



American Friends Service Committee

U.S. - Mexico Border Program (USMBP)

June 9, 1998

United States Customs Service
Office of Internal Affairs
Charles Harrison, Assistant Special
Agent-in-Charge
550 West "C" Street, Suite 560
San Diego, CA 92101

Abuse Complaint Filed With American Friends Service Committee

Re:

[REDACTED]
Contact telephone numbers in Tijuana:

Dear Mr. Harrison,

American Friends Service Committee recently documented the attached abuse committed by a U.S. Customs agent at the San Ysidro Port of Entry. I am forwarding the complaint to you so it may be investigated at the earliest possible opportunity.

The complainant named above alleges the following types of abuse:

- the use of excessive physical force and
- rude and abusive language.

The complainant is willing to cooperate with your investigation and has included an address and contact phone number so you may ask any further questions.

I look forward to hearing the results of your investigation. Please let me know if I can be of any further assistance in this matter.

Sincerely,

Roberto Martinez

COMPLAINT

NAME: [REDACTED]
San Ysidro, CA 92143

DATE: 5/21/98
TIME: 10:00 - 10:30 am

TEL: [REDACTED] ([REDACTED] -- mother)
[REDACTED] ([REDACTED] -- sister)

LOC: San Ysidro POE (Pedestrian Crossing) WITNESSES: 1) Agent [REDACTED]
2) Agent [REDACTED]

LEA: U.S. Customs AGENT: # [REDACTED]

COMPLAINT:

Mr. [REDACTED] was crossing into San Diego through the pedestrian crossing of the San Ysidro POE. Just as he reached the checkpoint, the agent at the counter left to escort someone to the office and asked an agent from the bag inspection table to cover for him. This second agent examined Mr. [REDACTED]'s Border Crossing Card and asked him where the other two cards were. Mr. [REDACTED] said he had lost them and asked why he needed them. The agent gestured to Mr. [REDACTED] to stand and wait to one side. After Mr. [REDACTED] had been waiting for about three to five minutes he told the agent he was in a hurry to meet his wife. The agent yelled at him, then grabbed his arm, yanked him over to a wall and threw him against it. The agent placed Mr. [REDACTED] in handcuffs, took him to the INS office nearby and called a supervisor. The INS supervisor, Agent [REDACTED], arrived and asked what the problem was. Mr. [REDACTED] asked him why was he being treated like a criminal. The supervisor had the agent remove the handcuffs and told Mr. [REDACTED] that he was not a criminal and that there had apparently been a mistake. Mr. [REDACTED] asked to speak to the Port Director and requested the name of the agent who arrested him. Mr. [REDACTED] was told he could leave. Mr. [REDACTED] walked over to the table where the arresting officer was standing and asked him for his name. Instead of providing his name, the agent demanded to know Mr. [REDACTED]'s name so he could sue him. At that point Mr. [REDACTED] decided to leave. As he was about to exit the building, another agent, possibly a Customs or Agriculture agent, called Mr. [REDACTED] over. She and her partner had witnessed the arrest and told Mr. [REDACTED] they thought it was wrong. The agent provided Mr. [REDACTED] with the name of a Custom official to file the abuse report. The two agents told Mr. [REDACTED] they were willing to testify against the other agent.

On May 26 the AFSC/USMBP Director, Mr. Roberto Martinez, accompanied Mr. [REDACTED] to the POE pedestrian crossing to try to identify the arresting officer's name. The officer was not present, but Mr. Martinez spoke to a supervisor, [REDACTED] Supervisor [REDACTED] identified the agent through the badge number Mr. Martinez provided, but said he could not release the agent's name because it was against privacy and personnel policy to do so. He said he would turn all information over to [REDACTED], the new Passenger Service Representative for U.S. Customs at the San Ysidro POE. Ms. [REDACTED] called Mr. Martinez later and told him she was going to personally investigate the incident. She recorded additional information and said she would notify AFSC about the final outcome. A week later, Ms. [REDACTED] called Mr. Martinez and told him that she had taken the investigation as far as she could and that he should file his complaint with Customs Internal Affairs.

FILED
DATE 6-9-98
AGENCY Customs - Internal Affairs
STAFF R.S.R.

