



Responding to Migrant Deaths Along the Southwest Border

Lessons from the Field



August 2016

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POLICE EXECUTIVE
RESEARCH FORUM

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Chuck Wexler

Introduction

By Chuck Wexler

The United States is grappling with a migration crisis. Since the late 1990s, migrants from Mexico and Central America have been dying by the thousands as they cross into the United States through the unforgiving deserts and scrubland of the Southwest United States. Agencies along the U.S.-Mexico border have been stretched thin as they have tried to save migrants in distress and, when those efforts fail, identify the deceased and return their remains to their loved ones.

In 2013, with support from the Ford Foundation, the Police Executive Research Forum (PERF) began to explore the issue of migrant deaths along the Southwestern border and identify strategies to reduce these fatalities. PERF staff members travelled to Mexico City and South Texas to meet with practitioners and conducted in-depth interviews of experts and stakeholders from nonprofit organizations, local and federal law enforcement agencies, medical examiners' offices, and universities. After gathering input from these representatives, PERF held an unprecedented, multi-state, multi-agency meeting in Washington, D.C. on June 1, 2016 to discuss interdisciplinary partnership-building and strategies to reduce migrant deaths and improve processes for identifying and repatriating migrants' remains.

This report is the result of PERF's efforts. It highlights the factors that contribute to the migrant deaths crisis; identifies the key stakeholders in the field and the resources that they represent; examines the partnership-building efforts that are already in place along the border to increase successful rescues of migrants in distress and improve identifications of those who perish; and presents new opportunities for collaboration and information-sharing moving forward.

This report serves as a chronicle of the efforts of practitioners in the field, highlights the crisis of migrant deaths in the Southwest, and proposes short-term and long-term solutions for practitioners and policy-makers.

It is important to recognize that the migrant deaths crisis is a large-scale humanitarian issue. More than 6,500 migrants have died along the U.S.-Mexican border since 1998, and that number is almost certainly an underestimate of the scale of the tragedy. While this report provides guidance on how to reduce these deaths now, in the current legal environment, the real solution lies in comprehensive immigration reform legislation that will provide new pathways to legal immigration and reduce incentives for attempting dangerous illegal border crossings.

SECTION I:

Migrant Deaths Along the Southwest Border

Between 1998 and 2015, more than 6,500 migrants died along the U.S.-Mexico border.¹ The highest number of fatalities in that period was in 2005, when 492 migrants lost their lives.² The number of deaths per year has fluctuated since then, dropping to 240 in 2015. Death rates have remained stubbornly high during the last decade even as the number of migrants crossing the border has declined and the United States has experienced a net loss of Mexican immigrants.^{3,4,5}

“The Southwest Border Strategy”

Many place the blame for these migrant deaths squarely on immigration-control policies, saying that they have tightened restrictions on who is allowed to migrate into the United States legally while not addressing the push factors driving migrants from their home countries. Perhaps chief among these is the “Southwest Border Strategy,” implemented in 1994. It was meant to strengthen border security and close well-established migration corridors between Mexico and the United States. According to a 2006 report from the United States Government Accountability Office, the federal government intended to

1. U.S. Border Patrol webpage. “Southwest Border Deaths by Fiscal Year.” <https://www.cbp.gov/sites/default/files/documents/BP%20Southwest%20Border%20Sector%20Deaths%20FY1998%20-%20FY2015.pdf>.

2. These are numbers provided by US Border Patrol as part of their official documentation of deaths along the border. Many working in this field—including academics, advocates, and journalists—dispute the accuracy of these numbers, saying that the criteria used to determine who is counted as a deceased “undocumented border crosser” are far too narrow and understate the actual number of deaths by a significant margin. For more, see Raquel Rubio-Goldsmith et al, “The ‘Funnel Effect’ & Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990-2005.” Binational Migration Institute. (University of Arizona: October 2006). http://www.azdhs.gov/documents/director/border-health/mmi_recovered_bodies_report.pdf, 8-10.

