

ACLU complaint targets Border Patrol interior operations, detention practices

Agents detain motorists for days without charge; innocent residents forced to pay thousands to recover property

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TUCSON—Today the ACLU of Arizona filed a complaint with U.S. Department of Homeland Security (DHS) oversight agencies and the Department of Justice (DOJ), demanding an investigation of continued abuses arising from Border Patrol interior operations. The complaint was filed on behalf of ten individuals who contacted the ACLU over the past year, and is representative of many similar complaints of rights violations by Border Patrol agents that the ACLU receives on a regular basis.

Most of the incidents described in the ACLU's complaint arose in the course of Border Patrol checkpoint and "roving patrol" stops. Several describe agents wrongfully detaining innocent residents for days in filthy, frigid, and overcrowded detention facilities. Though these individuals were not charged with any crime or immigration violation, their property was confiscated, and some had to pay thousands of dollars to recover their vehicles. In other cases, residents describe facing constant surveillance and harassment on their own property, including frequent incursions by low-flying Border Patrol helicopters.

ACLU of Arizona staff attorney James Lyall: "At the same time the Justice Department and the Obama administration are rightly urging local police to adopt 'best practices'—ending racial profiling, collecting stop data, and curbing police militarization and asset forfeiture abuses—we see the nation's largest law enforcement agency, CBP, rejecting those commonsense reforms. The federal government is effectively saying, 'Do as I say, not as I do,' which leaves Border Patrol free to target citizens and noncitizens alike with these increasingly extreme and abusive practices."

The complainants include:

- A Phoenix resident who was pulled over and detained by agents after he picked up a hitchhiker (which is not a crime) 50 miles north of the border. Border Patrol detained the man for three days in squalid conditions before driving him to a nearby gas station and leaving him there without any explanation. Though he was never charged with any crime, in order to recover his vehicle the man was forced to pay \$3,000.00 and sign an agreement not to contest his detention.

- A Tucson man was detained at a checkpoint despite the fact that agents knew who he was and that he was a citizen, and did not suspect him of criminal activity. As has occurred on multiple prior occasions, because the man lawfully refused to answer their questions, agents and local sheriff's deputies detained and harassed him.

-A Tohono O'odham tribal member was pulled over without cause and interrogated by agents on tribal lands. The man and his family have repeatedly been detained and searched without probable cause at the checkpoints that surround their native lands.

-A Bisbee resident is afraid to go outside on her own property, which is overrun by agents and Border Patrol helicopters. Agents have conducted joint military training exercises on her property, and she recently returned home to find a bullet hole in her kitchen window.

The ACLU has been documenting and litigating similar Border Patrol abuses for years, while CBP's own advisory panel recently [described](#) agency oversight as "broken." Still, the agency has resisted reforms. Last year, through Freedom of Information Act (FOIA) litigation, the ACLU [obtained agency records](#) showing residents' complaints are not taken seriously or disclosed accurately by DHS oversight agencies, and that checkpoint operations result in relatively few apprehensions. The ACLU and partner organizations are [litigating](#) multiple lawsuits related to notoriously brutal conditions in Border Patrol detention facilities.

Today the ACLU also submitted a separate complaint to ICE and CBP on behalf of a woman wrongfully detained overnight at the San Luis Port of Entry near Yuma, where she was subjected to humiliating and invasive searches by agents and local hospital staff. She later learned that she is named on a government watch list as a suspected narcotics smuggler, evidently on the basis of her regular travel to Mexico where she visits her family.

Earlier this month, another Arizona woman filed a [lawsuit](#) after she was wrongfully accused of smuggling drugs at the Nogales Port of Entry and subjected to invasive cavity searches by CBP and a local hospital. In 2013, the ACLU [sued](#) CBP and an El Paso-area hospital on behalf of a woman who was forced to submit to cavity searches after a false K-9 alert at the El Paso Port of Entry. None of the women involved in these cases did anything wrong.

The ACLU is demanding an independent and transparent investigation of the complaints, and is specifically asking oversight agencies not to simply refer the complaints to the same local Border Patrol offices responsible for the alleged abuses, a practice that has been heavily criticized.