

**HUMAN RIGHTS ABUSE DOCUMENTATION
REPORT 2009**

December 9, 2009

El Paso, Texas – Southern New Mexico

Border Network for Human Rights
2115 N. Piedras, El Paso, Texas 79930

www.bnhr.org

(915) 577-0724

About the Border Network for Human Rights

The Border Network for Human Rights (BNHR) is one of the leading immigration reform and human rights advocacy organizations in the United States. Based in El Paso, Texas, the BNHR has a membership of more than 700 families, or close to 4,000 individuals, in West Texas and Southern New Mexico.

The BNHR's mission is to organize border communities through human rights education and to mobilize our members to ignite change in policy and practice, in particular when it comes to responsible border policy, the respect of human rights and civil rights on the border and law enforcement practices on the border. The strength of the BNHR lies in its grassroots organizing and its willingness to work within the system to bring about change.

The Human Rights Documentation Campaign of 2009

Since 2000, the Border Network for Human Rights has coordinated regular community campaigns to document violations of civil and human rights within border communities on the part of law enforcement officials. This year, 58 community members were trained to collect testimonials, a number comparable to previous years' campaigns. These representatives set up 38 tables in communities from Vado, N.M., to Downtown El Paso, to Montana Vista to record stories during a one-week period from Nov. 14 to Nov. 20. They also roamed neighborhoods, armed with clipboards, and publicized the campaign through local media, community centers and churches.

More than two dozen people filled a documentation form, a process that can take 45 minutes to two hours and covers general information, kind of abuse, perpetrator information, victim information, witnesses and a detailed summary of the incident. The people who recorded their experiences of abuse with the Border Network were guaranteed confidentiality and their cases will be reviewed by a legal counsel to determine whether they could seek legal remedy. All the cases were reviewed to determine whether a violation had occurred and at the end of that process, 19 cases made the cut.

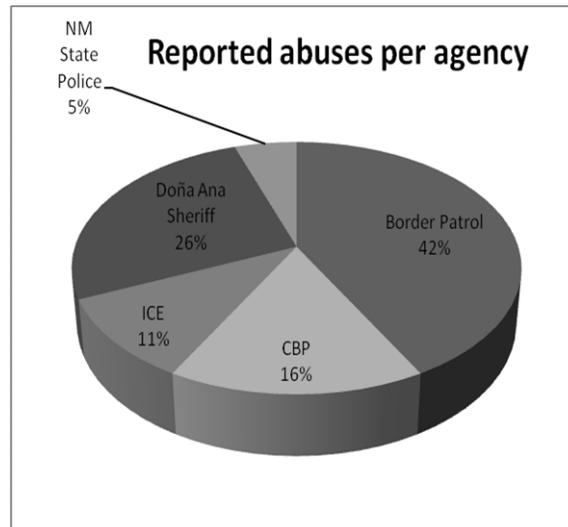
The abuse reports were then analyzed and recommendations were made for improvement. The result is the report in your hands. It is meant not as a scientific study but rather as a check of the state of human rights abuse in our communities. Over the years it has proven a voice for people who may be fearful of reporting abuse to the authorities and an instrument for change. The report is to be distributed to law enforcement agencies, elected officials and the public. It can be accessed at our Web site, www.bnhr.org.

FINDINGS

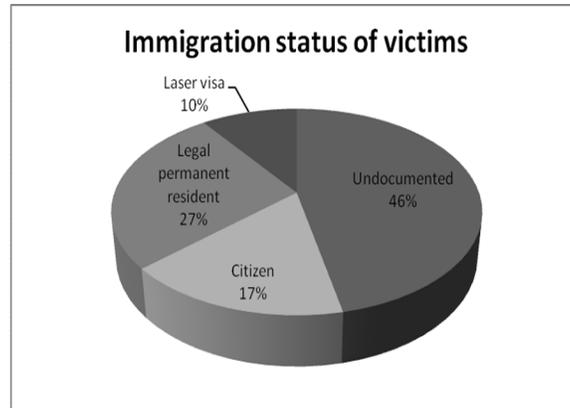
The 19 cases of possible human rights and civil rights abuses we recorded this year covered possible instances of the following violations.

Racial profiling	12
Wrongful temporary detention	10
Verbal or psychological abuse	5
Wrongful arrest	4
Illegal entry	3
Local law enforcement doing immigration work	3
Illegal search	2
Denial of legal entry to the United States	2
Denial of due process	1
Medical denial	1

These cases involved the following law enforcement agencies. Border Patrol: 8 cases; Doña Ana Sheriff's Department: 5 cases; CBP: 3 cases; ICE: 2 cases; New Mexico State Police: 1 case



Finally, as in previous years, the majority of the victims in the reports had a legal immigration status, either U.S. citizens, legal permanent residents or visa holders.



Below are our four main findings from the 2009 Human Rights Abuse Documentation Campaign, namely *1)Possible racial profiling by the Border Patrol in a small area of Southern New Mexico; 2)Continuation of a trend by Doña Ana Sheriff’s Deputies doing immigration work; 3)Possible illegal entries by Immigration and Customs Enforcement agents; and 4)Continued issues at ports of entry, stemming from lack of resources*. The findings include sample cases, and a complete list of cases can be found in Addendum 2. The findings are followed by our recommendations for improvement.

