

ALESSANDRA SOLER
EXECUTIVE DIRECTOR

ZENAIDO QUINTANA
PRESIDENT



May 19, 2015

Assistant Chief Counsel
U.S. Customs and Border Protection
4742 N. Oracle Rd, Suite 111
Tucson, AZ 85705

Re: Federal Tort Claims Act (FTCA) Claims of Clarisa Christiansen

To Whom It May Concern:

Enclosed herein are the original copies of the two (2) Standard Forms 95 and accompanying Claim Authorization Forms, copies of which were sent to this office and additional DHS offices yesterday, May 18, 2015, on behalf of Clarisa Christiansen. If you have any questions, please contact me at (520)344-7857 or jlyall@acluaz.org.

Sincerely,

James Lyall

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF ARIZONA
P.O. BOX 17148
PHOENIX, AZ 85011
P/602 650 1854
F/602 650 1376
WWW.ACLUAZ.ORG

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

U.S. Customs and Border Protection
Assistant Chief Counsel
4742 N. Oracle Rd, Suite 111
Tucson, AZ 857052. Name, address of claimant, and claimant's personal representative if any.
(See instructions on reverse). Number, Street, City, State and Zip code.Clarisa Christiansen
c/o James Lyall, ACLU-AZ, Box 17148, Phoenix, AZ 85011

3. TYPE OF EMPLOYMENT

☐ MILITARY ☒ CIVILIAN

4. DATE OF BIRTH

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT

05/21/2013

7. TIME (A.M. OR P.M.)

2:00 P.M.

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

PLEASE SEE ATTACHED SUPPLEMENT TO CLAIM FORM FOR RESPONSES 8-12 & 15-19.

9.

PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code)

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.
(See instructions on reverse side).

10.

PERSONAL INJURY/WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

11.

WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause
forfeiture of your rights).

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

13b. PHONE NUMBER OF PERSON SIGNING FORM

520-344-7857

14. DATE OF SIGNATURE

05/14/2015

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both (See 18 U.S.C. 287, 1001.)



Supplement to SF95 Claim for Damage, Injury, or Death (Federal Tort Claims Act)

Submitted on behalf of Clarisa Christiansen (re: May 21, 2013 incident)

1. Submitted to:

Office of the General Counsel
Department of Homeland Security
Mail Stop 3650
Washington, DC 20528

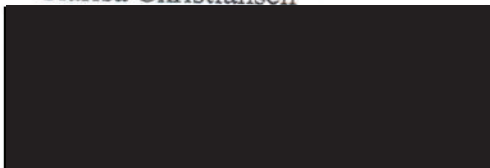
Office of the Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, DC 20229

U.S. Customs and Border Protection
Tucson Sector Headquarters
2430 S. Swan Road
Tucson, AZ 85711

Assistant Chief Counsel
U.S. Customs and Border Protection
4742 North Oracle Rd., Suite 111
Tucson, AZ 85705

2. Name, Address of Claimant, and Claimant's Personal Representative

Clarisa Christiansen



James Lyall
ACLU of Arizona
PO BOX 17148
Phoenix, AZ 85011-0148
jlyall@acluaz.org

8. Basis of Claim

Claimant Clarisa Christiansen is a United States citizen and resident of Three Points, Arizona. Three Points is located west of Tucson and approximately forty miles north of the U.S.-Mexico border.

On May 21, 2013, Ms. Christiansen was driving to her home with her then seven-year-old daughter and five-year-old son after picking up her daughter from elementary school. At approximately 2:15 p.m., a Border Patrol vehicle initiated a stop of the family's vehicle in the absence of any reasonable suspicion of unlawful entry or criminal activity. The stop occurred on a stretch of dirt road, approximately two miles from the family's home and fifteen miles from the elementary school.

Ms. Christiansen stopped her vehicle, and a U.S. Border Patrol agent approached her car. The agent asked Ms. Christiansen if she was a U.S. citizen, and she answered affirmatively. The agent then demanded that Ms. Christiansen exit her vehicle so it could be searched. Ms. Christiansen stated that she did not consent to a search of her vehicle and asked why she had been stopped. The agent stated that he would not provide a reason for the stop until Ms. Christiansen exited her vehicle. Ms. Christiansen stated that she

would not leave her vehicle until she was provided with an explanation for the stop. The agent appeared agitated, and he again refused to provide Ms. Christiansen with an explanation for the stop.

