“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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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 then shift from our individual pain to collective action.

The following report delineates the results of our 2006 Human Rights Abuse Documentation Campaign, 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 safe and dignified lives for everyone.

The cases reflected in this report are only a small sample of the incidents heard by the volunteer 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 torture to psychological abuse, that border community residents and immigrants suffer in Arizona, offering 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.
CAMPAIGN AND RESEARCH METHODOLOGY

In November 2006, Border Action Network launched a one-month intensive campaign to document human and civil rights violations in southern Arizona and educate our communities about their Constitutional and Human Rights. Since January 2006, Border Action members have trained more than 100 local residents to document human and civil rights abuses; 33 residents in Tucson, Nogales, Douglas 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.

These trained volunteers collected information based on a standardized form developed by the Border Network for Human Rights and used by human rights organizations along the U.S.-Mexico border in Texas, New Mexico, and Arizona. Information collected included:

- Authority committing abuse
- Date and time of incident
- Place of incident
- Number of adults and children involved in incident
- Number of perpetrators
- Number of victims
- Information on victims including age, gender and legal status
- Information of abusers, including age, gender, ethnicity, physical description, and badge number
- Information on and witnesses of the incident
- Any steps taken by victims to report or resolve the incident
- An incident narrative

Information documented during the campaign was entered into a security-protected database for review and analysis. A team of lawyers familiar with immigration, human rights, and civil rights law examined the information and categorized the possible 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
- Illegal stopping 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
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 Arizona-Sonora 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 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 thousands of heavily armed Border Patrol agents, tanks, surveillance equipment, bright lights and miles of radio active 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, make unauthorized decisions to enforce immigration law without institutional oversight or public accountability.

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, employers, 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 back yard 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 that 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, the attempt to accomplish three unrelated goals with one, punitive policy approach encourages the false perception that the presence of Latino 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.

Throughout 2006, federal lawmakers on both sides of the aisle insisted that increased border enforcement is the unquestionable basis for any solution to immigration problems. This past year, we witnessed the escalation of enforcement from the ongoing build-up of agents to the arrival of National Guard troops. Congress approved the Secure Fence Act which, if funded, would build two layers of border wall between Arizona and Sonora and permit US Customs and Border Protection agents to shoot at vehicles in pursuit.

Despite concerted efforts to craft comprehensive immigration reform legislation, policy makers have continued to ignore the impacts of existing border enforcement policies and practices on the lives and basic rights of those that live in the border region. 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 not all rights violations documented during the campaign correspond with issues that are unique to the border region. Issues related to immigrant workers’ rights and housing rights emerged frequently, in addition to abuses of authority by local police, sheriffs, Border Patrol, Customs, ICE and the FBI.

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 November 1st and November 30th 2006, volunteer Human Rights Abuse Documenters and Human Rights Promoters, trained by Border Action Network, documented ninety (90) incidences of possible abuse against immigrants in southern Arizona by various law-enforcement agencies, employers, landlords, government agencies, and individuals. These ninety (90) incidences of possible abuse were committed against one hundred and eighty (180) individuals by one hundred and forty-six (146) perpetrators.

Of these 180 people, information was collected on the 90 individuals that reported these incidents to abuse documenters. Of these 90 people 55% were male and 45% were female. The average age of victims was 36 years old (with a standard deviation among ages of 12 years) while the youngest was 16 and the oldest was 76. Victims reported various legal statuses, many of those targeted were United States citizens, and only 35% were undocumented.
According to the campaign findings, the largest group of perpetrators of possible abuses are local law enforcement and border/immigration enforcement agencies. From these statistics it is clear 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 who 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.

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 against members of our community. This leaves the possibility that there are individuals involved in repeated, systematic abuses. This consideration does not however affect the overall percentages of authorities involved in possible incidences of abuse against community members.
Human and Civil Rights Violations Uncovered: A Report from the Arizona/Sonora Border

Total Number of Possible Abuses = 128

- Illegal temporary detention = 22
- Psychological or verbal abuse = 21
- Physical Abuse = 21
- Illegal search or damage to property = 9
- Violation of the rights of legal process = 9
- Illegal stopping by police for the violation of immigration laws = 7
- Depriving the right to enter the US = 7
- Illegal arrest = 6
- Endangerment resulting from persecution or arrest = 6
- Deprivation of basic necessities = 5
- Illegal use of firearm = 3
- Illegal search of home or place of work = 3
- Torture = 3
- Illegal deportation or forced exit = 3
- Illegal Search of a person = 2
- Endangerment for political migration resulting in death = 1