Finding 1: Possible racial profiling and other concerning behavior by the Border Patrol in Southern New Mexico

The activities of Border Patrol agents in a very specific geographical region of Southern New Mexico raised many concerns among community members, especially in the last quarter of the year (2009). All incidents involving possible violations or misconduct by Border Patrol reported to our documenters during the 2009 campaign occurred in Southern New Mexico, specifically on the road (Hwy 70 and 478) and in communities between Berino and Las Cruces.

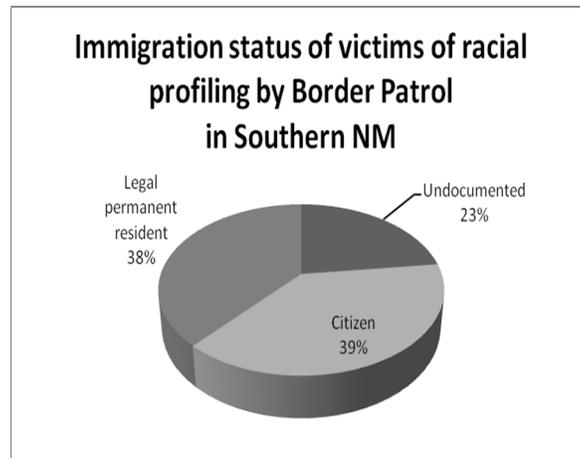
Comparatively, no incidents involving of Border Patrol were reported for El Paso County, West Texas, and Otero County. This does not imply that incidents did not occur, only that our documenters did not detect any.

After an initial analysis, we can tell that the majority of the cases in Southern New Mexico for Border Patrol followed a clear pattern -Border Patrol agents stopping vehicles and then questioning and arresting individual thought to be undocumented migrants. This pattern also shows that the reasons for pulling over vehicles for questioning were very vague and raise strong concerns of possible consistent use of racial profiling (“old vehicles, driving at night”). All incidents occurred in poor and marginalized communities (Colonias) of Southern New Mexico. Only some vehicles were targeted.

(The 8 cases we recorded against the Border Patrol in Southern New Mexico covered the following violations: 7 instances of racial profiling; 4 instances of wrongful temporary arrest; 3 instances of wrongful arrest; and 1 instance of illegal search. Also notable, out of

the 12 instances of racial profiling we recorded this year, 7 were against the Border Patrol in Southern New Mexico.)

For most of the documented cases, the victims of this possible profiling were U.S. Citizens and Legal Residents of Hispanic background. Essentially, the majority of the cases were false positive, since the agents' actions were based on other than reasonable suspicion. There was one incident where a U.S. Citizen was stopped, questioned and arrested (taken to a Border Patrol station) by Border Patrol Agents. He was later released when his citizenship was confirmed.



Sample case: My friend was driving his old truck on highway 70 and an immigration agent followed him for about 5 miles when he got pulled over. My friend asked the agent why he had been stopped. The agent responded that he had been stopped because he had reason to believe he was illegal. My friend asked him why he thought he was illegal and the agent responded that he was driving that old truck. My friend was shocked and responded that he could be driving whatever he wanted and that made no difference. The agent asked for his immigration status and he responded he was an American citizen and that he could sue him for discrimination. He apologized and let him go.

Finding 2: Doña Ana County Sheriff’s deputies continue to do immigration work

There is consistent recurrent pattern of Doña Ana County Sheriff’s deputies engaging in immigration enforcement during traffic stops and violations. This kind of incidents involving Doña Ana sheriff’s deputies has been detected in previous years, but seems to be continuing. Three out of 5 cases we documented this year that involved the Doña Ana County Sheriff’s Department had to do with immigration enforcement and involved officers asking for immigration papers and detaining people for the Border Patrol to pick up.

Clearly, community trust and confidence in the Doña Ana County Sheriff's Department have been eroded, which could lead to a public safety issue when community members hesitate to report crimes due to fears of immigration enforcement by deputies.

Sample case: Incident: The complainants were driving when they saw a sheriff. They got nervous and zig-zagged and moved lanes when the Sheriff saw them. The sheriff stopped them, and asked them for driver's license, car insurance and vehicle registration. The driver let the Sheriff know that he did not have one. Then the Sheriff call Border Patrol because they did not have any identification. They were deported but they were raised here.

Finding 3: Worrisome Immigration and Customs Enforcement (ICE) practices

Even though only two ICE cases were documented, they show a potential threat to human and civil rights of border residents. Both incidents, one at a business and the other at a home, follow a disturbing scenario of possible illegal entry. In the cases documented, ICE officers entered a home and a business with no apparent permission and without presenting a search warrant. This situation becomes extremely concerning due to recent announcements by ICE of their intention to audit El Paso businesses in search of undocumented immigrants.

Sample case: Incident: Two ICE agents arrived to my house on June 2009. They knocked on my door and asked for my son. I opened my door and told them that my son was not there, but they got in my house. Then they told me that they were looking for him. I asked them for a search warrant and they ignored me. They told me that they have an immigration order to look for her son and her son's wife. I told them that my son and his wife were in Juarez. But they did not pay attention to me. My son is a U.S. citizen and he was in the process of adjusting his wife's immigration status. My son and his wife had an appointment with INS but they missed it. And that is why the ICE agents were looking for them. We are scared that they might come again.