At this point, two additional Border Patrol agents approached Ms. Christiansen's vehicle. Ms. Christiansen stated that if there was no reason for stopping her she would be on her way, and she wished the agents a good day. The first agent responded "You are not going anywhere," then he said to the other two agents, "This one is being difficult, get the Taser."

The first agent then opened the driver's side door of Ms. Christiansen's vehicle and demanded that she exit. Ms. Christiansen began to feel profound apprehension and fear for her safety and the safety of her two children, and she refused to leave her car. Her two children also became afraid; her daughter asked "Mommy, what's going on?" Ms. Christiansen told her children to stay calm and sit still, but they remained upset, afraid, and confused.

The agent then took out a knife and threatened to cut Ms. Christiansen out of her seatbelt if she did not exit her vehicle, causing her further apprehension and immediate fear for her safety and that of her children. Ms. Christiansen asked one more time for the reason for the stop, but the agent again refused to provide her with an explanation. Instead, the agent, without Ms. Christiansen's consent, reached into her vehicle and forcibly removed the key from the ignition.

Ms. Christiansen, fearing for her safety and her children's well-being, felt that she had no choice but to exit her vehicle. She presented the agents with her driver's license. The agents took Ms. Christiansen's license, presumably to run a background check. After about twenty minutes, an agent returned Ms. Christiansen's license and, without further comment, the agents drove away. At no point did the agents provide a reason for the stop, a basis for any search, or a justification for requiring Ms. Christiansen to exit her vehicle. The stop lasted approximately thirty-five minutes.

After the agents departed, Ms. Christiansen noticed that her rear tire had been punctured and was now flat. There was a large incision across the sidewall of the tire, which was not consistent with a routine or accidental flat but appeared to have been caused by a knife. Ms. Christiansen's son later disclosed that he had seen one of the agents approach the vehicle and slash the tire.

Ms. Christiansen did not have the necessary tools to change the flat tire. It was a very hot day, and the family was stranded on a remote desert road with no other people or assistance within several miles. Fortunately, Ms. Christiansen was able to contact her brother, who arrived with the necessary equipment to change the tire.

Upon returning to her house, Ms. Christiansen reported the incident to Border Patrol headquarters in Tucson, AZ and the Pima County Sheriff's Department. On May 22, 2013, Ms. Christiansen was contacted by Vincent Zarcone, a Department of Homeland Security (DHS) official who stated he was an investigator. Ms. Christiansen described the incident to Mr. Zarcone and stated that she was seeking compensation for the tire.

Mr. Zarcone told Ms. Christiansen to come to his office to file a formal complaint and to bring the tire with her as evidence.

On May 23, 2013, Ms. Christiansen met with Mr. Zarcone and two other DHS officials at his office, where she reported the incident and requested compensation and an explanation. Ms. Christiansen provided Mr. Zarcone with the deflated tire and a receipt detailing the cost of the replacement tire. Mr. Zarcone photographed and retained the flat tire, and told Ms. Christiansen that she "might" receive a call regarding her case.

In late June 2013, approximately one month after they met, Ms. Christiansen called Mr. Zarcone concerning the status of her case. He told her that her case had been "investigated," but would not respond to her questions concerning the outcome of the alleged investigation. Counsel for Ms. Christiansen then contacted Mr. Zarcone on Ms. Christiansen's behalf, and only then did Mr. Zarcone acknowledge that the case had been transferred to another DHS official, Richard Hill.

After several attempts, counsel for Ms. Christiansen was able to contact Mr. Hill, who stated that her complaint was "not something my office deals with" and forwarded a Standard Form 95 with instructions to submit it to the CBP Office of General Counsel in Tucson. Mr. Hill subsequently contacted Ms. Christiansen and stated that he did not believe her tire was punctured, but that he planned to interview an "Agent Laguna," who Mr. Hill said was involved in the incident, later that day. Mr. Hill never contacted Ms. Christiansen with any further information or inquiries.

On October 9, 2013, the ACLU, on behalf of Ms. Christiansen and four other southern Arizona residents subjected to unlawful vehicle stops, submitted a complaint and request for investigation to the DHS Office of Inspector General (OIG) and Office for Civil Rights and Civil Liberties (CRCL). To date, Ms. Christiansen has not been contacted by DHS investigators and has not received any information or inquiries in regards to that complaint.

