

Justice on the Line

The Unequal Impacts of Border Patrol Activities
in Arizona Border Communities

Border Action Network

**PO Box 384
Tucson, AZ 85702
520.623.4944
Fax: 520.792.2097
ban@borderaction.org
www.borderaction.org**

Border Action Network was founded in 1999 to organize for human rights, civil rights and environmental protection on the Arizona-Mexico border. We are a grassroots, membership-based organization that works with southern Arizona and northern Sonora border communities. Relying on community organizing, leadership development and policy advocacy, Border Action Network is building a movement demanding dignity, rights and healthy communities on the US-Mexico border.

CREDITS

This report and the year-plus work that preceded it could not have been accomplished without the dedication of dozens of volunteers who gave many weekends and evenings to go door-to-door in several border communities. Inevitably we have missed a few peoples' names. Please accept our apologies and know that your time and hard work has been deeply valued.

Written by Jennifer Allen

Edited by Zoe Hammer-Tomizuka

Layout by Michelle Davis

Research Analysis: Jennifer Pearson and Michelle Kuhns

Researchers: Abby Lowe, Dan Krehbiel, Gustavo Lozano, middle school students and teachers at Mexicayotl Academy, Jonathan Velasco, Del Cabarga, Patrisia Macias Rojas, Michelle Kuhns, Jenny Schockemoehl, Frida Espinosa, Ceridwen Koski, Jason Yoder, Bryn Jones, Sahee Kil, Amy Hagemeyer, Miguel Guzman, Ilyssa Parker, John Hardenbergh, Amy Patze, Mary Wodeki, Ray Ibarra, Pam Hennessy, Todd Miller, Luis Herrera, Darcy Alexandra, Kris Kaiser, Marisol Badilla, Josh Schachter, Elizabeth and Rebecca Karb.

Thank to you all the people in Nogales, Douglas, Pirtleville and Naco who opened up their homes and their lives. Many residents completed additional surveys with their friends, families and neighbors. For safety reasons, we are not disclosing the names of those volunteers.

Additional thanks to: Alfredo Deavila, Arnoldo Garcia, Paula Arnquist, Jesus Romo, Pam Sutherland and the Arizona Civil Liberties Union, Michael and Janet Valder, Arizona Social Change Fund, Wallace Foundation, Norman Foundation and the Peace Development Fund.

Table of Contents

I. Introduction: Justice on the Line	1
II. BWB: Living on the 'Border While Brown' - Racial Profiling on the Border	2
Target: Skin Color	2
Target: Living in Poor Neighborhoods or Close to the Border	2
Target: Walking Around Town	3
Target: Driving a Car	3
III. Injustice on Patrol - Lack of Trust in Border Patrol	4
Looking the Other Way	4
The Kick-backs	4
Crossing the Line-Agents Arrested	5
IV. Trained to Profile	6
The New Guy Syndrome	7
V. The Erosion of Democracy on the Border	7
VI. Abuses of Power, Unsafe Communities	9
Harassment and Excessive Force	9
Unsafe Streets	11
The Only Fence They Respect is the Border Fence-Disregard for Private Property	13
VII. Recommendations	14
VIII. End Notes & Methodology	15

INDEX FOR GRAPHS AND INSERTS

- Graph 1:** Percentage of residents that describe the relationship between Border Patrol and their community as negative
- Graph 2:** Border Patrol is more aggressive in border towns than other communities
- Graph 3:** Percentage of Nogales residents who believe Border Patrol treat white residents differently than non-white residents
- Graph 4:** Percentage of Douglas residents who believe Border Patrol treat white residents differently than non-white residents
- Graph 5:** Percentage of residents that think Border Patrol stop people because they have brown skin
- Graph 6:** Percentage of residents that believe Border Patrol agents are corrupt
- Graph 7:** Percentage of residents, according to age, who think Border Patrol does not receive proper job training
- Graph 8:** Percentage of Douglas residents who think Border Patrol needs better training
- Graph 9:** Percentage of Nogales residents who think Border Patrol needs better training
- Graph 10:** Percentage of residents who HAVE NOT heard of a Border Patrol agent being fired or reprimanded for abuse
- Graph 11:** Percentage of residents who DO NOT KNOW where or how to file a complaint against Border Patrol
- Insert: Civil Rights Case Against Border Patrol Agent Dropped by Federal Investigators
- Graph 12:** Percentage of people who believe the Border Patrol DO NOT allow feedback and input from the community
- Insert: Young Girl Shot by Border Patrol
- Graph 13:** Percentage of residents who have experienced or heard Border Patrol agents being disrespectful to community members or immigrants
- Graph 14:** Percentage of residents who have been stopped, questioned or harassed by Border Patrol
- Graph 15:** Percentage of residents, by community, who have experienced or heard about Border Patrol driving recklessly or disregarding traffic laws
- Graph 16:** Percentage of residents, by age, that have experienced or heard about Border Patrol agents driving recklessly or disregarding traffic laws in their community
- Insert:** In Memory of Bennett Patricio
- Graph 17:** Percentage of Nogales and Douglas residents who know of Border Patrol entering private property without permission

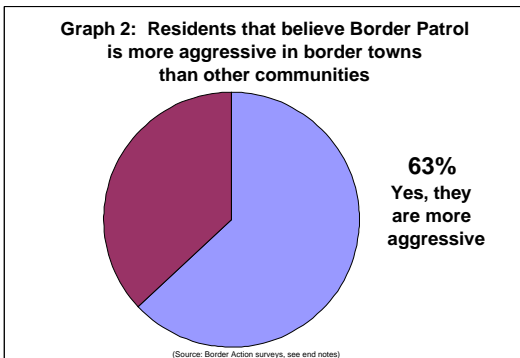
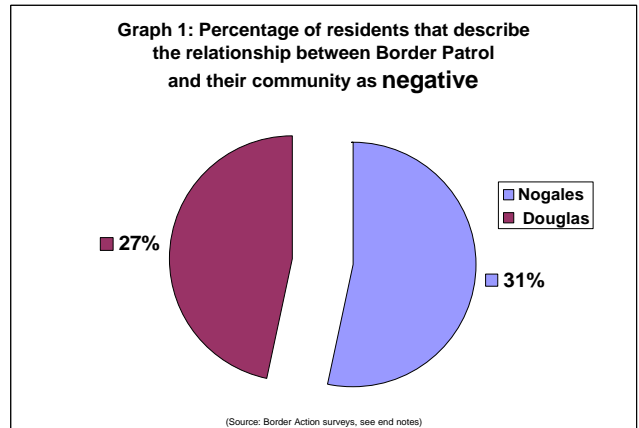
I. Introduction: Justice on the Line

Images of the Arizona-Mexico border depict groups of migrants walking through the blistering Arizona desert, the fifteen-foot high border wall, or Border Patrol vehicles parked on overlooks of the border. But what about the tens of thousands of men, women and children who live in the small towns along the border? What has been their experience with border enforcement agencies and activities?