Finding 4: Continued issues at the ports-of-entry

The community outreach done through the documentation campaign showed a great deal of uneasiness by recurrent border crossers about the wait time at the international bridges. People reported waiting up to 3 hours to be able to cross in to the United States. This situation has a larger effect in terms of economic development.

Other kinds of complains at the ports of entry range from the lack of sensitivity of CBP officers during questioning, to verbal and psychological abuse, and wrongful individual searches. We learned of one instance where a person reportedly had to undress in front of officers.

Sample case: Incident: I don't want to report or talk about this situation because I don't want any problems. I was coming back from Juarez one Friday afternoon. My girlfriend likes the food from Juarez, so I went to buy her lunch. I left my car on this side and I walked over. On the

way back, they detained me without any reason. The immigration agent asked me why I went to Juarez. I answered why I went to Juarez, and another immigration agent came over. They took me to the office. I asked why and they said not to ask anything. They said that they had a report that I was carrying drugs. They told me to take off all my clothes. Three hours passed during all this and I did not want to get naked but I did. After a long time, they told me, "Get dressed and go. You are not the person we are looking for. Sorry."

BNHR RECOMMENDATIONS

For the Border Patrol Sector:

- We call upon the Border Patrol Chief to take the necessary steps to prevent any further profiling incidents in the Southern New Mexico area.
- The actions and activities of Border Patrol agents must be clear and transparent for our border communities. In an effort to bring about accountability, the Sector Chief must launch an official investigation to review the guidelines and procedures that Las Cruces Station agents are following to stop and investigate vehicles in southern New Mexico. This investigation should put the emphasis on the recurrent incidents of potential racial profiling.
- Clearly, Border Patrol agents need to go through urgent and immediate training on civil and human rights, and racial profiling.

For Doña Ana County:

- The Doña Ana County Sheriff Office must stop enforcing federal immigrations laws. We call for the review and change of their current internal procedures to clearly state that a deputy's role is not to find and identify immigrants, but to provide safety and security to all members of our community in Doña Ana County.
- We call for the Doña Ana County Sheriff to train deputies on civil and human rights, on racial profiling and on their limits regarding the enforcement of federal immigration laws.
- We call upon the Doña Ana County Commissioners to reject the practice of having the County Sheriff Office pursuing immigrants and enforcing federal immigrations laws.
- We call for the County Attorney of Doña Ana to launch an investigation on the possible practice of racial profiling by the County Sheriff's Office.

For Immigration and Customs Enforcement (ICE) in El Paso:

- We call for a review, investigation and clarification of possible illegal entries by ICE officers into business and homes without search warrants or permission.
- We call for ICE to publicly report and explain current ICE programs and activities within our border communities.

For CBP at the Ports of Entry:

- It is urgent to increase the resources and Customs personnel at all international ports of entry in our area. Currently, there is there is an non-proportionate

distribution of funds and resources that has led to lengthy wait times and deficiencies when checking individuals and vehicles crossing the border legally.

- Consistent and comprehensive training for Customs agents is urgently needed, especially in the areas of civil rights, human rights, cultural sensitivity and best practices.

National Recommendations:

- It is of utmost importance and urgency that the U.S. Congress take a responsible step toward providing a solution to the current immigration problems. Congress and the administration should design and pass a Comprehensive Immigration Reform that guarantees community security and permanent residency to hard-working immigrant families living in the United States, provides a legal framework for new immigrant workers coming into the United States and creates new humane and constitutional border enforcement policies.
- The U.S. Congress needs to create a Border Enforcement Review Commission to oversee and ensure the respect of the Constitution and Human Rights during border and immigration enforcement, to encourage new civil and human rights trainings of federal immigration offices, and to review internal complaint processes of federal immigration agencies.
- We call on DHS to review their current policies and procedures on the use of lethal force against immigrant workers, and to develop new standards to protect the lives of federal officers and immigrants crossing the border.

