawful abuses are made to feel “cornered”.

1. Clarify and Publicize the Documents Necessary to Enter the U.S. Current policies regarding the types of documents that U.S. citizens must present when returning home from Mexico should be posted in plain sight, in English and Spanish, including illustrations of each document, at every port of entry. Agents must receive ongoing training and be monitored to ensure that all laws and policies are equally and uniformly applied.

2. Promote an Accessible and Transparent Complaint Process at Ports of Entry. A transparent complaint process must be made highly visible and accessible. Forms as well as procedural and contact information must be made available at primary and secondary inspection booths. Any agents who engage in any form of abuse against any immigrant or

individual passing through a port of entry much be held swiftly and thoroughly accountable.

Local Law Enforcement & Immigration Enforcement

The motto of most local law enforcement agencies is “to serve and protect.” This motto however, becomes difficult to accomplish as the departments’ officers engage in immigration enforcement. Police and Sheriff Departments across the country have spoken out against state and local initiatives that would require them to assume immigration enforcement roles. Below are some of the concerns shared by police agencies and our communities alike:

To restore and sustain community security and prevent abuses documented in this campaign, we recommend the following:

1. Implement “Public Safety and Confidentiality” Policies and Practices. Arizona law enforcement agencies and city and county governments should develop a series of “Public Safety and Confidentiality” policies and practices to encourage community security, cooperation with law enforcement and reporting crimes while also protecting residents’ personal information. The new policies should:

- Protect victims of and witnesses to crime by prohibiting police inquiry into immigration status unless it is specifically related to the initial offense being investigated.
- Prevent and combat racial profiling by law enforcement.
- Establish a system of reports, audits, and complaint procedures to address improper police inquiry about immigration information.
- Combat identify fraud through a local “Privacy Act” in order to limit the circumstances under which a person is required to provide his or her Social Security number (SSN).
- Prohibit local law enforcement agencies from participating in U.S. Immigration and Customs Enforcement (ICE) raids.
- Promote community policing practices that engage all community members in fighting crime by combating fears and addressing concerns of all communities.
- Conduct anticrime education and outreach programs educating immigrants on how to avoid becoming victims of crime (e.g., opening bank accounts rather than carrying cash), how to report crimes when they have been victimized; how to avoid unknowingly violating city ordinances (e.g., cars on front lawns, overcrowded housing), and how to steer children away from gangs.
- Removing immigration-related barriers to driver’s licenses including promoting safe driving, vehicle registration, and the ability to purchase insurance.

2. Officer Training in Constitutional and Human Rights. Police agencies should conduct ongoing training with its officers regarding residents’ Constitutional rights, Confidentiality practices, and the importance of building trust and cooperation in the community.

3. Equality of Rights Resolutions. Municipalities should pass resolutions committing to uphold the Constitutional and Human Rights of all residents, regardless of their immigration status

4. Immigrant Integration Advisory Committees. Municipalities should create an Advisory Committee to inform city and county government agencies how to promote immigrant integration and to provide feedback on local policies.

5. Prohibiting Immigration Enforcement in Schools. The School Boards within the city limits should approve and enforce policies prohibiting the entrance of immigration officers on school property and local law enforcement inquiries into the immigration status of students or the families.

6. Congressional Commitment against CLEAR. The Arizona Congressional delegation should commit to vote against bills like the CLEAR Act and other proposals intended to tie local authorities' enforcement of immigration policy to their receipt of federal funding.

Community Security & Community Participation

This report underscores the myriad ways in which existing border enforcement policies and practices allow and encourage multiple forms of racial discrimination and ethnic hatred. When policies support racial profiling, high speed chases and shooting at cars full of people, attacking and demeaning individuals based on their appearance is only a logical extension of the assumptions that under gird such policies. The cases of abuse we document reflect the urgency of putting community security at the forefront of local practice and federal policy, and highlight the need to enforce international standards of human rights in domestic, as well as international territory.

1. Discontinue Neighborhood Sweeps and Workplace Raids. Steps must be taken in order to prevent the notorious Border Patrol sweeps in neighborhoods and workplaces that were conducted in the border region .

2. Prohibit Racial Profiling and Misuse of “National Security.” Internal operations of federal law enforcement agencies on the border must be regulated to prevent racial profiling while utilizing the guise of Homeland Security as a pretext.

3. Prioritize Community Security and Safety in Enforcement Practices. Border Patrol and ICE enforcement operations should also prioritize the safety of communities in which they operate in order to prevent gross violations of Human Rights. Special attention must be given to high- speed chases when intercepting vehicles loaded with migrants, the use of public spaces to train new Border Patrol agents, the implementation of indiscriminate operations and check points by Border Patrol and ICE agents.

4. Consult with Border Communities. A sensible and inclusive debate must include the

voices from border communities and immigrant communities.

5. Hold Congressional Hearings and Ongoing Discussions within Border Communities. Congressional delegations need to invest time and effort with border and migrant communities in order to discuss the impact that immigration laws and the enforcement of those laws has on daily life for border and migrant communities.

6. Prosecute Border Vigilante Groups. A study should be conducted that looks at all reported incidents of border vigilante detentions of migrants and should assess if and how law enforcement agencies have responded to allegations and incidents of rights violations. A special investigator should be appointed to conduct independent investigations into any possible civil rights and human rights violations by civilian border watch groups against undocumented immigrants or border residents. Local and/or federal law enforcement agencies will be expected to follow the appropriate course of action, based upon the investigator's findings, in a timely manner.