Justice on the Line is a first look at how Border Patrol has affected the day-to-day experiences and opinions of the mostly Hispanic residents of four Arizona-Mexico border communities: Nogales, Douglas, Pirtleville and Naco. What we found were communities enduring profound unintended side effects of intense federal border enforcement practices and policies in their backyards. We discovered that problems within the agency were not isolated incidents or the result of one or two "bad apples" within the agency. Rather, there are deeply rooted issues at the institutional level within the Border Patrol that affect the agency's overall relationship and interaction with the majority Hispanic border communities.

From conversations with more than three hundred families, we found that many of the fundamental values that typically hold communities together, like trust, safety, and accountability have been devastatingly eroded. This report reveals that border communities feel less safe, that Border Patrol has broken the communities' trust, that residents are made to feel suspect simply because of their appearance and that the agency has no system of "checks and balances."

As Graph 1 illustrates roughly one-third of Nogales and Douglas residents expressed a negative relationship with the Border Patrol. One-third, one-quarter, or even one-eighth is too high a percentage given the power, authority, and number of Border Patrol agents stationed along the Arizona border.



Justice on the Line is intended to give voice to these experiences so that they are heard by decision-makers and policy makers. Furthermore, this report is intended to break the isolation of the many residents we spoke with who expressed tremendous fear of retribution for speaking out and skepticism that the Border Patrol or the federal government would do anything to end the harassment and intimidation they endure.

II. BWB: Living On The 'Border While Brown' - Racial Profiling On The Border

Racial profiling gained national attention with the exposure of New Jersey police practices of stopping African American drivers more often and for no reason on the New Jersey Turnpike. This racial profiling became known as "Driving While Black" -as if being black was sufficient cause for being questioned by law enforcement. The same pattern is occurring on the Arizona-Mexico border and is similarly eroding the fundamental rights and freedoms of Mexican-American border residents.

Many residents have lived in their community their entire lives; in some cases their families have resided in this region since the Mexican Revolution at the turn of the century. Nonetheless, residents are routinely stopped and questioned about their citizenship, making people feel as though they don't have the right to be in their own community.

"They treat the Anglos with more respect and with rights that we should all have."

--Hispanic man from Nogales, between 19-29 years old.

Target: Skin Color

"They think if you're Mexican, you're doing something wrong."

-Mexican-American woman from Nogales, between 45-65 years old.

"My son doesn't look like me-he has darker skin-and they accused me of kidnapping him."

-White woman from Nogales, between 19-29 years old.

"You can tell by the way Border Patrol look at you. You feel like you need a sign on your face that says 'citizen!'"

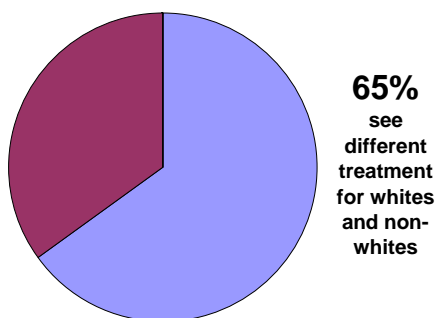
-Hispanic woman from Douglas, between 30-44 years old.

Target: Living in Poor Neighborhoods or Close to the Border

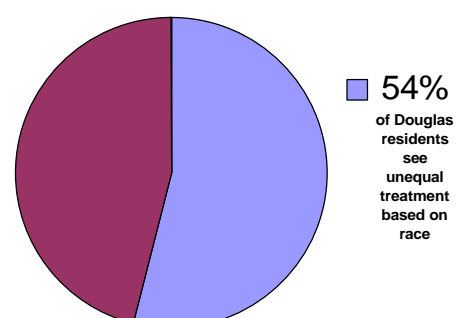
"Since I moved into this run-down apartment, I've been questioned twice. People are harassed constantly in their homes and just on the street while they are walking around."

-White woman from Douglas, between 19-29 years old.

Graph 3: Percentage of Nogales residents who believe the Border Patrol treat white residents differently than non-white residents

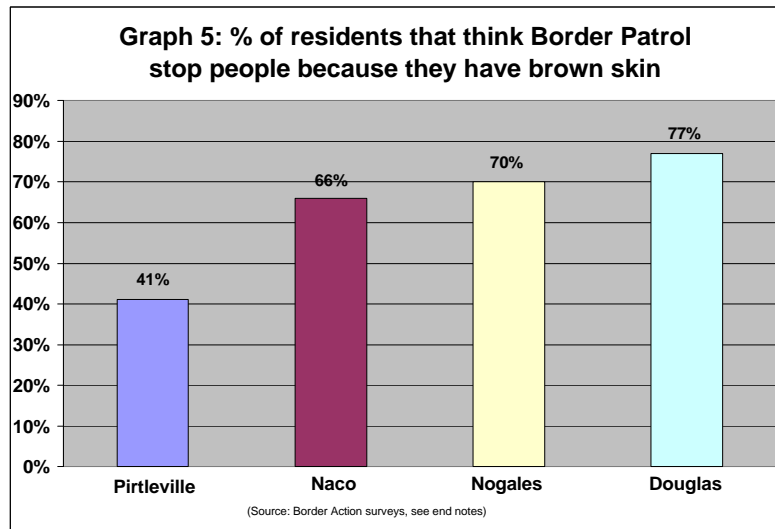


Graph 4: Percentage of Douglas residents who believe Border Patrol treat white residents differently than non-white residents



Nogales and Douglas; a comparison of racial profiling as experienced by the residents of each city.

Racial profiling by Border Patrol does not appear to be an isolated or occasional incident. In fact, as reflected in Graph 5, a startling majority of people believe that racial profiling happens in their community.



Target: Walking Around Town

"They always stop and ask me 'Who is the President of the United States?' They stop you for having a nice car or just for walking along the street."

-Mexican man from Douglas, between 30-44 years old.

"My elderly grandfather has been stopped numerous times while he's been walking down his neighborhood street."