Addendum A

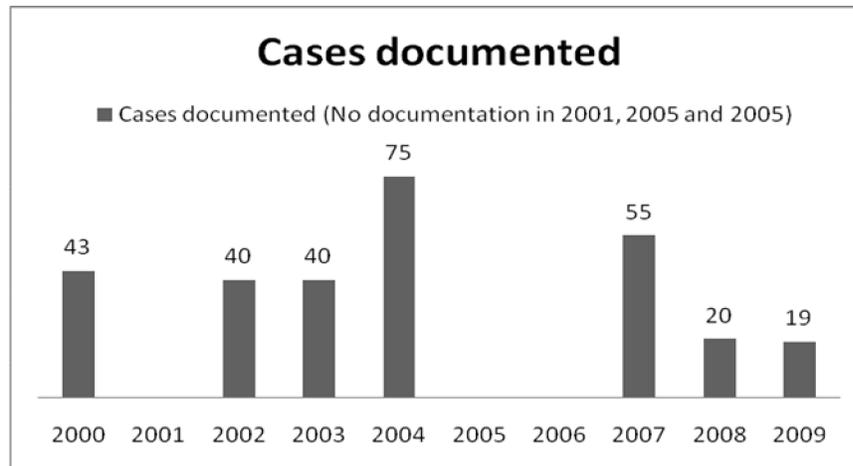
A 10-YEAR OVERVIEW

Life was very different for our communities in the 1990s. There was the Bowie High School case in which Border Patrol agents entered a school to check students' immigration statuses on a regular basis; Border Patrol agents also reportedly entered houses without warrants, and there were allegations of beatings at the hand of law enforcement officers. That was the situation when the Border Network for Human Rights conducted its first Human Rights Documentation Campaign in 2000. Although they were understandably scared, community members came forward with the stories they did not dare take to the authorities themselves and we had a clearer picture of what was really going on in our neighborhoods.

We continued having the documentation campaign on a regular basis, issuing reports and fighting for human rights with a comprehensive strategy that has paid off. By educating community members about their rights and engaging with law enforcement agencies to correct abusive practices, we have ignited change. *The following review of the results of 10-years of documenting efforts clearly shows improvement in the state of human rights in our communities.*

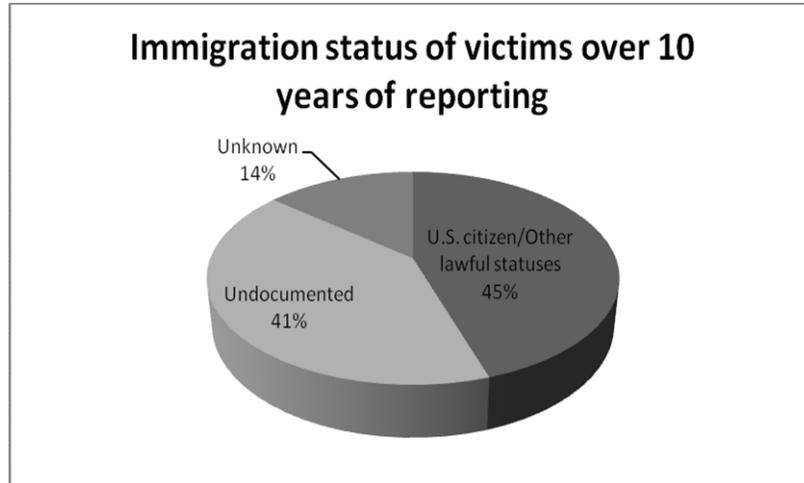
Finding 1: Same methodology, Fewer cases

Although our annual study is by no means a scientific survey, the Border Network always strived for consistency in its documentation process in order to be able to compare, year after year. Generally, we have had fewer reports of abuse over the year, from 43 cases in 2000 to 19 in 2009.



A close look at the immigration status of the alleged victims also tells an interesting, if concerning, story. Over the years, we recorded more stories of abuse that had victimized U.S. citizens, legal permanent resident or held a visa, than undocumented immigrants.

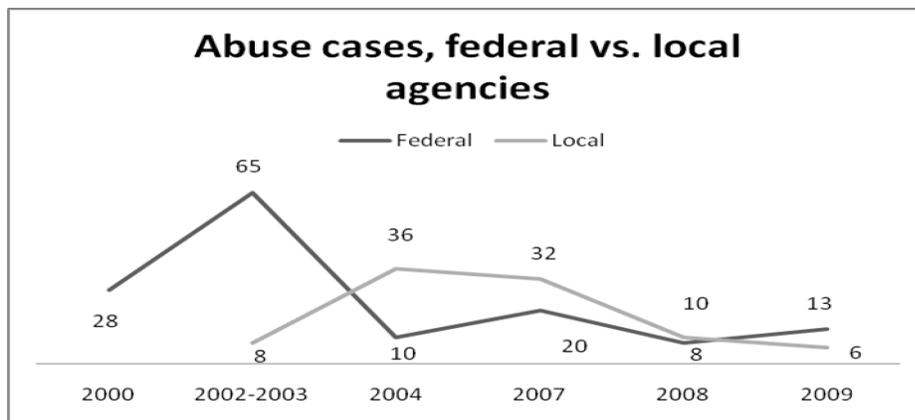
This is not just because undocumented immigrants who are deported cannot tell their stories. In many cases, a family member or friend of the undocumented immigrant told us the story. This finding truly underscores that we should all be concerned by abuses of authority because we can all become victims.



Finding 2: A Shift from federal to local agencies?

In 2000, most of the complaints we recorded (65%) were against federal agencies such as the Border Patrol. This state of affairs went on for a few years, during which time, the Border Network starting educating the community about their civil and human rights. At the same time, the Border Network reached out to the Border Patrol to express concern about the reported abuse and held community forums in which community members were able to speak directly to Border Patrol officials.

We believe that these comprehensive efforts were instrumental in reversing the trend. We now see more reports of abuse recorded against local law enforcement. A trend that we’ll address in the next section. Meanwhile, we realize the trend may be shifting once again, as we recorded a higher proportion of cases against federal agencies (68%) this year, than against local agencies. The Border Network will continue to monitor the situation.

