

May 27, 2014

The Honorable R. Gil Kerlikowske
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Re: Recommendations to CBP to Promote Humane Border Enforcement Policy and Practice

Dear Commissioner Kerlikowske:

We write to you as a broad group of border and national organizations representing faith, labor, immigrants' rights, and human and civil rights groups. We congratulate you on your recent confirmation, and we look forward to working with you and sharing our vision for a more humane U.S. Customs and Border Protection (CBP) agency.

Your tenure comes at a critical juncture for the agency. As you are aware, CBP has experienced unprecedented growth in border security resources in the past decade. The dramatic increase in personnel, particularly Border Patrol, has created challenges on both our nation's southern and northern borders. While many personnel carry out their duties professionally, inadequate oversight has led to significant rates of corruption, criminal misconduct and rights abuses within CBP. While CBP has become the nation's largest law enforcement agency, oversight and accountability have not kept up with best law enforcement practices.

This letter puts forward areas of concern as well as recommendations regarding key administrative reforms that will help ensure CBP lives up to its mission to serve the American public with integrity, honor, and professionalism. Although these matters have all been raised with DHS officials before, we are pleased to begin an ongoing dialogue with you about them, with the hope that you take swift action to implement changes.

1. Use of Force

Since January 2010, at least 28 individuals have died as a result of lethal use of force by CBP officials. Nine of these cases involve personnel responding to individuals who were allegedly throwing rocks. Seven were minors (i.e., 20 or younger) and at least 10 were U.S. citizens. Six of these cases were of Mexican nationals standing in Mexico when killed, three of whom were teenagers, ages 15, 16, and 17.¹ Perhaps most well-known is the case of Anastasio Hernández Rojas, whose beating at the hands of approximately a dozen CBP personnel was made public by PBS's "Need to Know" program² and prompted 16 members of Congress to demand an investigation. *The Arizona Republic* noted in a December 2013 investigative report that of the 42 CBP-involved deaths since February 2005, in no case has any CBP officer or agent been known to face criminal charges, disciplinary action, or civil charges.³

To bring CBP in line with leading law enforcement standards relating to use of force, and to improve transparency and accountability to the public, the agency should:

- Commission an independent review by external experts of all use-of-force fatalities in the last five years;

- Publicly release the Police Executive Research Forum (PERF) review commissioned by CBP leadership in late 2012, unredacted and in full;
- Implement all PERF recommendations, and make public a timeline for implementation of the recommendations;
- Implement additional changes to CBP use of force policy and practice, including requiring body-worn and dashboard cameras for all CBP officers and Border Patrol agents, with strong privacy protections as detailed by the ACLU⁴ and other organizations; and
- Increase transparency regarding uses of force and other incidents of alleged abuse, a reform supported by the National Border Patrol Council.

We note in particular that the use of body-worn and dashboard cameras – deployed within an appropriate policy framework that protects the recordings’ integrity from improper use and includes strong privacy protections for officers and the public – should be mandated and funded from existing appropriations for all CBP enforcement encounters with the public. These cameras are fast becoming a standard, cost-effective best law enforcement practice in police jurisdictions across the country. They are a “win-win” for law enforcement and the public because false accusations can be quickly disproved, while abuses are recorded to avoid reliance on the parties’ statements. A study of the Rialto, California, Police Department spearheaded by Police Chief Tony Farrar supports those conclusions. In Rialto, California, the use of officer-mounted cameras resulted in an 88% decrease in complaints filed against officers and a 60% decrease in incidents where officers used force, with those officers not wearing cameras being twice as likely to use force.⁵

2. CBP Custody and Detention Standards

Systemic violations of basic civil and human rights have been widely reported in CBP short-term custody⁶. Documentation has identified physical and verbal abuse, denial of medical care, failure to provide sufficient food and water, overcrowding, exposure to extreme temperatures, denial of communication with family and consular or legal support, and use of coercion to pressure individuals into signing away legal rights. A 2013 University of Arizona report found that 45% of respondents reported not receiving sufficient food while in U.S. custody, 37% reported denial of medical attention, and 39% reported confiscation of personal property, including money and identity documents.⁷ In the past three years alone, numerous organizations have issued similar reports documenting tens of thousands of cases of CBP abuse that are consistent with these findings.⁸ Organizations have filed numerous administrative complaints and legal claims based on abuses such as the use of prohibitively cold cells referred to as “freezers.”⁹ To address these concerns, CBP should