-Hispanic woman from Douglas, between 30-44 years old.

Target: Driving a Car

"I was stopped almost every night when I was working at the chemical plant. I also had to sell my van because they pulled me over so many times in it."

-Hispanic man from Douglas, between 45-65 years old.

"I have been stopped more than twenty times from the time that I was thirteen years old up to today at fifty years old. I am a naturalized citizen and they constantly stop me in the city and on the road. They never give me a reason. They ask for my immigration documentation. Sometimes they ask who owns my vehicle, where am I going, where did I come from."

-Hispanic woman from Nogales, between 45-65 years old.

"Yo soy trabajadora social y trabajo con muchos grupos de familias aquí en Nogales, Arizona. He escuchado innumerables testimonios de las malas experiencias de otras personas y sus familiares. Yo en lo personal me he sentido ofendida y hostigada por la actitud que han tenido hacia por mi apariencia morena. Lo mismo con mis familiares y con mi hijo. Mis familiares blancos, rubios, y los de ojos claros nunca son cuestionados ni detenidos."

"I am a social worker and work with family groups here in Nogales, Arizona. I have heard countless testimonies of their families' and other person's bad experiences. Personally, I have felt offended and harassed by the attitude they (Border Patrol) have toward me because of my dark appearance. It has been the same for my family and my son. My family members that are white, light-skinned and with light eyes are never questioned or detained."

--Hispanic woman from Nogales, between 45-65 years old.

III. INJUSTICE ON PATROL: LACK OF TRUST IN BORDER PATROL

The U.S. Border Patrol is the nation's largest law enforcement agency. With over 18,000 Border Patrol agents, 80% are located on the U.S.-Mexico border. Border Patrol agents represent a sizeable presence in border communities and interact with community members daily. Armed agents carry the enormous power to expel someone from this country. This is tremendous authority and agents are granted significant authority to disrupt peoples' lives.

Unfortunately, from the accounts of more than three hundred border residents, Border Patrol has misused their authority on more than several occasions. Incidents in which Agents 'crossing the line' do not appear to be isolated occurrences or the actions of one or two bad apples. Rather, it appears there are systemic problems within the institution of the Border Patrol. From the screening of applicants, to the training of agents, to an overall climate of impunity and protection, Border Patrol agents get the message that disrespect and corruption are tolerated.

"They let people and drugs cross (in exchange) for money or sex."

--Mexican female from Nogales, between 19-29 years old.

As shown in Graph 6, a remarkably high percentage of residents of Naco and Douglas associate Border Patrol with corruption. Five or ten percent would high, but thirty and fifty percent is an epidemic.

Looking the other way

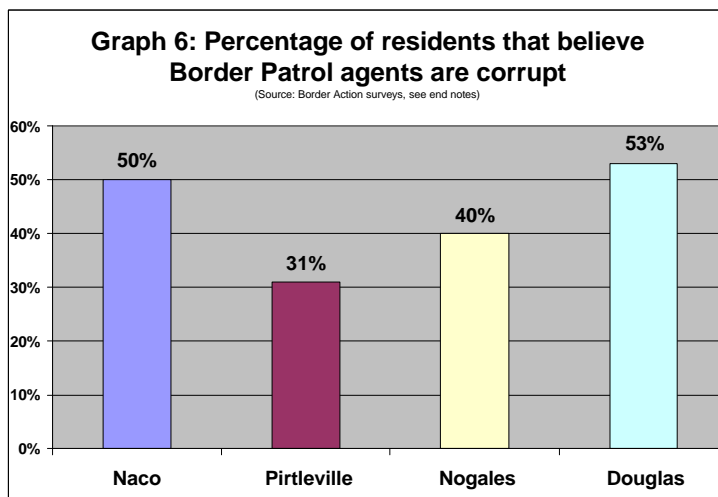
"I've heard of a lot cases of corruption. I saw six guys dressed in black with backpacks jump the fence and the Border Patrol just stood there and looked the other way. The Border Patrol also bring in weed and coke."

-Mexican man from Douglas, between 30-44 years old.

The kick-backs

"Que ayuda a pasar indocumentados para dinero./They help cross undocumented for money."

-Hispanic woman from Douglas, between 30-44 years old.



"Hubo un caso que un inmigrante usó la patrulla fronteriza para transportar marijuana./There was a case where a smuggler used a Border Patrol agent to transport marijuana."

-Mexican Hispanic man from Douglas, between 45-65 years old.

Crossing the Line - Agents Arrested

William Varas, age unknown. Stationed in Douglas.

Off-duty Border Patrol agent William Varas faces charges that he lied to authorities in July 2002 when he claimed that he fired his gun at immigrants only after they had first shot at him. According to the prosecution, Varas knew he hadn't been fired at but shot at the van of immigrants and then lied about the incident. Varas resigned from the Border Patrol and is now working on the east coast. (Arizona Daily Star 6/17/03)

Matthew J. Hemmer, age 24. Stationed in Nogales.

Agent Matthew Hemmer was arrested in August 2000 on state charges of kidnapping, sexual assault and sexual abuse. A criminal complaint said Hemmer took an undocumented woman, then 21 to a remote location and sexually assaulted her before allowing her to return to Mexico. In May 2001, he plead guilty to aggravated assault for transporting the woman in a Border Patrol vehicle without telling her where they were going, said Hemmer's lawyer. If Hemmer successfully completes 36 months' probation, his crime will be recorded as a misdemeanor. (From the Tucson Citizen special report "Border Patrol agents arrested" Feb. 1, 2002)

Jack Cockerel, age 23. Stationed in Douglas.

Agent Jack Cockerel was arrested for allegedly assaulting a Douglas man in an off-duty fight in July 2001. The alleged victim, 24, told police the agents said, "no one could do anything to them, not even the Douglas Police Department, because they were Border Patrol agents." The case was dismissed without prejudice. Cockerel was removed from contact with the public after the arrest but returned to the field after the charges were dismissed. (From the Tucson Citizen special report "Border Patrol agents arrested" Feb. 1, 2002)

Dennis M. Johnson, age 34. Stationed in Douglas

Agent Dennis Johnson, a former supervisor, was sentenced to seven years in prison for sexual assault and five years (concurrent) for kidnapping in connection with a September 28, 2000 incident. Johnson sexually assaulted a 23-year old El Salvadoran woman who was in custody, naked and handcuffed. He has since resigned from the Border Patrol. (From the Tucson Citizen special report "Border Patrol agents arrested" Feb. 1, 2002)

Charles D. Brown, age 56. Stationed in Tucson.