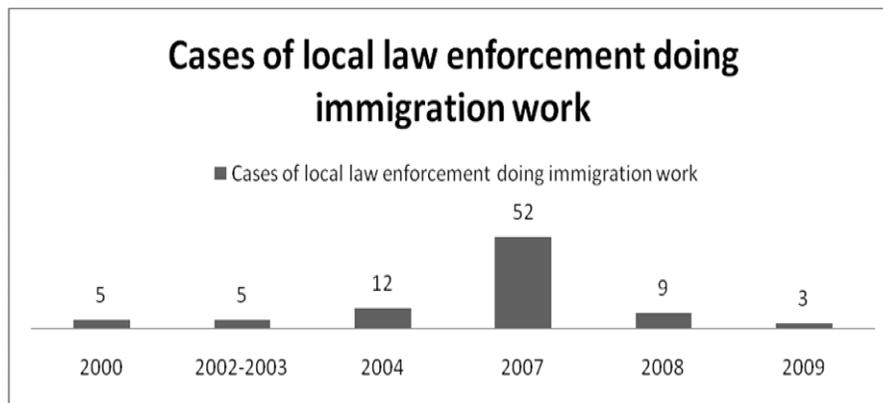


Finding 3: Success story: Police doing immigration work

When we noticed that more abuse seemed to be committed by local agencies rather than federal officers, we also noticed something else. These abuses by local officers seemed to be overwhelmingly related to local law enforcement doing immigration work. In 2005, El Paso Sheriff’s deputies, for instance, would ask people at traffic stops for their immigration papers, or would detain suspected undocumented immigrants until the Border Patrol arrived. In extreme instances, officers would conduct immigration raids in people’s houses as was the case in Otero County in 2007.

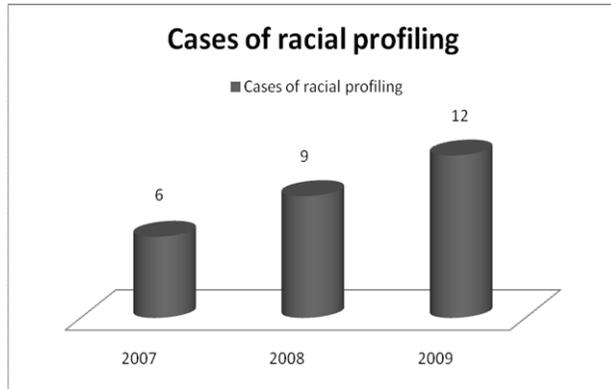
Doing immigration work had become a popular way for underfunded local agencies to receive federal monies. However, the practice can ruin the community policing work that agency has work so hard to achieve. The police needs the assistance f the community to prevent crime and investigate and prosecute it. The police needs residents to report suspicious activity in the neighborhood. They need victims to call and report a crime and witnesses to come forward. If people are afraid of getting deported, they are a lot less likely to come forward. Many police departments, including the El Paso Police Department, have spoken up against blurring the line between criminal and immigration enforcement.

The Border Network reacted proactively and energetically to the reports and using a mix of grassroots events, legal strategy and political appeals, was able to cause these departments to cease their habit of enforcing immigration law. Cases of local law enforcement doing immigration work have abated.



Finding 4: The next battle: Racial profiling

The violations recorded by our abuse documenters over the years included physical, psychological and verbal abuse, wrongful temporary detention, wrongful arrest, illegal entry, illegal search, violation of due process, and denial of basic necessities. In the past three years, however, we started to record an increasing number of racial profiling situations. By keeping track of the number and type of violations, we are able to monitor worrisome increases. The seeming increase in racial profiling cases, which victimized more U.S. citizens and legal residents than undocumented immigrants (see more details in the 2009 report findings), is something the Border Network will monitor.



Addendum B

CASES

US Border Patrol:

CASE 1

Date and Time of Incident: October 2009
Place of Incident: Doña Ana
Person Interviewed: REDACTED
Number of Victims: One
Gender: Male
Status: Citizen
Type of Possible Misconduct: Wrongful arrest; Possible racial profiling

Incident: I have a friend whose name who was on his way to Doña Ana when a Border Patrol agent stopped him and asked him for his legal status; to what my friend laughed because he knew he wasn't supposed to be questioned for his legal status but yet answered that he was an American citizen. The Border Patrol agent did not believe him and apprehended him, towed his truck and took him in for interrogation. My friend's mom had to go pick him up once he was released.

CASE 2

Date and Time of Incident: August 2009
Place of Incident: Hwy 70 & REDACTED
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: Two
Gender: Male
Status: Undocumented/Citizen
Type of Possible Misconduct: Wrongful arrest; Possible racial profiling

Incident: My husband and son were on their way to our business. My husband was driving an old pick up truck. My son was accompanying my husband because now and again my husband would take him for help. That morning a border patrol vehicle started following my husband for a couple of miles on Highway 70 and the Border Patrol agent stopped him and asked for immigration status. My husband responded that he had no immigration documents. Needless to say the Border Patrol apprehended my husband, towed his truck and my son had to be picked up by a friend because I also do not have documents. Since then, my son has suffered depression and hurts emotionally because his family has been separated. He also suffers from diabetes; we believe it was triggered by the shock he had when my husband was arrested and taken away in front of him.