- Create enforceable standards applicable to all CBP short-term custody facilities and hold rooms. These standards should be made public and address, but not be limited to:
 - Minimum conditions for detention, including the provision of adequate nutrition, appropriate climate, and medical care;
 - Dissemination of legal rights information in commonly-spoken languages;
 - Access to lawyers, consular officials, family members, and non-governmental organizations; and
 - Enforceable policies for identifying and processing credible fear claims of asylum-seekers.
- Develop a detainee locator system for short-term custody, similar to the ICE detainee locator system, to allow counsel and family members to determine where individuals are being held.
- Establish a regular and transparent process for inspecting, monitoring, and improving conditions in short-term custody facilities, including an NGO access policy modeled on ICE’s.

3. Complaints

The American Immigration Council's (AIC) recent report on CBP's deficient complaint processing, accompanied by coalition recommendations for reform, requires an immediate response.¹⁰ Consistent, documented – yet avoidable - deficiencies within the DHS complaint systems have inhibited the Department's ability to identify internal civil rights concerns and take appropriate action. As noted in the AIC report, the vast majority of complaints are inadequately investigated; complainants often wait years to receive an inadequate or no response to complaints submitted to CBP. Moreover, individuals face numerous barriers to filing complaints, and the agency lacks the infrastructure to analyze complaint trends to inform decision making. In order to modernize the CBP complaint system and align it with the best practices adopted by industry and other government agencies, CBP should urgently work with DHS to reform its complaint system in order to implement a consistent process that includes:

- A single centralized complaint portal for all complaints, including a single toll-free number and website; create a mechanism that provides timely information in multiple languages about complaint status;
- A publicly accessible national, standardized database of complaints, including written resolutions, filed with CBP, ICE, the Office for Civil Rights and Civil Liberties, or any other entity within the Department;
- A uniform process for receiving, processing, and investigating all immigration and border-related complaints. Particular attention should be given to the investigation and resolution of use-of-force incidents, whether or not an individual complaint is filed. This process should require that all incidents be investigated within one year by a neutral entity, and that all complainants receive findings of law, fact, and available remedies upon the conclusion of any investigation; and
- A mechanism for conducting analysis of complaint trends, to inform CBP training, policies, and resource allocations.

4. The 100-Mile Zone

CBP operates in an antiquated 100-mile zone drawn from any land or sea border, a distance that has no statutory basis and originated without scrutiny sixty years ago in now-outdated regulations. The area includes two-thirds of the US population, entire states like Florida and Maine, as well as almost all of the country's top metropolitan areas (except Dallas). Within this zone, constitutional protections are, in practice, attenuated and CBP conducts investigatory detentions and warrantless searches that affect all border residents. CBP uses interior checkpoints and roving patrols located far from the border to apprehend individuals who are not "recent border crossers" by any stretch of the imagination.

The 100-mile zone has converted CBP into an interior enforcement agency which roams widely in border communities, as well as far beyond them, disrupting all residents' lives and bringing military equipment like drones into some of the country's safest cities. CBP frequently disregards any geographic limitation on its authority, including the current 25-mile limitation on entering private property without a warrant.¹¹ By setting up checkpoints and conducting roving patrols many miles from the border, CBP does little to further border security goals¹² but much to harm the quality of life of those who live and work in the border region.¹³ Lawful residents who travel through checkpoints or are stopped by CBP on the way to work or school are too often subjected to abuses including prolonged, unjustified detentions, unlawful searches, racial profiling, verbal harassment, physical assault, and more.¹⁴

To remedy this serious problems, CBP should:

- Reduce the zone of CBP operations to 25 miles (10 miles for incursions on private property), as the Senate’s immigration reform legislation directed for the Northern border.
- Conduct a comprehensive external review by law enforcement experts of DHS policies and practices relating to roving patrol stops and checkpoints to determine whether the agency is complying with the U.S. Constitution, applicable non-discrimination laws, and agency guidelines.
- Expand the 2013 settlement in the Washington State *Sanchez* case on CBP roving patrols nationwide, including for checkpoints. The settlement requires CBP to train Border Patrol agents in the area on Fourth Amendment protections against illegal searches and seizures, and to provide litigators with data regarding all traffic stops that take place in the area for the next 18 months.¹⁵
- Urge the Department of Justice to issue revised guidance on the use of racial profiling by federal law enforcement that closes the border integrity and national security loopholes and prohibits profiling based on actual or perceived religion, national origin, sexual orientation, or gender (including gender identity and expression).

5. Rescue Beacons

In 2012, 463 migrants died in the United States while attempting to cross the border. Although crossings are near a 40-year low, this is a near record number—and the death toll is not projected to decrease. Migrants crossing the border succumb to dehydration and exposure to the desert elements, with very little chance of rescue on the vast southern border despite CBP’s enormous deployment of personnel and materiel there. Rescue beacons—transmission towers with an emergency button that sends out a distress signal to CBP when activated—are a crucial lifesaving tool for migrants in need who are lucky enough to come across one. Unfortunately the vast expanse of southern border sectors compared with the limited number of rescue beacons in many high-traffic areas has led to migrant deaths. Last year the Tucson sector, which has only 22 rescue beacons for over 90,000 square miles, had 177 migrant deaths. The Rio Grande Valley, which has 6 rescue beacons for over 18,500 square miles, had 150 migrant deaths in 2012. We are encouraged at the expansion of rescue beacons in the Tucson sector and urge that more beacons be deployed promptly. CBP should:

- Review the extent to which border enforcement strategies contribute to migrant deaths, and modify its strategies accordingly to minimize such unintended consequences; and
- Deploy 1000 solar-powered distress beacons in the desert with water drums, radio call buttons, and 911 cell relay to enable migrants and others to access emergency personnel, with a focus on expanding resources in high-traffic areas

6. Dangerous Deportations

CBP routinely employs dangerous deportation practices, including deportations in the middle of the night; deportations of immigrants to unfamiliar cities hundreds of miles away from the individual’s point of apprehension; and deportations to dangerous border cities, where immigrants are more susceptible to criminal gangs and coyotes. To further compound the risks faced by recently deported immigrants, a high number report being returned without personal belongings, including photo I.D., currency and cell phones. A 2013 University of Arizona study reported that one in five individuals are deported between 10p.m. and 5a.m., frequently to dangerous areas.¹⁶ The study also found that 39% of individuals reported having possessions taken and not returned, with 26% reporting failure to return at least one

Mexican identifying document¹⁷. Finally, studies referenced in the University of Arizona report also show that deporting immigrants to a different port of entry from that from which they entered is not an effective deterrent to unauthorized border crossing.¹⁸ To end dangerous deportation practices, CBP should

- Limit deportations to daylight hours, and require agency consultation with the Department of State and local service providers operating at ports of entry to ensure that Local Arrangements for Repatriation are responsive to the availability of services and evolving security situations in northern Mexican cities.
- End the practice of lateral repatriations (ATEP) to prevent family separation during the repatriation process and restrict deportations to dangerous, unfamiliar locations.
- Establish inter-agency protocols, in cooperation with BOP, USMS, and ICE, to ensure return of personal property to migrants prior to repatriation.

7. Southbound Checks

National Public Radio recently broadcast a segment titled “The Curious Practice Of Bringing Immigrants Back — To Deport Them.”¹⁹ It questioned the initiation of removal proceedings and criminal charges for persons attempting to leave the United States: “People convicted after being arrested leaving end up in prison for as long as six months. The bill for that sentence, up to \$160 daily for each inmate. Even people who want stricter immigration enforcement think that's a waste.” To reform this wasteful practice, the agency should:

- Adopt a policy of not initiating removal proceedings of any type or criminal prosecution for illegal entry or reentry for persons in the process of leaving the United States.