Agent Charles Brown, a 23-year veteran, was arrested in November for allegedly selling classified information to a drug cartel. Brown worked in the agency's intelligence unit. He was suspended indefinitely without pay by the Border Patrol. (From the Tucson Citizen special report "Border Patrol agents arrested" Feb. 1, 2002)

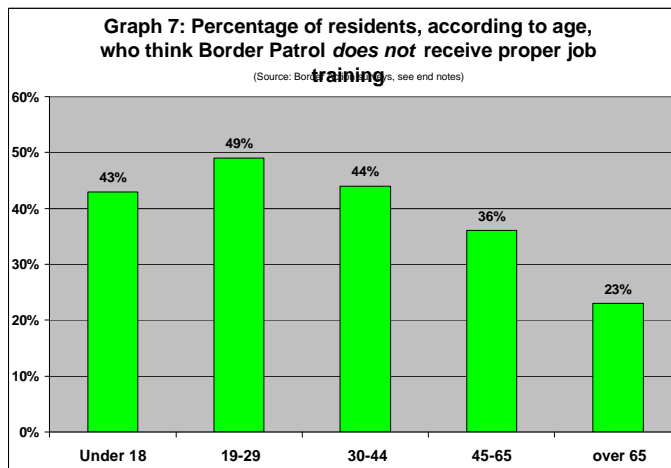
Unnamed Border Patrol agent. Stationed in Naco.

A Border Patrol agent stationed in Naco was indicted for accepting bribes, possessing and transporting illegal drugs, carrying a firearm in the course of a drug trafficking crime, and laundering money. The investigation by the Southwest Border Corruption Task Force developed evidence that the Border Patrol agent was willing to assist in the smuggling of drugs into the U.S. by monitoring Border Patrol radio traffic and that he transported \$250,000 in drug proceeds and 20 kilograms of cocaine between Tucson and Phoenix in exchange for more than \$25,000. (Office of Inspector General Semi-Annual Report to Congress; April 1, 2001-September 1, 2001, p.6)

IV. TRAINED TO PROFILE

Training that agents receive is the first line and most intensive communication of Border Patrol standards, practices and procedures. It is here that agents learn what is and is not acceptable behavior in the line of duty.

According to our research, there is broad perception among community members that interact frequently with Border Patrol that agents are not trained sufficiently or are not given the proper guidance and oversight that ensures community safety.



"They give them training in how to discriminate against people."

-Mexican man from Nogales, between 45-65 years old.

Border Patrol agents appear to be trained in the use of racial profiling of border residents. The repeated stopping and questioning of people in their communities is taking a heavy toll on the Border Patrol's relationship with community residents.

"I think their training is based on people's appearance. That's wrong."

-Mexican man from Nogales, under 18 years old.

"They may be well trained, but the training is bad."

-Hispanic man from Nogales, between 30-44 years old.

"Their job is to stop illegals and drugs, not to abuse. If you have something against Hispanics, you shouldn't be there. They get paid to sleep, sit and read."

-Hispanic woman from Nogales, between 30-44 years old.

"They need more training in cultural sensitivity."

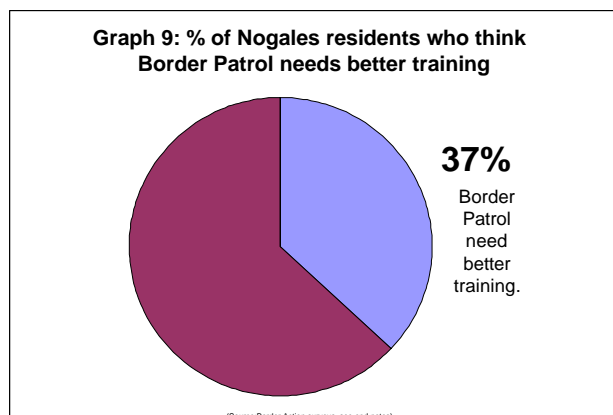
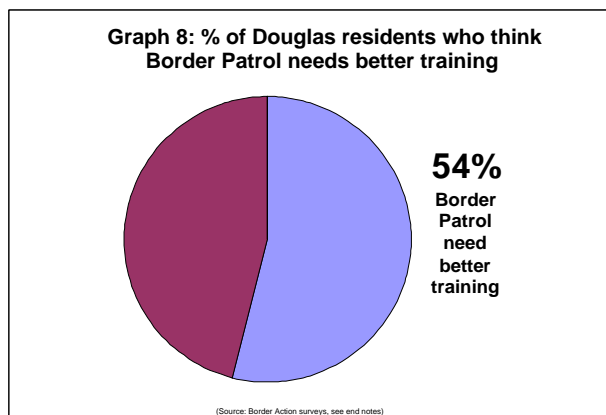
-Hispanic woman from Douglas, between 45-65 years old.

"They should teach them to be humane so that they would know how to treat people."

-Mexican man from Nogales, between 45-65 years old.

"If they had it (good training), they wouldn't be racists."

-Mexican woman from Nogales, between 45-65 years old.



Douglas and Nogales; a comparison of residents who think the Border Patrol needs better training.

The 'New Guy' Syndrome

A common practice within the agency is to shift agents from one location to another. While this may make sense for the agency, it can put additional strain on residents who are repeatedly interacting with hundreds of "new guys" who do not know or show respect for the residents of the small towns of Nogales, Douglas, Naco or Pirtleville.

"I've talked with Border Patrol that don't even know the streets of Nogales-they don't even know where International Street is."

-Hispanic woman from Nogales, between 30-44 years old.

"They don't know enough about the area. Most are white and have no connection with the community."

-Mexican man from Douglas, between 30-44 years old.



V. THE EROSION OF DEMOCRACY ON THE BORDER

For an agency that carries the weight of protecting the U.S. from security threats, their lack of checks and balances could actually be eroding the same democratic principles it purports to uphold. The Border Patrol carries tremendous authority and power on the Arizona-Mexico border. In this role, it should be a high priority within the Border Patrol to communicate its plans with all residents, particularly Mexican-Americans. Likewise, community members should have a clear understanding of communication and grievance procedures and their input and concerns should be promptly and equitably addressed.

Unfortunately, the agency's grievance process is scarcely known. There is little faith among community members that thorough, if any, investigations of agents' misconduct occur. On the contrary, the perception among border residents is that agents are protected and can act with impunity. At best, this situation undermines democratic participation in daily civic life. At worst, it creates an atmosphere of fear, intimidation and racial injustice.