9. Property Damage

A U.S. Border Patrol agent deliberately slashed the sidewall of Ms. Christiansen's rear tire with knife. The cost of a used replacement tire totaled approximately \$50.00. Per the government's request, Ms. Christiansen provided the deflated tire to DHS to use as evidence regarding her complaint. Mr. Zarcone photographed and retained the tire.

10. Nature and Extent of Injury

U.S. Border Patrol agents' unlawful actions resulted in the unwarranted stop and prolonged detention of Ms. Christiansen and her children, and caused Ms. Christiansen to fear for her own physical well-being and the safety of her children. As a direct result of the unlawful actions of U.S. Border Patrol agents, Ms. Christiansen and her two children continue to experience severe emotional and psychological distress. Ms. Christiansen's children still express fear of Border Patrol, and other law enforcement, based on the threatening behavior exhibited by the agent towards their mother, which serves as a

frequent reminder to Ms. Christiansen of the extreme and outrageous actions of the Border Patrol against her and her family.

11. Witnesses

a.



b. Vincent Zarcone
4720 N. Oracle Road, Suite 308
Tucson, Arizona 85705
Vincent.Zarcone@ice.dhs.gov

c. Richard Hill
c/o Office of the Chief Counsel
U.S. Customs and Border Protection
4742 N. Oracle Rd, Suite 111
Tucson, AZ 85705
richard.hill@cbp.dhs.gov

d. "Agent Laguna"
c/o U.S. Customs and Border Protection
Tucson Sector Headquarters
2430 S. Swan Road
Tucson, AZ 85711

e. Other current or former DHS or CBP employees whose identities are currently unknown.

12. Amount of Claim

- a. Property Damage: \$50.00
- b. Personal Injury: \$500,000.00
- c. Wrongful Death:
- d. Total: \$500,050.00

15. – 19.

Ms. Christiansen does not carry insurance that would cover the damages or injuries at issue in this case.

CLAIM AUTHORIZATION

I, Clarisa Christansen, authorize James Lyall of the ACLU of Arizona to submit a claim under the Federal Tort Claims Act on my behalf to the Department of Homeland Security, including U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, and any other government agency, requesting compensation for the unlawful actions of their agents or employees against me on or approximately on May 21, 2013.

05/14/15
Date

Clarisa Christansen
Clarisa Christansen

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency.

U.S. Customs and Border Protection
Assistant Chief Counsel
4742 N. Oracle Rd, Suite 111
Tucson, AZ 857052. Name, address of claimant, and claimant's personal representative if any.
(See instructions on reverse). Number, Street, City, State and Zip code.Clarisa Christiansen
c/o James Lyall, ACLU-AZ, Box 17148, Phoenix, AZ 85011

3. TYPE OF EMPLOYMENT

☐ MILITARY ☒ CIVILIAN

4. DATE OF BIRTH

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT

Most recent = 05/13/15

7. TIME (A.M. OR P.M.)

4:00 P.M.

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

PLEASE SEE ATTACHED SUPPLEMENT TO CLAIM FORM FOR RESPONSES 8-12 & 15-19.

9.

PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.
(See instructions on reverse side).

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STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

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WITNESSES

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

12. (See instructions on reverse).

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12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause
forfeiture of your rights).I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN
FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

13b. PHONE NUMBER OF PERSON SIGNING FORM

520-344-7857

14. DATE OF SIGNATURE

05/14/2015

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)



Supplement to SF95 Claim For Damage, Injury, or Death (Federal Tort Claims Act)
Submitted on behalf of Clarisa Christiansen (re: recurring incidents, most recent May 13, 2015)

1. Submitted to:

Office of the General Counsel
Department of Homeland Security
Mail Stop 3650
Washington, DC 20528

Office of the Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, DC 20229

U.S. Customs and Border Protection
Tucson Sector Headquarters
2430 S. Swan Road
Tucson, AZ 85711

Assistant Chief Counsel
U.S. Customs and Border Protection
4742 North Oracle Rd., Suite 111
Tucson, AZ 85705

2. Name, Address of Claimant, and Claimant's Personal Representative

Clarisa Christiansen



James Lyall
ACLU of Arizona
PO BOX 17148
Phoenix, AZ 85011-0148
jlyall@acluaz.org

8. Basis of Claim

Claimant Clarisa Christiansen is a United States citizen and resident of Three Points, Arizona. Three Points is located west of Tucson and approximately forty miles north of the U.S.-Mexico border.