CASE 3

Date and time of incident: 2008
Place of incident: Hwy 70 and REDACTED
Person interviewed: REDACTED
Perpetrator: Border Patrol
Number of victims: One
Gender: Male
Status: Citizen
Type of Possible Misconduct: Possible racial profiling

Incident: My friend was driving his old truck on highway 70 and an immigration agent followed him for about 5 miles when he got pulled over. My friend asked the agent why he had been stopped. The agent responded that he had been stopped because he had reason to believe he was illegal. My friend asked him why he thought he was illegal and the agent responded that he was driving that old truck. My friend was shocked and responded that he could be driving whatever he wanted and that made no difference. The agent asked for his immigration status and he responded he was an American citizen and that he could sue him for discrimination. He apologized and let him go.

CASE 4

Date and Time of Incident: May 2009
Location of Incident: REDACTED, Las Cruces
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: Two
Gender: Male
Status: Citizen/Undocumented
Type of Possible Misconduct: Wrongful Temporary detention; Possible racial profiling

Incident: I was driving from Anthony with my friend to Las Cruces. Border Patrol stopped me and told me it was a simple routine check up. He asked me for my immigration status and I responded that I was an American citizen. He asked me for identification. He then went to ask my friend for his immigration status to what my friend responded he was undocumented. The Border Patrol detained and apprehended my friend and told me that I should be careful whom I drive around. The Border Patrol agent even went as far as to mumble I could be seen as a human trafficker. Since then I fear when I drive around the Border Patrol because I do not want to be seen as a human trafficker.

CASE 5

Date and Time of Incident: November 11th 2009; 3pm

Place of Incident: REDACTED Vado
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: One
Gender: Male
Status: Legal permanent resident
Type of Possible Misconduct: Wrongful Temporary detention; Possible racial profiling

Incident: I was coming from Las Cruces, going to my house in Berino and a Border Patrol car headed for Vado saw my car, turned around and pulled me over. I asked what I had done and he said that was a stupid question that he was a federal officer and could stop whoever he wanted. I was tired after a day at work, so I just showed him mi green card and I went home.

CASE 6

Date and Time of Incident: October 29th; 6am
Place of Incident: REDACTED, Las Cruces
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: Four
Gender: Female
Status: Legal permanent resident
Type of Possible Misconduct: Wrongful arrest; Possible racial profiling

Incident: The Border Patrol agent saw us and turned around and started to follow us. Then the Border Patrol stopped us and asked us for our papers. I told him we didn't have anything, he told me to show him something, I told him we were residents but that we did not carry our documents with us because we had lost them a couple of times at work. The agent asked my nephew if he was a resident in English, my nephew answered that yes, he was. He asked me where we worked, I told him that we worked around the corner and that we were running late, to please let us go. He continued to ask us questions than he said we could leave. We were really scared and left. He watched us to see where we were going.

CASE 7

Date and Time of Incident: September 2008, 4 p.m.
Place of Incident: REDACTED, Las Cruces
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: One
Gender: Male
Status: Citizen

Type of Possible Misconduct: Illegal Search; Wrongful Temporary Detention

Incident: I was coming back from visiting my son, on September 2008, when suddenly an immigration agent stopped me. He asked me for my immigration status. I was scared. I asked him why he stopped me, and he said it was a simple routine.

CASE 8

Date and Time of Incident: December 2008 (10:00 am)
Place of Incident: REDACTED, Las Cruces
Person Interviewed: REDACTED
Perpetrator: Border Patrol
Number of Victims: One
Gender: Female
Status: Undocumented
Type of Possible Misconduct: Wrongful Temporary Detention; possible racial profiling

Incident: My daughter was driving when an agent stopped her and told her she looked suspicious. That day she was wearing a Mexican soccer team jersey. The agent asked my daughter why she was wearing that jersey. My daughter responded to the agents that it wasn't a crime to wear that jersey or Mexican style clothes for that matter. The agent responded that she was stopped because he was sure she was illegal with that clothing. My daughter told the agent that she knew they had no reason to ask her for her legal status just because of the way she was dressed. The agent told her to go home.

US Customs and Border Protection:

CASE 1

Date and Time of Incident: May, 2009
Location of Incident: Bridge (Cordova- Americas)
Person Interviewed: REDACTED
Perpetrator: Customs
Number of Victims: one
Gender: Female
Status: Laser Visa
Type of Possible Misconduct: Psychological Abuse; Wrongful Temporary detention; Medical Denial

Incident: Agents at the bridge asked Sra. R. were she was going and she answered that she was going shopping. They mistreated her so much that she went to the hospital in very bad condition. They abused her verbally and psychologically. One of the agents pretended to be her friend to obtain information from her mother. At the end, they took

her visa away, alleging that she lived here. She started to feel bad, and they took her to Thomason. They had her sign in English. She stayed two or three days in the hospital and they deported her to Juarez. The hospital papers are here with her family. The doctor fought with the agents because they wanted her to be discharged after 2 or 3 hours

CASE 2

Date and Time of Incident:	May, 2009
Location of Incident:	Bridge (Santa Fe)
Person Interviewed:	REDACTED
Perpetrator:	Customs
Number of Victims:	one
Gender:	Male
Status:	Citizen
Type of Possible Misconduct:	Psychological Abuse; Denial of Legal Entry to U.S.; Illegal Search

Incident: I don't want to report or talk about this situation because I don't want any problems. I was coming back from Juarez one Friday afternoon. My girlfriend likes the food from Juarez, so I went to buy her lunch. I left my car on this side and I walked over. On the way back, they detained me without any reason. The immigration agent asked me why I went to Juarez. I answered why I went to Juarez, and another immigration agent came over. They took me to the office. I asked why and they said not to ask anything. They said that they had a report that I was carrying drugs. They told me to take off all my clothes. Three hours passed during all this and I did not want to get naked but I did. After a long time, they told me, "Get dressed and go. You are not the person we are looking for. Sorry."

