May 15, 2021

Sheriff William Gore  
San Diego County Sheriff's Department  
Via Email

Dear Sheriff Gore,

In response to a fatal shooting by Border Patrol agents on Friday evening, May 14, 2021, at a gas station in Campo, the American Friends Service Committee and Alliance San Diego call on you and the San Diego County Sheriff’s Department (SDCSD) to conduct an immediate, independent, and thorough investigation of the incident.

This is the 123rd incident involving border agents that has resulted in death since 2010. To date, no agent has been held accountable, in part because of faulty investigations. Given the missteps of prior investigations by local law enforcement, it is imperative that the SDCSD follow the highest standards of a homicide investigation.

SDCSD has sole jurisdiction to investigate this case for a possible homicide, not Border Patrol, not Customs and Border Protection, and not any other part of the Department of Homeland Security, including Critical Incident Investigation Teams (CIIT). SDCSD should ensure that none of these agencies, nor the unions representing their members, is involved at any level of the investigation. Any involvement or coordination with these agencies, and specifically with CIIT, which has no investigative authority, has the potential to corrupt the investigation and could be considered obstruction of justice.

Specifically, SDCSD should ensure DHS agencies are not involved in any of the following:

- Collection or handling of any evidence, including video evidence
- Interaction with any potential witnesses
- Access to any autopsy or medical records
- Interviews of any agents or personnel involved in the incident
In addition, SDCSD should take the following steps to collect, preserve, and protect the crime scene and all evidence in it immediately, including:

- Video or audio recordings from federally controlled devices
- Video or audio recordings from private security cameras in the area
- Video or audio recordings from eyewitnesses
- Video or audio recordings from agents involved, including their personal devices
- Fingerprints from agents involved
- Identification of any eyewitnesses

Furthermore, we call on SDCSD to take care to do the following so as to not corrupt the integrity of a homicide investigation:

- Do not identify the decedent as the assailant in the investigation; he is the victim
- Do not make statements about the character of the decedent or the agent involved
- Do not involve any of the agencies or their unions in statements about the investigation

CBP, Border Patrol and their CIIT teams have a long track record of inappropriately involving themselves in criminal investigations involving their agents. For example, they have inappropriately handled evidence, witnesses, video footage, autopsy records, hospital records, and more. In acts for which CBP is now being scrutinized by an international tribunal – the Inter American Commission on Human Rights – federal agents destroyed evidence, dispersed witnesses, and violated the law to access medical records of the deceased. This is obstruction of justice, which is a crime.

In the past, local law enforcement have been liable for giving federal agents access to criminal evidence, witness interviews, investigative briefings, and information that should not have been shared with an agency whose agents were under investigation. In addition, local law enforcement described the deceased as the assailant in the homicide investigation and made statements impugning their character while the investigation was ongoing.

Please do not repeat the mistakes of the past.

Respectfully,

Pedro Rios, Director
US-Mexico Border Program
American Friends Service Committee

Andrea Guerrero, Executive Director
Alliance San Diego