"They follow their own rules and think they can take over."

-Hispanic woman from Douglas, between 45-65 years old.

"It seems like they're not responsible to anyone."

-Hispanic man from Douglas, under 18 years old.

"Four to five years ago my 16-year old cousin was badly beaten by the Border Patrol. Another cousin was shot in the knee while camping. They took the cases to trial and the Border Patrol got off. There was no compensation."

-Mexican man from Douglas, between 30-45 years old.

"Some Border Patrols beat up a mailman at a bar in Douglas and nothing happened to the Border Patrols."

-Hispanic woman from Douglas, between 45-65 years old.

“They're not from the community. They don't have any interest in what the community thinks.”

-Mexican woman from Nogales, between 45-65 years old.

“The Border Patrol stopped near me one time and hit a young man because he had ran from them. The man bled. I complained and they quickly left.”

-Mexican woman from Nogales, age unknown.

“There's no one to turn to.”

-Hispanic man from Douglas, over 65 years old.

“I see them as difficult. They're very well protected.”

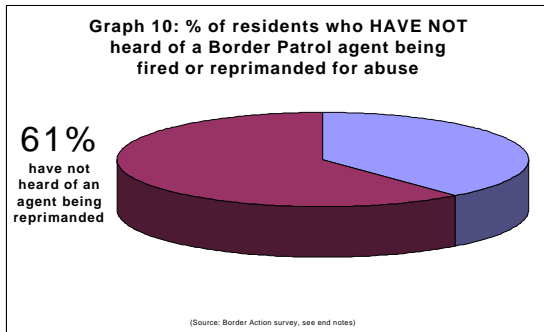
- A Nogales resident.

“They think they ARE the law.”

-Mexican woman from Douglas, between 45-65 years old.

“They are the government. They don't care about Douglas.”

-Mexican-American woman from Douglas, between 30-44 years old.



“They don't listen to complaints.”

-Hispanic woman, between 45-65 years old.

“La gente siempre esta ignorada/The people are always ignored.”

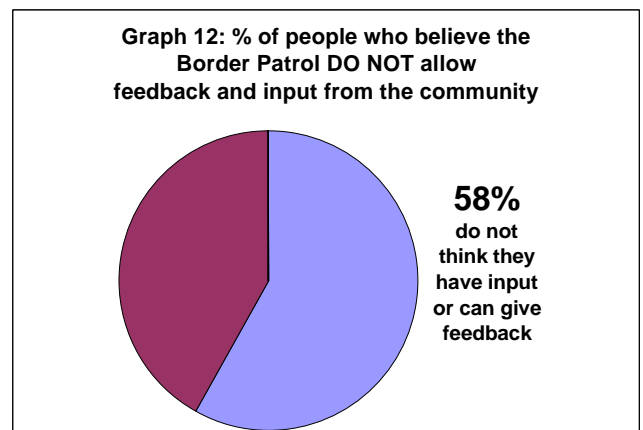
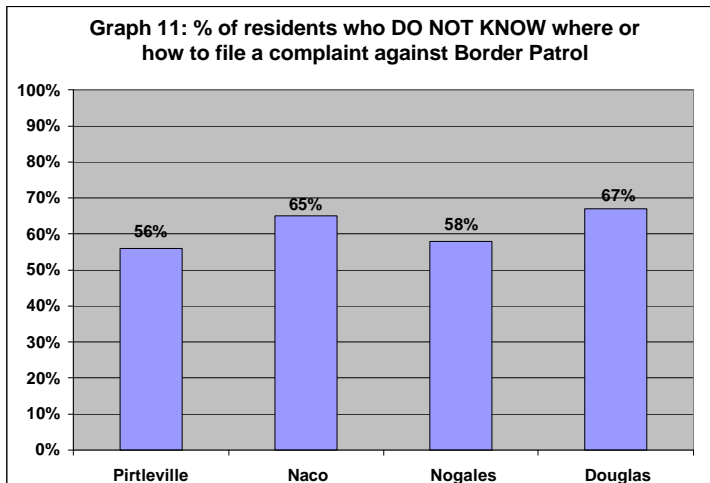
-Mexican woman from Nogales, between 19-29 years old.

“The people need to know what the Border Patrol are doing.”

-Hispanic man from Douglas, between 30-45 years old.

“They don't do anything with the complaints. I have seen them laughing about the people and the complaints they receive.”

-Hispanic woman from Nogales, between 45-65 years old.



Civil Rights Case Against Border Patrol Agent Dropped by Federal Investigators

(excerpted from Arizona Daily Star 10/24/03)

Federal investigators dropped a civil rights case against Border Patrol agent Cesar Cervantes who shot Ricardo Olivares Martinez, age 22, at least five times in the chest on June 4, 2003. Agent Cervantes told investigators that Martinez was throwing rocks at him.

The Department of Justice decided that there was not enough evidence of a civil rights violation. However, a Freedom of Information Act request by Tucson-based newspaper, the Arizona Daily Star, for a copy of the security camera videotape that recorded the entire incident as well as a copy of the autopsy report have been declined.

The incident began as a group of immigrants jumped the border fence near Douglas. When they were spotted by Border Patrol the group scattered. Martinez was running back to fence and trying to jump back into Mexico. According to Agent Cervantes, Martinez turned and began throwing rocks. Cervantes ordered Martinez to stop and shot him at least five times in the chest when he did not respond.

While the Office of the Inspector General (OIG) is still investigating the case, their findings will be converted into reports presented to Congress. With less than a dozen investigators responsible for investigating complaints against the Border Patrol, Bureau of Prisons, U.S. Marshall's, and Customs, OIG investigations only begin to scrape the surface and subsequently only deal with the most egregious cases.

VI. ABUSES OF POWER, UNSAFE COMMUNITIES

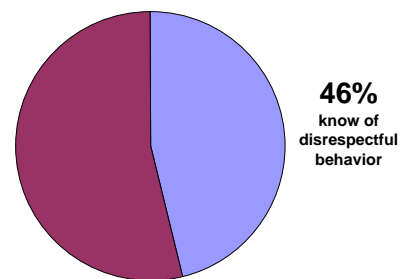
Our surveys reveal a distinct pattern of life for border residents in which Border Patrol agents may at any time use excessive force, randomly harass community members, invade residents' private property without provocation, or speed dangerously through neighborhoods where children play outdoors. Such incidents are so routine and stressful that border residents suffer their effects every day-worrying that such incidents may occur at any time without warning.