Total abuses perpetrated by law enforcement

- U.S. Border Patrol 40%
- Federal Bureau of Investigation (FBI) 2%
- Sheriff Department 6%
- Immigration and Customs Enforcement (ICE) 5%
- U.S. Customs 20%
- Local Police 27%
PSYCHOLOGICAL/VERBAL AND PHYSICAL ABUSE

17% 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

15% 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

“We were walking through the desert when the Border Patrol came across us. They stopped the entire group and we sat waiting for an hour. They treated us really badly. I remember there was a pregnant woman in our group and her husband tried to defend her. That pissed off the agents. They beat him up badly, hitting and kicking him… They said he deserved it for trying to enter the country illegally.” - Blanca, Tucson

“We were going through the desert when the Border Patrol found us. When they got to us, they didn’t just detain us, but started beating us. I ran off to get away from them and hid in the bushes, watching my group being beat by the agents. I was terrified, I curled up into a ball and stayed there until the morning. When I came out, I walked over to where my friends had been. There was blood all over the ground.” - Jose, Tucson, November 2006

“Three men started chasing me when I was in back of my school. I ran from them and made it down 19th street to 14th street safely, where my cousin’s house is. My cousin called the school and my mom to tell her what happened. My dad called the police to report the men. When the officer finally came, he was nothing but rude to me, instead of just taking the report and helping me, he was judgmental and blamed the whole thing on me. My dad went to the chief of police to complain. They said they would document the story, but they never did anything about it.” - Paloma, 16, Douglas, February 2006

“I arrived home at 5:00 in the afternoon and noticed that my neighbor’s window was broken. My neighbor accused me of breaking the window and called the police. When they came, the officer handcuffed me and threw me into his car so hard I hit my head and broke my arm. After that, the officer realized there was no evidence that I broke the window at all, and he put me on the sidewalk and took off the handcuffs. He asked me if I needed an ambulance to take me to the doctor. I told him I already had a doctor. To this day my arm and head still give me problems and I haven’t been able to work” - Feliziano, 76, Tucson, September 2006

“I was buying a part for my car when I saw a Border Patrol agent screaming at a teenager across the street. “Stand up” he told him. The teenager got scared and stood up, which is when the agent started to hit him. Then he threw him on the ground and kicked him. I told the agent to stop, that the teenager wasn’t resisting, and asked him why he was hitting him. The agent got up and said “why should it matter to you?” Then another agent showed up and asked what was happening and the abusing agent didn’t tell him anything, which is when I told him to have the guts to tell the other agent what he had actually been doing. I went home when the other agent took the teenager.” - Anonymous, Tucson
UNLAWFUL TEMPORARY DETENTION

17% 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

“I was stopped on Grande by the freeway. A police officer pulled up and asked me for my visa. I told him I didn’t have it with me, but gave him my driver’s license. He told me that it was fake. When I told him it wasn’t, he started yelling at me and telling me to shut up. He put me in his police car and kept me there until the Border Patrol came. They took me all the way to Nogales and kept me for 5 hours before letting me go.”
- Vicente, 47, Tucson, April 2006

“I was on Palo Verde street when we passed a Sheriff and a Border Patrol car. We kept going and saw that the Sheriff pulled over another car, and the Border Patrol started following us. We turned right and they kept following us. We made another turn, they got really close and then turned on their lights. The Border Patrol asked us if we were here legally and if we had visas. They were in a safe place at home and we told him that. The agent then started calling us ‘illegals’ and yelled insults at us for 20 minutes before he left.”
- Ruben, 24, Tucson, December 2005

“My son had crossed the border in Nogales Sonora so he could go cut his hair. When he crossed to Nogales, Arizona, a customs agent asked him why he was in Mexico. He answered he had gone to cut his hair and that he was a U.S Citizen. The agent told him to pull aside. My son told me about how the agent told other cars to pass and he was still aside. My son got mad and told the agent that he was leaving. Then the agent told him not to leave because he had already taken the license plate number to the car. My son said it didn’t matter, that the agent could get closer if he wanted to get a better look. That’s when he left. The agent didn’t do anything after that.”
- Rosa, Nogales, February 2006