CASE 3

Date and Time of Incident:	Nov. 2009
Location of Incident:	Zaragoza Bridge
Person Interviewed:	REDACTED
Perpetrator:	Customs
Number of Victims:	One
Gender:	Male
Status:	Legal permanent resident
Type of Possible Misconduct:	Denial to Legal Entry to U.S.

Incident: I was detained without justification at the Zaragoza Bridge for about one hour. They told me that I was smuggling cars, without any evidence. They told me that I couldn't be going back and forth between Juarez and El Paso. I believe that that put something bad in my file because every time that I cross, they inspect me more

Immigration and Customs Enforcement (ICE):

CASE 1

Date and Time of Incident: June, 2009
Location of Incident: Anthony, New Mexico
Person Interviewed: REDACTED
Perpetrator: ICE
Number of Victims: One
Gender: Female
Status: Legal permanent resident
Type of Possible Misconduct: Illegal Entry

Incident: Two ICE agents arrived to my house on June 2009. They knocked on my door and asked for my son. I opened my door and told them that my son was not there, but they got in my house. Then they told me that they were looking for him. I asked them for a search warrant and they ignored me. They told me that they have an immigration order to look for her son and her son's wife. I told them that my son and his wife were in Juarez. But they did not pay attention to me. My son is a U.S. citizen and he was in the process of adjusting his wife's immigration status. My son and his wife had an appointment with INS but they missed it. And that is why the ICE agents were looking for them. We are scared that they might come again.

CASE 2

Date and Time of Incident: August, 7th 2009
Place of Incident: Montana Avenue
Person Interviewed: REDACTED
Perpetrator: ICE
Number of Victims: Two adults and One child
Gender: Male
Status: Undocumented
Type of Possible Misconduct: Psychological Abuse; Illegal entry;

Incident: Our business was closed but we still had employees inside. Suddenly 5 ICE agents came knocking on the door and my 10 yr old son opened the door. The agents asked my son where his father was; but they were really looking for my brother. My son was taking them to where his dad was when they saw me and asked me for my name and asked for my brother's name. I told them I did not know where my brother was. They started to search my business and asked me for my immigration status. It was really intimidating because they had guns and didn't allow us to ask any questions. They made threats that if we didn't cooperate it was going to be really bad for us. They handcuffed us; took us to my house to look for my brother there. They made threatening comments like if I was lying my family was going to suffer because they knew we didn't have any documents. They took me to the Hawkins office. This was very traumatic incident for

everyone but the most affected was my son. (In the testimony the person interviewed states his full name and a list of witnesses including his 10 year-old son)

Doña Ana Sheriff Department:

CASE 1

Date and Time of Incident: September 2009
Place of Incident: REDACTED, Las Cruces
Person Interviewed: REDACTED
Perpetrator: Doña Ana Sheriff
Number of Victims: Two
Gender: Male
Status: Undocumented
Type of Possible Misconduct: Wrongful Temporary detention; Possible racial profiling; Local Law Enforcement enforcing Immigration Laws;

Incident: The complainants were driving when they saw a sheriff. They got nervous and zig-zagged and moved lanes when the Sheriff saw them. The sheriff stopped them, and asked them for driver's license, car insurance and vehicle registration. The driver let the Sheriff know that he did not have one. Then the Sheriff call Border Patrol because they did not have any identification. They were deported but they were raised here.

CASE 2

Date and Time of Incident: November 1st 2009
Place of Incident: REDACTED, Berino NM
Person Interviewed: REDACTED
Perpetrator: REDACTED, Sheriff-NM
Number of Victims: Two
Gender: Female
Status: Visa Laser
Type of Possible Misconduct: Wrongful Temporary Detention; Possible racial profiling; Local Law Enforcement enforcing Immigration Laws; Denial Due Process

Incident: On a Sunday, we were driving when I turned. A policeman stopped my cousin and I. They asked for us to show them our insurance, license, and ID, they spoke only English and since we didn't speak any English they called in another officer. The first officer was wearing a brown uniform and the other officer was wearing blue. He asked us if we had any papers, he was translating for the other officer. I told him I had a visa and that my cousin did as well. They took my cousin from the car and they began to manhandle him, and than they placed cuffs on his hands and put him in the police car,

than they took me. The first policeman told the other policeman to call immigration. The second policeman said that it wouldn't be right. But sure enough, immigration arrived, and they placed us in the truck that looks like a dogcatcher's. Immigration asked us why we were there, we said we didn't know, he said "oh well, I cant do anything about it, and I have to take you with me." than they took us somewhere near Santa Teresa and from there they separated us and instigated us separately. They asked me where I lived, how old I was, what I was studying, ans I answered them. they asked for the address of where I lived and my school in Juarez, they asked who I lived with, what grade I was in, if I had any siblings. They asked that if I had a visa, what kind it was, was it local, to work, they discovered it was a family visa. They asked the same questions like 6 times, and around 7am they told me they couldn't take me to Juarez, so they dropped me off at my mother's house because she was visiting, and they checked how many times I had used the passport.