Ms. Christiansen and her family live on a large property with numerous, clearly marked "No Trespassing" signs. They have lived in the area for more than two decades. For most of that time, Ms. Christiansen and her family have had to endure frequent extreme and unauthorized intrusions by federal agents onto their private property.

Specifically, for many years and continuing to the present, U.S. Border Patrol agents have frequently trespassed on the Christiansen's property, by land and by air, notwithstanding posted "No Trespassing" signs and repeat verbal commands by Ms. Christiansen and other family members to stay off the property.

Border Patrol helicopters, including Blackhawk helicopters, regularly enter the air space above the property at extremely low altitudes, causing deafening noise and severe disruption, casting bright lights, causing the dwellings to shake, and resulting in damage

to property. Helicopters frequently fly directly over Ms. Christiansen's dwelling, sometimes circling the dwelling or circling Ms. Christiansen herself at low altitude. Agents have shone spotlights into dwellings, violating Ms. Christiansen's privacy in her own home.

Ms. Christiansen estimates that for the past several years, in an average week Border Patrol helicopters enter onto the property at an altitude of approximately twenty to thirty feet on one or more occasions, often in the middle of the night, causing her and her family great apprehension and emotional and psychological harm, including frequent disruption of sleep.

The last such unauthorized entry by federal agents occurred on May 13, 2015, at approximately 4:00 p.m., when a U.S. Border Patrol helicopter entered the air space above Ms. Christiansen property at an altitude of roughly twenty feet. Four days earlier, at approximately 2:00 p.m., another Border Patrol helicopter flew over the property, again at an altitude of approximately twenty feet.

Border Patrol agents also trespass onto the property by land, knowingly entering the Christiansen's private property on foot and by vehicle, including all-terrain vehicles, which make loud noises, cause significant damage to the land and surrounding vegetation. Border Patrol agents have cut neighboring fences, causing livestock to enter onto the property and resulting in additional damage to the property.

On at least one prior occasion, a Border Patrol agent drove down Ms. Christiansen's driveway. Ms. Christiansen and her brother informed the agents that they were on private property and had to leave. Nonetheless, agents have returned on multiple occasions. The most recent trespass by an agent entering the property by land occurred in or around March 2015. Ms. Christiansen again notified the agent that he was on private property and demanded that he leave.

Ms. Christiansen's family's property is located approximately 40 miles north of the border and is well outside of the area in which CBP, the Border Patrol, and its agents have authority to enter private property to prevent illegal entry pursuant to 8 U.S.C. 1357(c).

9. Property Damage

For many years, Border Patrol agents have knowingly and without authorization entered onto the private property where Ms. Christiansen and her family reside most recently on May 9, 2015, causing physical damage to the property. These recurring, unauthorized and unreasonable intrusions substantially interfere with the existing use and enjoyment of the land in a manner that is imminently dangerous to Ms. Christiansen, her family, and their property. The property is located at [REDACTED] in Three Points, Arizona, approximately forty miles north of the U.S.-Mexico border.

10. Nature and Extent of Injury

The frequent and recurring unauthorized and unreasonable incursions by U.S. Border Patrol onto the Christiansen's private property, the most recent of which occurred on May 9, 2015, unreasonably interfere with Ms. Christiansen and her family's right to quiet and comfortable enjoyment of that property, cause Ms. Christiansen to fear for her own physical well-being and the safety of her children, endanger the health and safety of Ms. Christiansen and her family, and cause Ms. Christiansen and her children to experience severe emotional and psychological distress. As a direct result of the unlawful acts of Border Patrol agents, Ms. Christiansen and her children have developed a fear of law enforcement, particularly Border Patrol.

11. Witnesses

a.

b.

c.

d.

e. Current or former DHS or CBP employees whose identities are currently unknown.

12. Amount of Claim

a. Property Damage: \$500,000.00

b. Personal Injury: \$500,000.00

c. Wrongful Death:

d. Total: \$1,000,000.00

15. – 19.

Ms. Christiansen does not carry insurance that would cover the damages or injuries at issue in this case.

CLAIM AUTHORIZATION

I, Clarisa Christiansen, authorize James Lyall of the ACLU of Arizona to submit a claim under the Federal Tort Claims Act on my behalf to the Department of Homeland Security, including U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, and any other government agency, requesting compensation for the unlawful actions of their agents or employees against me on an ongoing basis and most recently on May 13, 2015.

05/14/15
Date

Clarisa Christiansen
Clarisa Christiansen