ILLEGAL SEARCH OR DAMAGE TO PROPERTY

7% of possible abuses committed were Illegal Search or Damage to Property which violates the:

- 4th Amendment of the U.S. Constitution
- 14th Amendment of the U.S. Constitution
- Article 17 of the Universal Declaration of Human Rights

“I came to Tucson to try to see my brother who had been detained for the last 5 days by the Border Patrol. A friend of mine who had once been detained told me that only family members could get information, so I went to the Border Patrol station to find out how I could see him. The officers were very rude and told me that I couldn’t do anything for my brother, especially because I didn’t have a passport. They then immediately took my visa and in a rude mocking way said to me ‘now the family is getting back together.’”
- Francisco, 26, Tucson, September 2006

“I was walking to an appoint with my son when I was stopped and asked for my papers. I showed them my visa and the one for my son. They took them away from me and ripped them. Then they pushed me, sprain my ankle. My son was so scared he started to cry.”
- Griselda, Tucson, December 2003
VIOLATION OF THE RIGHT OF LEGAL PROCESS

7% 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 to Colorado to buy a car. When I was at a check point they checked my visa and an agent of the Border Patrol took it away because he thought that I was working in the U.S. That’s crazy because I work in Agua Prieta and all I was doing was buying a car, but the agents insisted. They kept asking if I worked in the U.S. and told me to sign a paper so I could be deported. They told me that if I didn’t sign it, I would be thrown into jail. That’s why I signed the papers, I wouldn’t have, but I felt cornered.” – Norberto, 24, Tucson, April 2003

“I was driving along the interstate with my friend when we passed a police car. The officer stopped us and asked for our license and registration. He asked us what we were doing and we told him we were returning from selling a car, which is when he realized we had money on us. He took our identification, hit us with his gun and arrested us. Our money was never mentioned in the police report and it was never returned to us.” Francisco, 37, Douglas, September 2005

“I had been arrested by the Border Patrol and they kept telling me to sign a paper and that same afternoon I would be deported to Mexico. I told them I wouldn’t sign anything and wanted to speak with a lawyer. The Border Patrol told me that if I didn’t pay taxes that I didn’t have any rights in this country. They took me to the station on Swan and Golflinks where they tried to make me sign the paper three more times. Then another officer came in and told me to sign a form that was to see a judge. I told him that if that was true then I wanted to see the form in Spanish and that I wouldn’t sign anything I didn’t understand. Then they took me to the detention center on Ajo where it was cold, the lights were always on, and if anyone complained they would just ignore you.” - Pedro, 48, Tucson, June 2006

ILLEGAL STOPPING FOR THE VIOLATION OF IMMIGRATION LAWS

6% 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

“I was driving along, not breaking any laws, when a cop pulled up exactly behind me in the same lane. He pulled me over, asked for documentation and insurance, and then called the Border Patrol on me.” - Luis, 54, Tucson, April 2005
DEPRIVATION OF THE RIGHT TO ENTER THE UNITED STATES

6% 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

“We were coming through the line at the border crossing and showed customs our identification. They wouldn’t let us through and told us that we weren’t citizens because we didn’t speak English. We argued with them for a long time and they finally let us through.” – Christian, 18, Tucson

“I was at the border cross in Naco trying to come back into the U.S. The customs agents took my papers away from me and wouldn’t let me cross even though I’m a U.S. Citizen.” – Lorena, 25, Naco

ILLEGAL ARREST

5% 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

“I was walking along the street near my house in Nogales when a Border Patrol agent stopped me and asked me if I was a U.S. citizen. I told him that I was, but I’m 15 and don’t have an ID, so I gave him my name and address. The agent asked me what I was doing in the U.S. with a Mexican name, and I told him that my mom is from Mexico but that I’m a U.S. citizen and that I was born in Nogales. He told me ‘I don’t like your attitude,’ which is when I decided to walk away since I wasn’t under arrest. The agent got in my face and grabbed me. He twisted my arm behind my back, handcuffed me, and took me to the Border Patrol station. I tried to get them to let me call my mom and tell her where I was and what had happened but they wouldn’t let me.” - Ricardo, 15, Nogales, January 2006

