



No More Deaths
No Más Muertes

FACT SHEET: 'A CULTURE OF CRUELTY'

Abuse and Impunity in Short-Term U.S. Border Patrol Custody

March 2012

Research Methods

In 2006, in the midst of humanitarian work with people recently deported from the United States to Nogales, Sonora, No More Deaths began to document abuses endured by individuals in the custody of U.S. immigration authorities, in particular the U.S. Border Patrol. In September 2008, No More Deaths published *Crossing the Line* in collaboration with partners in Naco and Agua Prieta, Sonora. *A Culture of Cruelty* is a follow-up to that report with 12 times as many interviews detailing more than 30,000 incidents of abuse and mistreatment, newly obtained information on the Border Patrol's existing custody standards, and more specific recommendations to stop the abuse of individuals in Border Patrol custody.

Findings

Border Patrol Custody Conditions

Our interviews revealed 12 areas of concern with regard to conditions in Border Patrol custody: denial of or insufficient water; denial of or insufficient food; failure to provide medical treatment or access to medical professionals; inhumane processing center conditions; verbal abuse; physical abuse; psychological abuse; dangerous transportation practices; separation of family members; dangerous repatriation practices; failure to return personal belongings; and due process concerns. It is clear that instances of mistreatment and abuse in Border Patrol custody are not aberrational. Rather, they reflect common practice for an agency that is part of the largest federal law enforcement body in the country. Many of them plainly meet the definition of torture under international law.

Documentation Findings

- ▶ 11,384 incidents of insufficient food
- ▶ Children were more likely to be denied water than adults while in custody
- ▶ 84 percent of those needing urgent medical care were deported without it
- ▶ 1,063 reports of due process concerns
- ▶ Transportation practices that injured or endangered migrants' lives
- ▶ Physical and verbal abuse by agents

Border Patrol Apprehension Methods & Border Deaths

During FY 2009-2010 alone, at least 253 people died attempting to cross the border in southern Arizona. No More Deaths volunteers who daily patrol the region providing food, water, and medical aid, have identified three abusive Border Patrol practices that further increase the risk of death in the desert.

- Intentionally funneling migrants to deadly regions and dispersing groups as an apprehension method
- Impeding search and rescue efforts
- Vandalizing life-saving resources such as food, water, and blankets

Changing Demographics

Border Patrol abuse can be seen as a predictable consequence of a national political climate that vilifies immigrants through an array of state and federal measures. While border-crossing attempts have purportedly dropped, there has been a sharp increase in deportations of those who have lived in the U.S. for many years. To better understand this demographic shift, we began a separate "Deportation Impact" survey to identify the top concerns of this population. From over 100 interviews, the average length of time living in the U.S. before deportation was 14.4 years. Interviewees had, on average, 2.5 children in the United States, and 46.6 percent reported that all of their children living in the U.S. were citizens.

Existing Standards for Custody and Repatriation

Since 2008, advocates have obtained three documents that define guidelines for conditions in Border Patrol custody and repatriation standards. We identified the standards that these memoranda address, many of which are routinely violated, as well as those areas of concern that are not included in any Border Patrol guidelines. After obtaining and carefully reviewing both the Hold Rooms & Short-Term Custody Memorandum (June 2, 2008) and the Proper Treatment of Detainees Memorandum (May 2, 2004), we determined that neither of these memoranda contain any prohibition of, or guidance regarding, physical abuse, psychological harm, separation of family members, or safe transportation and repatriation practices. The standards that do exist are consistently ignored, and the apparent absence of basic human rights principles from training materials speaks volumes about the Border Patrol's posture toward the rights of individuals in its custody.

Ineffective Oversight within the Department of Homeland Security

An institutional culture resistant to accountability and lacking transparency renders the existing internal accountability mechanisms meaningless. It is unclear how or whether the Border Patrol seeks to ensure that its custody standards are applied. For the past two years, No More Deaths and our partners in Naco and Agua Prieta, Sonora have filed over 75 complaints with the Department of Homeland Security Civil Rights and Civil Liberties (CRCL). To our knowledge, no discernible outcome has resulted from a single case we have filed. Of particular concern is the fact that DHS is the parent agency of both CRCL and Border Patrol. Cases reviewed by CRCL are often referred back to the same DHS component agency named in the complaint, further undermining the credibility of CRCL as an oversight body.

Conclusions

The findings of our research are twofold. First, human rights abuses of individuals in U.S. Border Patrol custody are systematic and widespread. The accounts documented over the past two and a half years reflect an institutional culture of abuse within Border Patrol. Second, the custody standards that do exist are inadequate and are not subject to the oversight necessary to ensure their implementation. Without drastic changes to Border Patrol custody standards and independent accountability mechanisms, the senseless abuse of immigrants at the hands of Border Patrol is certain to continue.

What Should be Done?

Border Patrol must respect the basic human rights of people in its custody; first, the agency should apply the existing custody standards, and then expand the standards to fully address the concerns raised here. This includes guaranteeing full access to water, food, medical care, sanitary and humane processing center conditions, due process protections, and safe transportation and repatriation practices. In its apprehension methods, Border Patrol must immediately end the practice of scattering groups and denounce and cease vandalizing and removing resources that have been left for those in crisis. We also recommend that Border Patrol establish an independent oversight mechanism in which community and human rights groups play a central role.

While policy reforms addressing Border Patrol custody mistreatment are needed, so too are: a rejection of failed economic and enforcement strategies that compel, then criminalize, migration; the enactment of meaningful immigration reform; and the establishment of standards of conduct and independent oversight within the Department of Homeland Security.

For more information

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