Harassment and Excessive Force

In November 2002 Salvador Mendoza Flores was fleeing Border Patrol and had almost made it back into Mexico when an agent shot the man in his buttocks as he was climbing the border wall. As if the wound was not enough, Mendoza Flores then faced criminal charges for illegal re-entry. (source:Tucson Citizen, 12/2/02)

On June 29, 2003 little did Francisco Javier Platt Medina know that his drunken decision to sneak into the U.S. from his home in Nogales, Sonora would cost him his life. Platt Medina was accosted by Border Patrol agents and resisted arrest. He was then shot with a pepper gun, sprayed with pepperspray, beaten and kicked. He was dropped off at a Nogales hospital by Border Patrol that night. The next day the fire department transported him to the Nogales port of entry where he was brought to a Nogales, Sonora hospital. By the end of the week Platt Medina was dead. After being placed on a dialysis machine, he went into cardiac arrest and died of liver and kidney failure. His midsection was covered with bruises. (source: AZ Daily Star, 7/7/03)

Graph 13: % of residents who have experienced or heard Border Patrol agents being disrespectful to community members or immigrants



Young Girl Shot by Border Patrol

In November 1995, a 12-year old girl was play-camping with a friend in a vacant lot behind her home in Pirtleville. As she slept curled up in a ball in their tent, she awoke suddenly to a sharp pain invading her knee. She had been shot. A bullet went through her knee and missed her head by five inches on its exit from her body.

According to the Border Patrol agent's account, he shot at them because he thought that they were illegal immigrants or dogs. According to the record, he had shot very low. He knew where he was aiming. The young girl was rushed to the hospital where she had the first of many surgeries to restore her knee. The agent was suspended with pay and later transferred to another Border Patrol station. The girl's family sued the Border Patrol, but the case is still in court. (source: personal interview with victim, October 2003)

"I was jailed for ten months because Border Patrol found immigrants in my back yard. They said I was smuggling. But I didn't know they were there. It's unfair that regular people get busted for giving people water or food. It's not our job to find out who is illegal or not. When you see someone who needs help, you help them. The Border Patrol discourages human aid. I believe it is the Christian thing to do to help people who need it."

-Latina woman from Douglas, over 65 years old.

"When the Border Patrol get people they treat them like criminals. Or even worse than criminals-even criminals have to be proven guilty. They grabbed my son-a citizen!-and beat him while I was watching."

-Mexican-American woman from Nogales, age unknown.

"I delivered food to a hotel and was arrested when I arrived. It was a sting. I was questioned for about forty-five minutes. They (Border Patrol) were very aggressive and abusive. They thought I was a pollero (smuggler)."

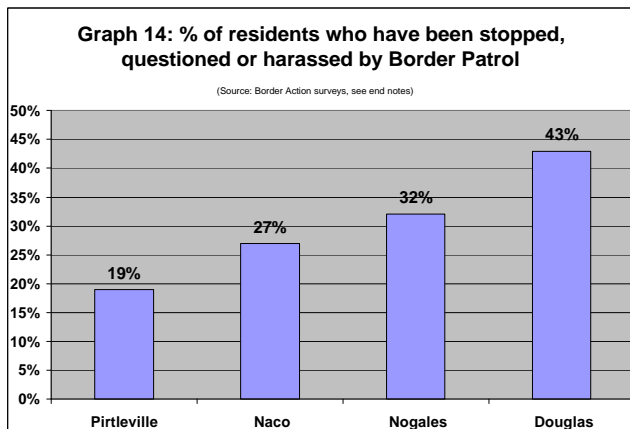
-Mexican man from Nogales, between 30-44 years old.

"I've seen more harassment since 9-11. It's been a justification to have worse behavior."

-Hispanic woman from Douglas, between 30-45 years old.

"One time when I crossed (the border), they took me to a room. They said I was bringing drugs and they did a complete search. I had to take off my shirt. Another day I crossed in a car and they told me I needed a passport (I'm a U.S. citizen). Others said that that (a passport) wasn't necessary to cross. But if it that was the case, I wouldn't have been able to pass."

-Mexican-American woman from Nogales, between 45-65 years old.



"I was sexually harassed. They would talk shit about me and pull me over on my way to school in Tucson. One time a Border Patrol agent grabbed me and he wouldn't let me go."

-Mexican woman from Nogales, between 30-44 years old.

"I gave a ride to a friend with no documents. The Border Patrol pulled us over, questioned my friend, and took my car. I got five years probation."

-Mexican man from Douglas, between 45-65 years old.

"Six years ago, I lent my car to a relative who was stopped by the Border Patrol at the border. They impounded the car and took the documents in the glove compartment. I was force to sign a voluntary departure order and almost got deported even though I'm legal. I got a lawyer in Tucson who called the Border Patrol and got my car and documents back. I was charged \$400 for that."

-Mexican woman from Douglas, between 30-44 years old.

"They confuse law enforcement with harassment."

-Mexican woman from Nogales, between 30-44 years old.

"I have been pulled over so many times I can't even count them, sometimes with no reason at all. Once or twice the Border Patrol has told they received an anonymous tip about someone driving a car similar to mine. I've been told that my car looked weighted down, so it looked suspicious! I've heard of a lot of rapes and killings by the Border Patrol. It seems like the Border Patrol feels that they have the power to do whatever they want."

-Hispanic woman from Douglas, between 30-44 years old.

Unsafe Streets

Border Patrol agents are renown in border communities for driving at excessive speeds in neighborhoods, disregarding traffic signals, and using their emergency lights to circumvent traffic laws. The effect of these practices has placed on chill in neighborhoods where parents are afraid for their children to run around outside, ride their bicycles in the streets, or walk to school. Tragedies have already occurred, but it appears that little has changed within the agency's practices.

"Just last night there was an accident on this street because the Border Patrol didn't have lights on. The guy is now in the hospital."

--Hispanic woman from Nogales, between ages of 19-29.

"Pasan rápido en las calles donde muchos niños juegan./The pass through the streets rapidly where a lot of children are playing."

-unknown source.

"They ran over my dog. I was so mad that I called to complain to the supervisor. It was very hard to even get the phone number."

-Hispanic woman from Nogales, between 30-44 years old.

"They drive right through this road very fast. My children and my grandchildren play right here in the road."

