

Mr. David V. Aguilar
Deputy Commissioner
Customs and Border Patrol
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Deputy Commissioner Aguilar,

We write to express our concern about Custom and Border Protection's (CBP) use of force policy and to request a meeting with your office to clarify CBP's protocols governing use of lethal force by Border Patrol agents along the U.S./Mexico Border.

As is the case for any law enforcement agency, clear and transparent protocols to regulate appropriate use of force are necessary for the protection of both civilians and Border Patrol agents. However, sources provide a wide range of incomplete and in some cases troubling statements about CBP's policy relating to this matter.

For example, we note with concern that in a 2010 press release, the Border Patrol Union wrote that "Rocks are weapons and constitute deadly force. If an agent is confronted with deadly force they will respond in kind." We recognize that the complexity of border control operations requires that Border Patrol agents be prepared to respond appropriately to a wide range of situations. However, we challenge the unqualified assertion that *all* rock-throwing constitutes the use of deadly force and merits a lethal response. We seek to understand whether the 2010 statement by the Border Patrol Union and other similar broad assertions are an accurate portrayal of CBP's deadly force policy, particularly in light of the recent shooting death of 16-year-old Mexican national José Antonio Elena Rodríguez by a U.S. Border Patrol Agent in Nogales, Mexico.

We echo the sentiments of the 16 members of the U.S House of Representatives who requested a broad examination of the use of force within CBP, and while we would welcome CBP's full cooperation in the congressionally requested review as laid out in the Office of the Inspector General's FY 2013 Annual Performance Plan for the Department of Homeland Security, we believe that this pressing concern cannot wait to be addressed until the Inspector General's report is issued.

The signatories below respectfully request a briefing on CBP's current protocol regarding use of force as well as information on the procedures in place to investigate CBP agents' involvement in violent incidents along the U.S./Mexico border. We look forward to the opportunity for a full discussion with you and your staff on this important issue.

Sincerely,

American Immigration Lawyers Association
ASISTA Immigration Assistance
Border Network for Human Rights
Center of Concern

Conference of Major Superiors of Men
Episcopal Church of St. Michael & All Angels
Felician Sisters of North America, Leadership Team
Franciscan Action Network
Franciscan Sisters of Little Falls, MN, Justice, Peace & Integrity of Creation Advisory Commission
Franciscan Sisters of Perpetual Adoration, Justice, Peace and Integrity of Creation Committee
Franciscan Sisters of the Poor, Office of US Area JPIC, Cincinnati, OH
Jesuit Conference
Jesuit Refugee Service USA
Kino Border Initiative
Latin America Working Group
Lutheran Immigration and Refugee Service
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S. Washington Office
Migration and Refugee Services/U.S. Conference of Catholic Bishops
National Advocacy Center of the Sisters of the Good Shepherd
National Immigrant Justice Center
NETWORK, A National Catholic Social Justice Lobby
No More Deaths/No Mas Muertes in Tucson, AZ
Sisters of Mercy Institute Justice Team
Sisters of St. Francis of Oldenburg, IN, Leadership Team
Sisters of St. Francis of Philadelphia, Advocacy for Justice and Peace Committee
Sisters of St. Francis of the Neumann Communities, WNY Peace & Justice Committee
Tucson Samaritans
Unitarian Universalist Association of Congregations.
United Church of Christ, Justice and Witness Ministries
Washington Office on Latin America
Women's Refugee Commission

Cc:

Secretary for Homeland Security Janet Napolitano

Acting DHS Inspector General Charles K. Edwards