8. Consequence Delivery System: Deportations Without Hearings, Operation Streamline and other Illegal Entry/Reentry prosecutions

We urge a thorough review of CBP’s “consequence delivery system” for punishing apprehended persons, to reduce the number of deportations without hearings and significantly curtail the criminalization of migrants.

Deportations initiated by CBP apprehension frequently lack due process by depriving individuals of hearings before an immigration judge. For example, in the case of expedited removal, a single CBP officer or agent can decide to deport an individual, generally with no subsequent recourse available to challenge this determination as well as an automatic 5 or 10–year ban from the United States. This is particularly concerning given that DHS has expanded the use of expedited removal to individuals apprehended up to 100 miles away from a border. The use of expedited removal has long raised the concern that individuals potentially eligible for asylum or other relief are erroneously being placed in expedited removal. The U.S. Court of Appeals for the Seventh Circuit has explicitly noted the due process concerns associated with expedited removals, stating they are “fraught with risk of arbitrary, mistaken, or discriminatory behavior” because a CBP officer can decide to remove someone “free from the risk of judicial oversight.” Moreover, there have been numerous allegations across the country that DHS officials have coerced individuals, who may be eligible for relief or discretion, into “consenting” to deportation without a hearing.

CBP should therefore:

- Decline to use any form of deportation without a hearing against individuals who are prima facie eligible for relief from removal or prosecutorial discretion unless such individuals explicitly and knowingly waive their right to seek such relief or exercise of discretion.
- Develop an objective assessment tool, designed to weigh and score relevant equities, to assist CBP in prioritizing enforcement resources and to promote consistency in enforcement across sectors.
- Inform all individuals of their right to consult with counsel and provide them a current, regularly updated list of local pro bono and low cost legal service providers. All information should be in a language and form the person understands. In the case of represented individuals, counsel or accredited representatives should be notified at least two business days prior to deportation—and no person should be deported with a stay request pending.
- At a minimum, limit the use of expedited removal to cases where individuals are apprehended at a port of entry or border, consistent with DHS policy prior to 2004.

We also respectfully urge a thorough review of wasteful “zero tolerance” programs like Operation Streamline that overprosecute and criminalize nonpriority immigrants, and then confine them in substandard private prisons. Short of ending its participation in Operation Streamline, CBP should deprioritize §1325 and §1326 referrals for vulnerable individuals (for example, domestic violence survivors and the elderly), for individuals with significant U.S. ties (specifically, individuals with U.S. citizen minor children or spouses, veterans and members of the U.S. armed forces, and long-time former lawful permanent residents), and for individuals who have not, within the previous five years, completed sentences for serious, violent felonies. CBP should also end the practice of appointing Border Patrol attorneys or other DHS employees to act as Special Assistant U.S. Attorneys, or in any prosecutorial capacity, to avoid inherent conflicts of interest.

To date, CBP’s shortcomings in implementing basic standards like those recommended above have contributed to significant abuse and corruption, which has resulted in widespread mistrust in communities on both our nation’s northern and southern borders. Restoring public confidence through greater transparency, accountability and oversight will not only help prevent abuse and corruption within CBP’s ranks, it will also help the agency achieve its mission by strengthening the community trust that is critical to law enforcement success.

Given your extensive experience in Buffalo, Seattle, and beyond, we are encouraged by the perspective you bring to CBP, and your public commitments to accountability, and transparency. We hope your leadership will help the agency identify deficiencies and implement necessary reforms that reflect the highest professional law enforcement standards. We strongly urge you to continue and expand efforts within CBP to engage civil society and border stakeholders in this process, as well as bolstering the agency’s transparency through responsiveness to data and other open government requests.