“I wanted to go buy some tortillas but the line to cross the border was long. Before I got to the metal detector I turned around and started to leave. Just then a customs agent took me down and all of a sudden I was on the floor and had handcuffs on. A man took me upstairs and told me I could be locked up in jail for up to 5 years. They took my fingerprints and after 6 hours finally let me go.” - Veronica, 24, Nogales, December 2005
ENDANGERMENT RESULTING FROM PERSECUTION OR ARREST

5% 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

“A young man had just crossed the border into the U.S. when he saw the Border Patrol and decided to quickly go back across the border to Mexico. When the agent saw him, they didn’t just let him go or arrest him, they ran him over. There was a lot of blood, and they called the ambulance to take him to the hospital. He was in critical condition for a while” - Anonymous, Tucson

“The first time I was stopped was in my car. They asked me for my license and I didn’t have it. The police officer called the Border patrol and they deported me. When I tried to cross over they caught me and the Border Patrol men were following me because I was running. When Border Patrol caught me they beat me and put the their gun to my mouth. After a while they finally stopped and told me to sign the paper and that I couldn’t cross over again. The second time they caught me they chased me with dogs and they bit me everywhere. They threw me in jail for 18 months. My family lives here, and I don’t think wanting to be with my wife and kids should be a crime.” - Alberto, 34, Tucson

DEPRIVATION OF BASIC NECESSITIES

4% of possible abuses committed were Deprivation of Basic Necessities which violates the:

- 5th Amendment of the U.S. Constitution
- 14th Amendment of the U.S. Constitution
- Article 1 of the Universal Declaration of Human Rights
- Article 10 of the International Covenant on Civil and Political Rights
- Article 2 of the Code of Conduct for Law Enforcement Officers
- Principle 1 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 daughter and I went to go visit my husband at the jail. They informed us that since that morning he had been in infirmary and to return for the visit some other day. We went back on Friday for our visit at 4:45 and they informed us that he was still in infirmary, but that he was okay and that he was at another hospital. After that I couldn’t get a hold of him until the next week. On Thursday he called at 4:00 and he informed me that he had been through 2 operations because he’d had a heart attack in jail. He reported his condition in the morning but they didn’t pay attention to him because he was carrying on with the pain and still walking. He has another operation and us as his immediate family demand to be up to date on the day of the operation.” - Santamaria, 38, Tucson, May 2006
ILLEGAL USE OF FIREARM

2% of possible abuses committed were Illegal Use of a Firearm 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 on Civil and Political Rights
- Article 3 of the Code of Conduct for Law Enforcement Officers
- 8 CFR § 287.8 Standards for Law Enforcement Activities

“Police had been chasing him since 5th street. They asked him to stop and threw the line of nails to stop his car. He went around it and that was when they shot at him. He lost control of the car and hit a building. They went near the car to see if the victim was still alive. He wasn’t armed, he wasn’t dangerous and they took away his life and the wife was left with a year old son.” – Jesus, 19, Douglas, February 2006

ILLEGAL SEARCH OF HOME OR PLACE OF WORK

2% 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

“An officer came to my door one morning asking for someone who wasn’t in my house. I told him they weren’t there and the officer forced himself inside the house saying that the person he was looking for was there. He pushed me away from the door and started searching through the whole house, even under the furniture. I asked him if he had a warrant to search the house and he told me that he didn’t need a warrant because he was a police agent and could do what he wanted. He finally left, slamming the door behind him.” – Carmen, 48, Nogales, January 2006

TORTURE

2% 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

“They took us to the Border Patrol station and took our information. After 3 hours we wanted to use the rest rooms, but they were not behind doors, and we were embarrassed to use them. They put us on the bus and since we did not fit, we asked a few people to stand up, but they officers just laughed at us. They were very racist at all times and they just laughed at us with disrespect.” – Blanca, Tucson
ILLEGAL DEPORTATION OR FORCED EXIT

2% 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

“My little boy accidentally dialed 911 and the police came to my house. When the officer came, I didn’t know why he was there. When he asked for my identification, he told me he could smell alcohol on my breath and that I could be arrested for not taking care of my children. I told the officer there was no reason to arrest me and that I had been celebrating with my family. He told me ‘of course there is, because you’re illegal.’ Half an hour later immigration was at my house. My husband and children were able to escape through the back door, but I was deported. My husband wound up losing our house because he was too afraid to go back there with our kids and be deported.” — Blanca, 28, Tucson, March 2005