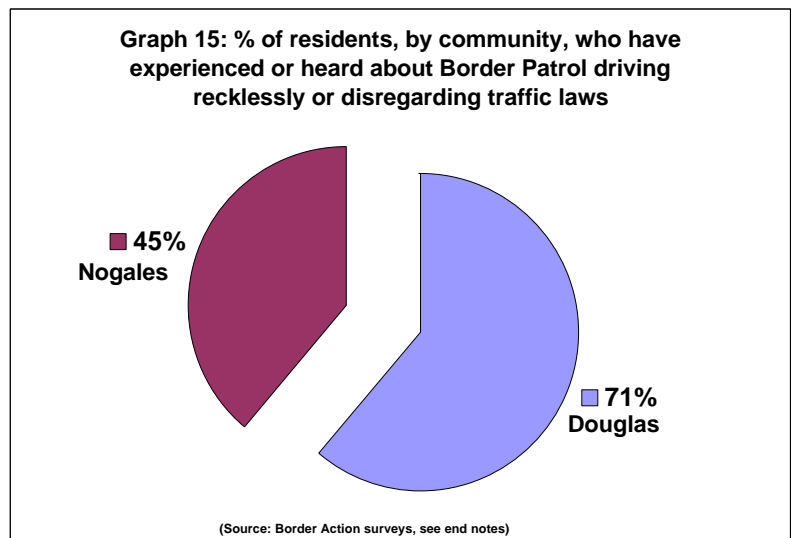
-Mexican woman from Nogales, between 45-65 years old.

"They drive 50-60 miles per hour in 25 mph zones without their lights on."

-Hispanic man from Douglas, over 65 years old.

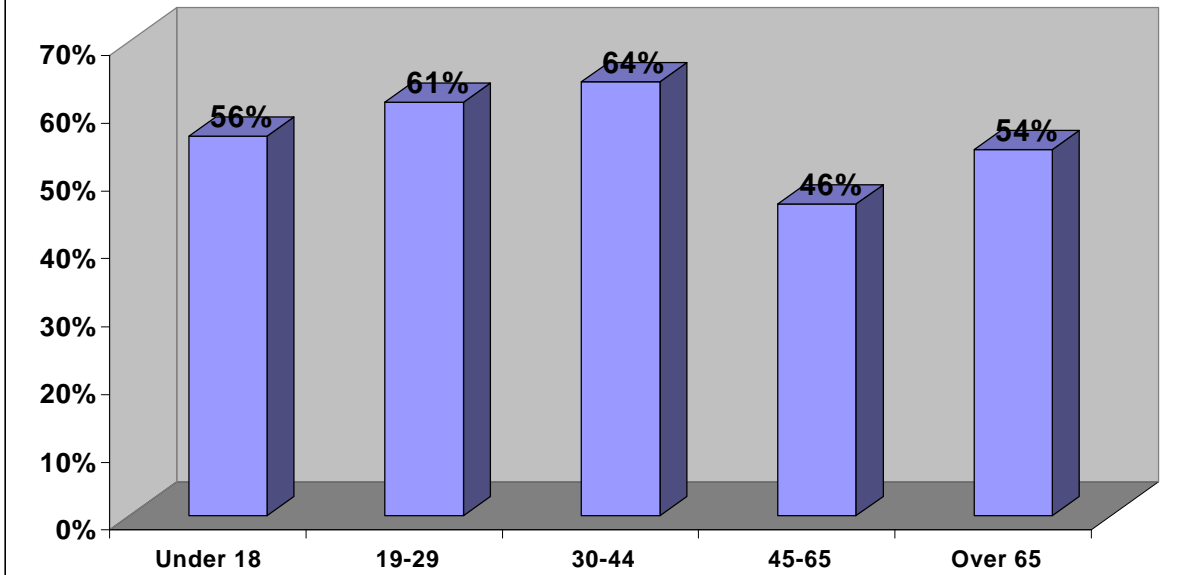
"They pass through red lights; they drive very fast."

-Hispanic woman from Nogales, between 30-44 years old.



Graph 16: % of residents, by age, that have experienced or heard about Border Patrol agents driving recklessly or disregarding traffic laws in their community

(Source: Border Action surveys, see end notes)



"Everyday they go down the streets without stopping at stop signs. A friend was hit in her car by a Border Patrol vehicle."

-Hispanic woman from Douglas, between 30-44 years old.

"A Border Patrol flew by me on the highway one day with lights flashing, then pulled over to talk to a friend."

-Hispanic woman from Douglas, between 45-65 years old.

"At times they turn on their lights to avoid stopping at a red light or to go above the speed limits."

-Mexican woman from Nogales, between 30-44 years old.

"Se paran, con las puertas abiertas. Paron donde no deben, doble fila, y platica. No les dice nada la policia./They stop and park with their doors open. The stop where they shouldn't, next to each other and talk. The police don't say anything to them."

-Nogales resident.

In Memory of Bennett Patricio

The last time anyone saw Bennett Patricio he was walking to his home on July 10, 2003 on the Tohono O'odham reservation after his night security job. It is still not clear how Bennett Patricio ended up lying in the middle of U.S. Route 20, but after a Border Patrol agent Cody Rouse drove his pickup over Patricio, the 18-year old young man's life was ended. When Rouse first reported the incident he simply mentioned a body in the road; he failed to mention that he ran the young man over. The attorney representing Patricio's family believes that agent Rouse was driving quickly and chasing Patricio: "I think he must have chased him down because his entire body was crushed, his skull, his legs, his whole body." It is not clear whether Rouse is still with the agency. However the US Attorney's office in Tucson reviewed the case and concluded there had been no criminal violation. (Tucson Citizen 7/10/03)

The Only Fence They Respect is the Border Fence - Disregard for Private Property

The sanctity of a safe home makes for safe communities. Yet Border Patrol practices have included entering peoples' homes without permission, resulting in terrorizing young children and their parents.

"Once Border Patrol had a warrant but they went into the wrong place."

-Mexican-American male from Douglas, between 30-44 years old.

"My boss owns a ranch and the Border Patrol entered it without asking him."

-Hispanic woman from Douglas, between 30-44 years old.

"Two months ago, Border Patrol entered my house without my permission when I wasn't home. They checked out the whole place."

-Mexican-American man from Douglas, between 30-44 years old.

"At my grandmother's house, they would constantly go through her backyard for whatever reason until she got a dog."

-Mexican man from Nogales, under 18 years old.