Please contact Vicki Gaubeca (vgaubeca@aclu-nm.org), director of the Regional Center for Border Rights of the American Civil Liberties Union of New Mexico, or Christian Ramirez (Christian@alliancesd.org), director of the Southern Border Communities Coalition, with questions. We thank you in advance for your attention to this letter.

Sincerely,

The Advocates for Human Rights
Alliance San Diego
American Civil Liberties Union
American Friends Service Committee
American Immigration Council
Americans for Immigrant Justice
Annunciation House, Inc., El Paso, TX
Asian Pacific American Labor Alliance, AFL-CIO
Asociación de Liderazgo Comunitario, San Diego
Border Action Network
Catholic Charities Legal Services Program, Las Cruces, NM
Detention Watch Network
Employee Rights Center, San Diego, CA
Filipino Advocates for Justice, Oakland, CA
Good Shepherd United Church of Christ in Sahuarita, AZ
Green Valley/Sahuarita Samaritans, AZ
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defense Project
Immigrant Law Center of Minnesota
Interfaith Center for Worker Justice of San Diego County
International Union, United Automobile, Aerospace and Agricultural Implement Workers of America
(UAW)
Jesuit Conference of the United States
Latin America Working Group
The Leadership Conference on Civil and Human Rights
Michigan United, Detroit, Michigan
Mississippi Immigrants Rights Alliance
National Employment Law Project
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Network for Immigrant and Refugee Rights
No More Deaths
Northern Border Coalition
OneAmerica, Washington State
Paso del Norte Civil Rights Project, El Paso, TX
Peace Resource Center of San Diego
Peace, Social and Environmental Concerns committee of the Las Cruces Religious Society of Friends
(Quakers)
Religious of the Assumption, Chaparral, NM
Rio Grande Valley Equal Voice Network
San Diego Immigrant Youth Collective
Service Employees International Union
South Texas Human Rights Center, Falfurrias, Texas
Southern Border Communities Coalition
Southern Poverty Law Center
Tacoma Community House
United We Dream

Washington Office on Latin America
Women's Refugee Commission

¹ ACLU of New Mexico, *Deaths and Injuries in CBP encounters since January 2010* (Mar. 7, 2014) available at: <http://www.aclu-nm.org/wp-content/uploads/2014/03/DeathsInjuries.pdf>

² *Crossing the Line*, PBS Need to Know (Apr. 20, 2012), available at <http://www.pbs.org/wnet/need-to-know/video/need-to-know-april-20-2012-crossing-the-line/13640/>.

³ Bob Ortega and Rob O'Dell, "Deadly border agent incidents cloaked in silence." *Arizona Republic* (Dec. 16, 2013), available at <http://www.azcentral.com/news/politics/articles/20131212arizona-border-patrol-deadly-force-investigation.html>

⁴ See Press Release, American Civil Liberties Union, ACLU Calls New CBP Commitments Limited, Issues Detailed Recommendations on Use of Force (Sept. 25, 2013), available at <https://www.aclu.org/immigrants-rights/aclu-calls-new-cbp-commitments-limited-issues-detailed-recommendations-use-force>

⁵ See ACLU, "Strengthening CBP with the Use of Body-Worn Cameras." (Oct. 24, 2013), available at https://www.aclu.org/sites/default/files/assets/13_10_25_aclu_one_pager_re_body-worn_cameras_for_cbp_final.pdf

⁶ Martínez, Daniel et al., *Bordering on Criminal: The Routine Abuse of Migrants in the Removal System* (Dec. 2013), available at: <http://www.immigrationpolicy.org/sites/default/files/docs/ipc/Border%20-%20Abuses%20FINAL.pdf>
Binational Defense and Advocacy Program, Northern Border Initiative, *Human Rights Violations of Mexican Migrants Detained in the United States 2011-2012* (May 2013), available at <http://programadefensaincidiabinacional.files.wordpress.com/2012/05/2do-informe-violaciones-a-ddh-de-mexicanos-deportados-de-usa.pdf>;