April 4, 2004 – “I had a flat tire and had pulled over to the side of the freeway when a sheriff pulled up. He asked me for my papers and called the Border Patrol, who deported me to Nogales, Sonora. I crossed the border to the U.S. with my visa, but I wound up losing my car because I didn’t have $600 to get it out of impound.” — Jose, Tucson, March 2004

ILLEGAL SEARCH OF A PERSON

2% 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

“That morning I was on my way back from Agua Prieta when the customs agents asked me what I had with me and sent me to revision. They took me into a room and made me take off all my clothes. They told me I was smuggling drugs and searched me in my private areas.” — Jesus, 72, Douglas, April 2003

“We were coming from Agua Prieta, Sonora, and the customs agent told us to pull into the secondary revision. They put my husband and I in separate rooms and took our clothes away from us. The officer hurt me while checking my breasts, thinking that I had drugs. She spread my legs and checked everywhere, even where I felt was wrong. They did the same thing to my husband. They event wanted to take apart my car. When we got home I told my son what they had done and he called and asked to speak with a supervisor. He told them what they had done and about how sick I felt from it. The supervisor said they would do something about it by they never did.” — Maria, 70, Douglas, April 2003

ENDANGERMENENT FOR POLITICAL MIGRATION RESULTING IN DEATH

2% of possible abuses committed were Endangerment for political migration resulting in death which violates the:
- Article 3 of the Universal Declaration of Human Rights
- Article 6 of the International Covenant on Civil and Political Rights

“Police had been chasing the him since 5th street. The asked him to stop and threw the line of nails to stop his car. He went around it and that was when they shot at him. He lost control of the car and hit a building. They went near the car to see if the victim was still alive. He wasn’t armed, he wasn’t dangerous and they took away his life and the wife was left with a year old son.” — Jesus, 19, Douglas, February 2006
Of the 3 major abuse types, immigration and border enforcement agencies (ICE, Customs, and the Border Patrol) committed the majority of abuses. Local law enforcement agencies, including the police and sheriff’s departments, were the second most active in committing these abuses. While employers and landlords committed verbal, psychological, and physical abuse, these incidents were significantly smaller in number that those of law enforcement agencies and have been left out of the table.

**Psychological, Verbal, Physical Abuse, and Illegal Temporary Detention by Authority**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Psychological/Verbal Abuse</th>
<th>Physical Abuse</th>
<th>Illegal Temporary Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICE</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Customs</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Border Patrol</td>
<td>11</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Sheriffs Department</td>
<td>1</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Local Police</td>
<td>3</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

44 abuses from 30 incidents of Border Patrol (1.46 abuses p/ incident)
41 abuses in 20 reports of police abuse (avg. 2 abuses p/incident)

27 abuses from 13 reports of Customs abuse (avg 2.1 abuses p/report)
ANALYSIS OF RESULTS AND RECOMMENDATIONS

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

Seventy percent of all abuses documented are directly related to border, immigration and local law enforcement. While 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 urgent that border enforcement policies and practices be overhauled to include a strong commitment to accountability, human rights, and civil rights.

There is no Government Accountability 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 pattern of psychological and physical abuses documented demonstrates that the federal and state agencies involved 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 were too afraid to document their experiences for fear of reprisal. In combination with the shocking incidences of abuse we have successfully documented, this indicates 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.

Twenty-one incidences of physical abuse, 3 counts of torture, and 21 reports of psychological and verbal abuse 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 clearly 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 prevalence of these forms of abuse is made both possible and more likely by the acute imbalance of power combined with a systematic lack of accountability that currently exists between immigrants and the myriad agencies enforcing immigration law. The only effective way to avoid the negative consequences of this power imbalance is to establish mechanisms to ensure that the individuals entrusted with enforcing the law are held responsible for applying laws and policies equally, legally, and impartially. When such mechanisms are not in place, as they are not currently, broad-based inequalities are exacerbated and inevitably lead to the frequent, systematic abuses of power that our report documents. It is thus essential that disciplined law enforcement practice be introduced and monitored at all ports of entry.
To address the lack of accountability and oversight of border enforcement agencies and practices, we make the following recommendations:

• Create the United States Border Enforcement and Immigration Review Commission or the Independent 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.