"One time a Border Patrol agent went into my house when my two children were very small, one year and five years old; they were there alone. What bothers me most is that I know they have abused and violated women. For this reason, my kids run from them. It's very dangerous when Border Patrol invade your private property."

-Hispanic woman from Nogales, between 30-45 years old.

"I have a NO TRESSPASSING sign at the entrance to my road. I considered tacking on 'This means you, Border Patrol' but decided that would antagonize them even more."

-White woman from Arivaca, between 30-45 years old.

"A Border Patrol agent intruded in a house across the street for 15-20 minutes. He was alone and a 13 year old girl and a baby were there by themselves."

-Hispanic woman from Nogales, between 19-29 years old.

"Una vez si, entraron sin permiso. Preguntaron si entró gente, pero ya estaban en el patio! One time, yes, they entered without permission. They asked if someone came through, but the agents were already in my yard!"

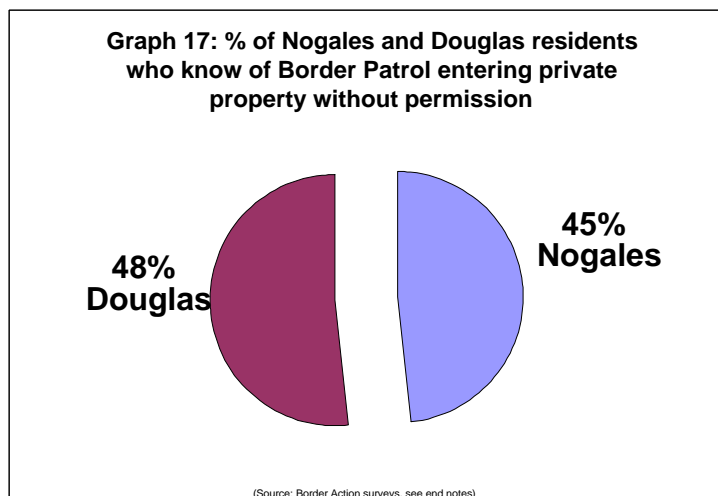
-Mexican-American woman, between 45-65 years old.

"They shine their glaring flashlights inside homes and windows."

-Hispanic woman from Nogales, between 30-44 years old.

"In my own home they tried to kill my dog. The Border Patrol entered my property and my dog tried to defend me. The Border Patrol pulled his gun at my dog."

-Mexican man from Nogales, between 30-44 years old.



VII. JUSTICE ON THE LINE MAKES THE FOLLOWING RECOMMENDATIONS

- ❖ Border Patrol should revisit and revise training practices and procedures to ensure fair and equitable treatment of all people, regardless of their nationality, appearance or where they live.
- ❖ Border Patrol racial profiling should end immediately.
- ❖ Border Patrol should be required to adhere to all traffic laws and should be held accountable for any violations of traffic laws.
- ❖ Border Patrol should be prohibited from entering private property without the prior consent of the property owner or tenant.
- ❖ The rate of shootings, deaths and other violence by agents is unacceptable. Border Patrol should be trained in and required to use de-escalation techniques rather than weapons, lethal or non-lethal, in the line of duty.
- ❖ The Border Patrol should create an Independent Auditor position that is not responsible to the Border Patrol, but is responsible for reviewing all complaints and charges made against Border Patrol agents.
- ❖ An independent civilian monitoring board should be established that reviews complaints against Border Patrol and the investigations of Border Patrol misconduct, on and off the job. The monitoring board should be appointed, directed and evaluated by border community residents and leaders. The monitoring board should have the authority to reopen cases that are deemed insufficiently investigated or resolved. Border Patrol should contribute funds to sustain the monitoring board.
- ❖ Funding should be increased for the Office of the Inspector General to ensure sufficient resources to investigate Border Patrol misconduct and criminal behavior.
- ❖ Border enforcement funding should be reallocated to support the processing of visa and citizenship applications, legalizing those who can demonstrate residence and/or employment in the U.S. over a specific time period and expanding the means for people to enter the United States through legal ports of entry.

VIII. END NOTES AND METHODOLOGY

The surveys were conducted July 2002 through October 2003 by Border Action volunteers and staff from Tucson, Nogales, Pirtleville and Douglas. Two different surveys were used to generate the report results. The surveys were bilingual. The quotes from residents were taken from comments written on the surveys or were recorded at a second meeting with the respondent. We have maintained the anonymity of all respondents to protect them from retribution. The age ranges associated with individuals' quotes reflect the age ranges on the surveys.

Individual's racial or ethnic identity was gathered in the survey process. Many people did not know how to respond to the question. The vast majority responded "Hispanic", while the minority responded "Mexican" or "Mexican-American." "Hispanic" is used frequently in the report to reflect the language used by the majority of border residents.

Survey #1: The study's sample size was 62 and is relatively small, however, provides reasonable results. The places of study were Pirtleville, Naco and Sásabe where 32, 26 and 4 questionnaires were completed, respectively. The results were cross-tabulated with responses gathered from each community. Unfortunately, no personal data was collected, therefore, analysis cannot make inferences to age, gender, education or race/ethnicity. Since only 4 surveys were completed in Sasabe, the sample was too small to do any cross-tabulation. The data was analyzed using valid percentage values. A valid percentage is the true percentage value that excludes the missing, illegible or unknown responses. Many of the questions in this pilot survey were similar enough questions in survey #2 that comparisons could easily be made between communities.

Survey #2: This survey's sample size was 246 and provides substantial results. There were 166 respondents from Nogales and 80 respondents from Douglas. The difference is to reflect the fact that Nogales is a larger city than Douglas. The surveys were cross-tabulated according the location, age, gender and an overall total. Valid percentages were used that excluded the missing, illegible or unknown responses. Ninety-seven percent of respondents identified as Mexicans, Mexican-Americans or Hispanic, so racial and ethnic identity was excluded from cross-tabulation due to homogeneity.

- Graph 1: This question is from survey #2.
- Graph 2: This response is from survey #1.
- Graph 3: From survey #2.
- Graph 4: From survey #2
- Graph 5: From survey #1 and #2
- Graph 6: This is from surveys #1 and #2
- Graph 7: From survey #2
- Graph 8: From survey #2
- Graph 9: From survey #2
- Graph 10: From survey #2
- Graph 11: This is from surveys #1 and #2
- Graph 12: From survey #2
- Graph 13: From survey #2
- Graph 14: This is from surveys #1 and #2
- Graph 15: From survey #2
- Graph 16: From survey #2
- Graph 17: From survey #2