ABUSE DOCUMENTATION FORM

I. ORGANIZATION INFORMATION

Staff name: Roberto Martinez
 Interview date: 5/22/98 Source (see A codes): INV
 Computer case number: _____

II. VICTIM INFORMATION

Sex: M Age: UK
 National origin and ethnicity: Latino -- Mexican
 Place of departure (specific): N/A
 Intended destination (specific): _____
 Citizenship/Immigration status (see B codes): BCC
 Traveling alone
 with a group

III. INCIDENT INFORMATION

Date: 5-21-98
 Location (give details): San Ysidro POE

Reason given for stopping victim: requested additional documents, besides border crossing card

Describe the incident (if more space is needed, write on back and/or attach affidavit):

Mr. [redacted] was crossing into San Diego through the pedestrian crossing of the San Ysidro POE. Just as he reached the checkpoint, the agent at the counter left to escort someone to the office and asked an agent from the bag inspection table to cover for him. This second agent examined Mr. [redacted] Border Crossing Card and asked him where the other two cards were. Mr. [redacted] said he had lost them and asked why he needed them. The agent gestured to Mr. [redacted] to stand and wait to one side. After Mr. [redacted] had been waiting for about three to five minutes he told the agent he was in a hurry to meet his wife. The agent yelled at him, then grabbed his arm, yanked him over to a wall and threw him against it. The agent placed Mr. [redacted] in handcuffs, took him to the INS office nearby and called a supervisor. The INS supervisor, Agent [redacted] arrived and asked what the problem was. Mr. [redacted] asked him why was he being treated like a criminal. The supervisor had the agent remove the handcuffs and told Mr. [redacted] that he was not a criminal and that there had apparently been a mistake. Mr. [redacted] asked to speak to the Port Director and requested the name of the agent who arrested him. Mr. [redacted] was told he could leave. Mr. [redacted] walked over to the table where the arresting officer was standing and asked him for his name. Instead of providing his name, the agent demanded to know Mr. [redacted] name so he could sue him. At that point Mr. [redacted] decided to leave. As he was about to exit the building, another agent, possibly a Customs or Agriculture agent, called Mr. [redacted] over. She and her partner had witnessed the arrest and told Mr. [redacted] they thought it was wrong. The agent provided Mr. [redacted] with the name of a Custom official to file the abuse report. The two agents told Mr. [redacted] they were willing to testify against the other agent.

ABUSE DOCUMENTATION FORM**III. INCIDENT INFORMATION (continued)**

List types of abuses (see codes) and agency/agencies involved with each abuse and resulting injuries:

ABUSE (see C codes)	AGENCY / AGENCIES INVOLVED (see D codes)	INJURIES (see E codes)
UEF	USC	N/A
RUD	USC	N/A

Was medical treatment sought by the victim after the incident? Yes No

Has a complaint been filed? Yes No

If yes, where/when? Customs Internal Affairs, June 9, 1998

Have any other actions been taken? Yes No

If yes, when/where? _____

NAME:

SAN YSIDRO, CA 92143

TEL:

([REDACTED] - MOTHER)

([REDACTED] - SISTER)

DATE: 5/21/98

TIME: 10 - 10:30 AM

LOC: SAN YSIDRO POE (PEDESTRIAN CROSSING)

WITNESSES: 1. AGENT [REDACTED] 2. AGENT [REDACTED]

LEA: U.S. CUSTOMS

AGENT: # [REDACTED]

COMPLAINT:

MR. [REDACTED] WAS CROSSING THE SAN YSIDRO POE AT THE PED-
(ESTRIAN) CROSSING ON THE ABOVE TIME AND DATE. WHEN HE GOT TO THE
CHECKPOINT, THE AGENT GOT UP TO LEAVE TO TAKE A PERSON TO
THE OFFICE AND CALLED OVER TO AN ^{OTHER} AGENT AT THE BAG INSPE-
CTION TABLE TO COVER FOR HIM. THAT AGENT LOOKED AT
MR. [REDACTED]'S BORDER CROSSING CARD AND ASKED HIM WHERE
THE OTHER TWO CARDS WERE. MR. [REDACTED] SAID HE LOST THEM,
BUT THAT WHY DID HE NEED THEM. THE AGENT POINTED AT
MR. [REDACTED] TO STAND THERE TO ONE SIDE. AFTER MR. [REDACTED] HAD
STOOD THERE FOR ABOUT 3-5 MINUTES HE TOLD THE AGENT HE
HAD TO MEET HIS WIFE RIGHT NOW. THE AGENT YELLED AT
HIM, THEN GRABBED HIS ARM AND YANKED HIM OVER TO A
WALL AND THREW HIM AGAINST IT AND HAND CUFFED HIM.
HE THEN TOOK MR. [REDACTED] TO THE INS OFFICE NEARBY AND CALLED
A SUPERVISOR, AN ^{INS} SUPV. NAMED MGE [REDACTED] ASKED WHAT
THE PROBLEM WAS AND MR. [REDACTED] TOLD/ASKED HIM WHY WAS