CASE 3

Date and Time of Incident:	August 19 th 2009; 6pm
Place of Incident:	REDACTED, Anthony N.M.
Person Interviewed:	REDACTED
Perpetrator:	Sheriff-NM
Number of Victims:	Two
Gender:	Male
Status:	Undocumented
Type of Possible Misconduct:	Wrongful Temporary Detention; Possible racial profiling; Local Law Enforcement Enforcing Immigration Laws

Incident: I was at my house when I received a call from my husband and he told me the police had detained him and that he needed for me to bring him his ID and to take my license. The sheriff had stopped him about 2 blocks from our house. When I got there the sheriff would not accept the ID and he told us that he had called border patrol. My husband told me to leave because border patrol was coming; my daughter and I asked the sheriff why had he called border patrol if we had brought his ID and he would just ignore me. My daughter speaks English and she would ask him continuously why had he called the Border Patrol; she explained that I was about to give birth in a few days and he would just ignore us or say that was not his problem. Now the consequence is that I have 4 children without their father. My husband was sole provider and loved his children.

CASE 4

Date and Time of Incident:	August 19, 2009 (6:30 p.m.)
Place of Incident:	REDACTED, Anthony, NM
Person Interviewed:	REDACTED
Perpetrator:	Sheriff
Number of Victims:	One

Gender: Male
Status: Undocumented
Type of Possible Misconduct: Wrongful Temporary Detention; Possible racial profiling

Incident: On August 19 2009 at 6:30 p.m., I was driving almost arriving to my house, when a sheriff agent in a white car stopped. First he told me that he stopped me because of my cracked front glass and later on he told me that he stopped me because my car door was open. He asked me to turn off my car, my vehicle registration and my car insurance. Then he asked to me, do you have documents? And I answered: Which documents? I already give it to you. And he said: No you do not! Then I told him that my work permit and my social security were at my house. After that, he asked me how many years do I have living here. I answered six years, and said: and you do not speak English! And a said no! He held me over there for more then 45 min. He was making a lot of calls. Then, a neighbor arrives and asked him in English what was happening. Immediately after that the Agent gave me my tickets and released me.

CASE 5

Date and Time of Incident: January – February 2009
Place of Incident: REDACTED
Person Interviewed: REDACTED
Perpetrator: Sheriff
Number of Victims: One
Gender: Female
Status: Legal permanent resident
Type of Possible Misconduct: Verbal & Psychological Abuse; Wrongful arrest; Illegal Entry

Incident: On February (yet the Police Records show January) I was feeding my next-door neighbor's dog and as I was going inside my house a Sheriff deputy came knocking to my door. The Sheriff deputy told me they received a complaint I was poisoning a dog and requested my identification. I started going inside to get my purse since I had my identification there when my small dog started barking and the deputy pepper sprayed him. I got upset and told the deputy he didn't have to do that; to what the deputy responded he could kill the dog and even me if he wanted to. I was going to walk to the kitchen for my purse when the deputy grabbed me by my arm and my pulled my hair. The deputy told me that he wasn't going to let me go in. He pushed me to the door and I cut my arm. The deputy then threw me down to the floor and hurt my legs and hips. As all this happened, more backups came to my house, along with them a Deputy Gonzalez. She was kind and told Deputy Scott that I was bleeding a lot and that they should call the ambulance. My house was searched. I was taken to the hospital. From this incident I have been traumatized. I am embarrassed with my neighbors and I don't trust the cops anymore. There was a detective that kept calling me for a lie detector test but I refused because my attorney told me I shouldn't do it.

New Mexico State Police:

CASE 1

Date and Time of Incident:	October 2009 12pm
Place of Incident:	REDACTED
Person Interviewed:	REDACTED
Perpetrator:	NM State Police, REDACTED
Number of Victims:	Two
Gender:	Male/Female
Status:	Undocumented
Type of Possible Misconduct:	Wrongful Temporary Detention; Racial Profiling; Psychological Abuse

Incident: In October around midday, my husband was outside the house listening to music when two police officers knocked on the window and told him to get out of the truck. Whenever he got out of the truck, they registered and handcuffed him. One of them asked my husband if he had papers, my husband answered no. One of the officers told the other one to bring in immigration. He then asked him for a Jorge, who they thought lived at our house, My husband answered that no one by the name of Jorge lived here, but the police accused him of covering up for Jorge, they claimed to have seen him in my husband's truck. They took him away in the patrol, and threatened that they would take him away for covering up for Jorge, but they let him go and gave him a card with a number to call if Jorge should show up. Whenever they let my husband go, they knocked on our window and they order me to come outside, but I told them we had nothing to do with that man Jorge.