Binational Defense and Advocacy Program, Northern Border Initiative, *Human Rights Violations of Mexican Migrants Detained in the United States, May 2010-2011* (Jan. 2012), available at <http://www.lawg.org/storage/documents/Mexico/informe-violaciones-derechos-humanos-pdib-27marzo12.pdf>;
University of Arizona, *In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security*. (Mar. 15, 2013), 24, available at: http://las.arizona.edu/sites/las.arizona.edu/files/UA_Immigration_Report2013web.pdf;
Kino Border Initiative, *Documented Failures: The Consequences of Immigration Policy at the U.S.-Mexico Border* (Feb. 13, 2013), available at http://www.jesuit.org/jesuits/wp-content/uploads/Kino_FULL-REPORT_web.pdf;
Amnesty International, *In Hostile Terrain: Human Rights Violations in Immigration Enforcement in the US Southwest* (2012), available at http://www.amnestyusa.org/sites/default/files/ai_inhostileterrain_final031412.pdf;
Washington Office on Latin America, *Beyond the Border Buildup: Security and Migrants Along the U.S.-Mexico Border* (Apr. 2012), http://www.seguridadcondemocracia.org/administrador_de_carpetas/biblioteca_virtual/pdf/beyondborderbuildup_wola.pdf;

No More Deaths, *A Culture of Cruelty: Abuse and Impunity In Short-term U.S. Border Patrol Custody* (2011), available at <http://nomoredeaths.org/cultureofcruelty.html>

⁷ See University of Arizona report, *In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security*, p. 24 (March 15, 2013). Available at: http://las.arizona.edu/sites/las.arizona.edu/files/UA_Immigration_Report2013web.pdf

⁸ See No More Deaths. *Crossing the Line: Human Rights Abuses of Migrants in Short Term Custody on the Arizona Sonora Border*. (September 2008). Available online at: <http://www.nomoredeaths.org/Abuse-Report-Crossing-the-Line/View-category.html>; Binational Defense and Advocacy Program, Northern Border Initiative, *Human Rights Violations of Mexican Migrants Detained in the United States, May 2010-2011* (Jan. 2012), available at <http://www.lawg.org/storage/documents/Mexico/informe-violaciones-derechos-humanos-pdib-27marzo12.pdf>;
Kino Border Initiative, *Documented Failures: The Consequences of Immigration Policy at the U.S.-Mexico Border* (Feb. 13, 2013), available at http://www.jesuit.org/jesuits/wp-content/uploads/Kino_FULL-REPORT_web.pdf (One in four migrants surveyed alleged abuse at the hands of the Border Patrol, more than double the rate of reported abuse by Mexican police, criminal gangs, or any other source.); No More Deaths, *A Culture of Cruelty: Abuse and Impunity In Short-term U.S. Border Patrol Custody* (2011), available at

<http://nomoredeaths.org/cultureofcruelty.html> (No More Deaths conducted interviews with 12,895 individuals released from Border Patrol custody. Of those, 10 percent reported physical abuse by CBP agents, including sexual assault, use of chokeholds, and hitting and kicking of detainees, while 13 percent reported verbal abuse, including the use of racial slurs. Only 20 percent of people in custody for more than two days reported receiving food, while the vast majority of those in need of emergency medical care or medications reported being denied treatment. Children reported denial of water at a higher rate than adults.); Amnesty International, *In Hostile Terrain: Human Rights Violations in Immigration Enforcement in the US Southwest* (2012), available at http://www.amnestyusa.org/sites/default/files/ai_inhostileterrain_final031412.pdf; Washington Office on Latin America, *Beyond the Border Buildup: Security and Migrants Along the U.S.-Mexico Border* (Apr. 2012), http://www.seguridadcondemocracia.org/administrador_de_carpetas/biblioteca_virtual/pdf/beyondborderbuildup_wola.pdf

⁹ *AI Justice Takes Action Against Border Patrol for Abusing Immigrant Women* (Mar. 14, 2013), available at: <http://aijustice.org/ai-justice-takes-action-against-border-patrol-for-abusing-immigrant-women>