• Improve Oversight of Complaint Process. The complaint process of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (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.

• Require Human Rights Certification of Local and 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 rights, human rights and community relations.

• 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.

• Prohibit the Use of Racial Profiling by Border Enforcement Agencies. Internal operations of the Border Patrol and ICE must be regulated in order to prevent the profiling of entire communities.

• 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 and Migrants, 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.
Polices and Practices at Ports of Entry are Inconsistent. 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.

The U.S. Customs at ports of entry were responsible for 1% of all abuses reported. 33% of these alleged abuses against Customs were for Illegal Temporary Detention, while 19% of documented abuses involved Depriving the Right to Enter the U.S. Several of the incidents told of agents destroying people’s legal documents. The systematic nature of these abuses 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.

To address the inconsistency and lack of accountability at Ports of Entry, we recommend the following:

• 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 monitored to ensure that all laws and policies are equally, uniformly applied.

• 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 inspection booths. And finally, agents who engage in any form of abuse against immigrants or any individual passing through a port of entry must be held swiftly and thoroughly accountable.

Cooperation between Immigration and Law Enforcement Agencies Undermines Trust and Endangers Communities. Cooperation between local law enforcement and immigration enforcement agencies should be limited in order to prevent undermining trust between police officials and immigrant communities.

10% of all possible abuses committed by local police involved the Illegal Stopping for Violation of Immigration Laws. When a flat tire leads to illegal deportation or when people are brutalized and terrorized during routine stops, trust can never be established. The report statistics and testimony illustrates, beyond doubt, the need for strictly limiting immigration and law enforcement cooperation and for immediately retraining officers and agents in all agencies that come into contact with immigrants.

The current lack of trust between immigrant communities and immigration and law enforcement officials undermines public safety if immigrants are afraid to report crimes and agency
abuses. It also contributes to broad misuses of authority when agents are denied the preparation, leadership, training, and supervision required to establish trust with the communities they are intended to serve.

To maintain trust between local law enforcement and immigrant communities, we recommend the following:

• Immigration violations should remain civil offences, not criminal. The basis for building trust between enforcement agencies and immigrant communities should be the elimination of criminal penalties for civil offenses. This policy change will establish a firm foundation for ensuring public safety and human rights, and will enable law enforcement agencies to effectively enforce criminal law, and immigration enforcement agencies to manage immigration.

• No Local Law Enforcement Agencies Should Assume the Role of Federal Immigration Enforcement. Many law enforcement officials argue forcefully against engaging local police in immigration enforcement because it will undermine community relationships and make it harder to engage in law enforcement activities that safeguard communities. Police should not question people's immigration status in the United States and should not turn people over to the U.S. Border Patrol.

Existing Policies and Practices Undermine Community Security. The safety and security of communities at the border and in the interior should be paramount at all levels of the immigration policy debate. State, federal and local officials must participate in defending local communities against xenophobia and violence. Local communities and federal authorities must work to minimize disruption to communities and enable border communities to have a voice in all aspects of the debate involving enforcement at the border.

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 and violence. 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 documented 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.

To restore border community security and participation, we make the following recommendations:

• 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.
• 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 at all levels of the Department of Homeland Security.

• Prioritize Community Security and Safety in Enforcement Practices. Border Patrol and ICE enforcement operations should 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 tire-puncture devices, 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.

• 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.

Due process rights of migrants in detention, deportation or removal procedures must be respected.

The single largest category of abuse reported was Illegal Temporary Detention; it alone accounted for 17% of all possible abuses committed by all agencies combined. From unlawful stops, to unlawful entry into homes, to being pressured to sign documents, people are being sent to detention and holding facilities where they are facing violations of their due process rights. 7% of possible abuses committed were violations of due process.

To address rights violations within detention and holding Therefore, we make the following recommendations:

• Enforce detention facility standards and uphold basic legal rights, such as medical and mental health care and attorney access, especially at private facilities.

• The Right to Due Process and the legal options available to immigrants detained by immigration agents should be posted in English and Spanish in holding and detention facilities. Programs should be expanded that provide free legal counsel to immigrants in deportation hearings.