WE BEING TREATED LIKE A CRIMINAL, THE SUPV. TOLD THE AGENT TO REMOVE THE HANDCUFFS. HE ALSO TOLD MR. [REDACTED] THAT HE WAS NOT A CRIMINAL AND THAT APPARENTLY HAD BEEN A MISTAKE. MR. [REDACTED] ASKED TO SPEAK TO THE PORT DIRECTOR AND FOR THE NAME OF THE AGENT WHO ARRESTED HIM, MR. [REDACTED] WAS TOLD HE COULD LEAVE. MR. [REDACTED] WALKED OVER TO THE TABLE WHERE THE ARRESTING OFFICER WAS STANDING AND ASKED HIM FOR HIS NAME, THE AGENT, INSTEAD TOLD MR. [REDACTED] HE WANTED HIS NAME SO HE COULD SUE HIM. AT THAT POINT MR. [REDACTED] DECIDED TO LEAVE. AS HE WAS GOING OUT THE DOOR A LADY AGENT, SHE MAY HAVE BEEN EITHER A CUSTOMS AGENT OR A POLIC. AGENT, CALLED MR. [REDACTED] OVER AND TOLD HIM SHE AND HER PARTNER WITNESSED THE ARREST AND TOLD HIM IT WAS WRONG, SHE TOLD HIM TO REPORT THE ABUSES TO AN CUSTOM'S OFFICIAL, WHOSE NAME SHE GAVE HIM, THE TWO LADY AGENTS NAMES ARE AGENTS [REDACTED] AND [REDACTED]. SHE TOLD MR. [REDACTED] THEY WERE WILLING TO TESTIFY AGAINST THE OTHER AGENT.

ON MAY 26TH, I TOOK MR. [REDACTED] BACK TO THE POE PEDEST. CROSSING TO SEE IF WE COULD IDENTIFY AND OBTAIN THE NAME OF THE AGENT WHO ARRESTED HIM. HOWEVER, HE WAS NOT THERE, SO I ASKED TO SPEAK TO A SUPV. I WAS DIRECTED TO SUPV. [REDACTED] HE WAS ABLE TO I.D. THE AGENT THROUGH THE BADGE # I GAVE HIM. SUPV. [REDACTED] SAID HE COULD NOT

GIVE ME THE AGENT'S NAME BECAUSE IT WAS AGAINST PRIVACY AND PERSONNEL POLICY TO DO SO. HE SAID HE WAS TURNING EVERYTHING OVER TO [REDACTED], THE NEW PASSENGER SERVICE REP. FOR U.S. CUSTOMS THERE AT THE S. Y. POE. SHE CALLED ME LATER AND TOLD ME SHE WAS GOING TO PERSONNALLY INVESTIGATE THE INCIDENT. SHE TOOK SOME MORE INFORMATION AND THEN SAID SHE WOULD BE CALLING ME TO INFORM ME OF THE OUTCOME

TEL: T.J. [REDACTED]

NAME: [REDACTED]

SAN YSIDRO, CA 92143

DATE: 5/21/98

TIME: 10-10:30 AM

LOC: S.Y. POE

LEA: U.S. CUSTOMS

AGENT: (1) # [REDACTED] (usc)

WITNESS: (2) [REDACTED]

(2) (INS) [REDACTED] (supv. ins)

complaint filed w/ Agent Thomas (3) [REDACTED] (senior agent) (4) MR [REDACTED]

supv. of (usc) [REDACTED]

complaint: asked for Karer play's
took VH Border crossing card (INS)

- ORDERED TO STAND OVERSEAS
- YANKED OVER TO OFFICE + H/C
- Taken TO office TOLD TO take hands off
counter
- Stay there now; V/A "I have an appointment w/ my
wife - now"

invited TO speak w/ INS Port Director
H/C'd told TO speak English
usc agent threatened V/A when he asked
him his name: Major's asked him for name
- usc/majors [REDACTED] (ridiculous) V/A

[REDACTED]

pass. ~~for~~ Service Refd.

[REDACTED]

(66) [REDACTED]

([REDACTED] (MOTHER))

([REDACTED] (SISTER))

SAN YSIDRO