¹⁰ American Immigration Council, *No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse* (May 2014), available at <http://www.americanimmigrationcouncil.org/newsroom/release/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>

¹¹ See, e.g., Todd Miller, *War on the Border*, NY TIMES, Aug. 18, 2013, available at http://www.nytimes.com/2013/08/18/opinion/sunday/war-on-the-border.html?pagewanted=all&_r=0 (describing checkpoint stop of Senator Patrick Leahy 125 miles from the border in New York state: “When Mr. Leahy asked what authority the agent had to detain him, the agent pointed to his gun and said, ‘That’s all the authority I need.’”); Michelle Garcia, *Securing the Border Imposes a Toll on Life in Texas*, AL JAZEERA AMERICA, Sept. 25, 2013, available at http://america.aljazeera.com/articles/2013/9/25/living-under-the-law-of-border-security.html#mainpar_adaptiveimage_0 (“[W]hen it was pointed out that [Alice, Texas] sits more than 100 miles from the border, [a Border Patrol spokesman] explained that ‘the law does not say that we cannot patrol. Our jurisdiction kinda changes.’”); see also *United States v. Venzor-Castillo*, 991 F.2d 634 (10th Cir. 1993) (finding Border Patrol lacked reasonable suspicion to stop and search vehicle 235 miles from the border); David Antón Armendáriz, *On the Border Patrol and Its Use of Illegal Roving Patrol Stops*, 14 SCHOLAR 553 (2012) (describing numerous roving patrol stops occurring more than 100 miles from the border).

¹² Andrew Becker, et al., *Four of five Border Patrol drug busts involve U.S. citizens, records show*, Center for Investigative Reporting (Mar. 26, 2013), <http://cironline.org/reports/four-five-border-patrol-drug-busts-involve-us-citizens-records-show-4312>.

¹³ Bob Ortega, *Border patrol hit with abuse complaints*, AZ Central (Oct. 8, 2013), <http://www.azcentral.com/news/articles/20131008border-patrol-hit-abuse-complaints.html>.

¹⁴ Complaint and request for investigation of abuses at U.S. Border Patrol interior checkpoints in southern Arizona, including unlawful search and seizure, excessive force, and racial profiling, ACLU of Arizona and ACLU Border Litigation Project (Jan. 15, 2014), <http://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint%20re%20CBP%20Checkpoints%20%202014%2001%2015.pdf>; Complaint and request for investigation of unlawful roving patrol stops by U.S. Border Patrol in southern Arizona including unlawful search and seizure, racial profiling, trespassing, excessive force, and destruction of personal property, ACLU of Arizona and ACLU Border Litigation Project (Oct. 9, 2013), <http://www.acluaz.org/sites/default/files/documents/ACLU%20AZ%20Complaint%20re%20CBP%20Roving%20Patrols%20Oct%2009%202013.pdf>; see also Press Release, *Border Patrol checkpoints in southern Arizona violate the constitutional rights of border residents, ACLU of Arizona demands investigation*, ACLU of Arizona (Jan. 15, 2014), <http://www.acluaz.org/issues/search-and-seizure/2014-01/4418>. HYPERLI

¹⁵ Settlement agreement, *Sanchez, et al v. U.S. Border Patrol, et al*, No. CV12-5378-RJB (Sept. 20, 2013), <https://aclu-wa.org/sites/default/files/attachments/2013-09-23--Fully%20Executed%20Settlement%20Agreement.pdf>.

¹⁶ The Center for Latin American Studies, University of Arizona, “In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security: Preliminary Date from the Migrant Border Crossing Study,” p. 33 (March, 2013), available at http://las.arizona.edu/sites/las.arizona.edu/files/UA_Immigration_Report2013web.pdf

¹⁷ Id. at 26.

¹⁸ Id. at 33.

¹⁹ Ted Robbins, “The Curious Practice of Bringing Immigrants Back — To Deport Them.”(Apr. 23, 2014), available at <http://www.wbur.org/npr/306238506/the-curious-practice-of-bringing-immigrants-back-to-deport-them?ft=3&f=306238506>