3. Ana Gonzalez-Barrera, “More Mexicans Leaving Than Coming to the U.S.: Net loss of 140,000 from 2009 to 2014; Family Reunification Top Reason for Return,” *Pew Research Center*. November 19, 2015. <http://www.pewhispanic.org/2015/11/19/more-mexicans-leaving-than-coming-to-the-u-s/>

4. Nigel Duara, “Why border crossings are down by deaths are up in brutal Arizona desert,” *Los Angeles Times*. October 27, 2015. <http://www.latimes.com/nation/la-na-ff-immigrant-border-deaths-20151021-story.html>

5. Daniel Martinez et al, “A Continued Humanitarian Crisis at the Border: Undocumented Border Crosser Deaths Recorded by the Pima County Office of the Medical Examiner, 1990-2012.” Binational Migration Institute (University of Arizona: June 2013), http://bmi.arizona.edu/sites/default/files/border_deaths_final_web.pdf, 11.



We know that law enforcement patterns drive migratory patterns. We know that when you put boots on the ground and tighten up certain areas, it simply redirects the flow of people crossing. It doesn't appear to deflect it at all. As a result, more and more of these migrants have been moved into more and more dangerous corridors.

Dr. Harrell Gill-King, Director of the Institute of Forensic Anthropology, University of North Texas

achieve this by “making it increasingly difficult and costly for migrants to attempt illegal entry so that fewer individuals would try.”⁶

As a key feature of the strategy, the Immigration and Naturalization Service (INS) dramatically increased the number of United States Border Patrol (USBP)⁷ agents deployed to the Southwest⁸ and assigned them strategically to the regions experiencing the most migrant crossings. These areas were typically well populated, making it relatively easy for migrants to cross the border successfully without being detected.⁹ The federal government believed that increasing the USBP presence in these regions would either push migrants into less inhabited parts of the Southwest, where they could be quickly identified and apprehended, or discourage them from trying to make the crossing at all, since the only remaining migratory routes were through the deserts, mountains, and rivers of the border states.¹⁰

Rather than deterring migrants from attempting to cross into the United States, the Southwest Border Strategy instead shifted them from traditional migration corridors into the much more treacherous territories that were assumed to be too daunting for them to travel. This phenomenon is known as the “funnel effect.”^{11, 12}

For thousands of migrants, this diversion has proven deadly. Between the late 1980s and early 1990s, migrant deaths had been on the decline and, when they did occur, were largely the result of traffic fatalities.¹³ By the late 1990s, however, that trend had reversed sharply. More migrants were dying, and they were increasingly falling victim to exposure—not traffic accidents—as they tried to cross the border into the United States.¹⁴



Ultimately, we should end 'death by policy' by changing CBP's deterrence oriented policy.

**Eduardo “Eddie” Canales,
Founder, South Texas
Human Rights Center**

6. United States Government Accountability Office, “Illegal Immigration: Border-Crossing Deaths have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated.” 2006, 6. <http://www.gao.gov/new.items/d06770.pdf>

7. The United States Border Patrol is the uniformed law enforcement arm of United States Customs and Border Protection. For more information, see: <https://www.cbp.gov/border-security/along-us-borders>.

8. The number of USBP Agents in the Southwest Sectors was 3,444 in FY1993. By FY1996 that number had jumped to 5,333 and kept climbing almost every year after to reach a high of 18,611 in FY2013, declining to 17,522 in FY 2015. For more information see: <https://www.cbp.gov/sites/default/files/documents/BP%20Staffing%20FY1992-FY2015.pdf>

9. This is, of course, relative to the difficulty of crossing the border in the years after the Southwest Border Strategy was implemented. According to the Office of National Drug Control Policy, USBP detained a full 40 percent of *all* apprehended migrants from the Southwest along a 14-mile stretch of the U.S.-Mexico border near San Diego, CA. For more, see “An Overview of Federal Drug Control Program on the Southwest Border: INS’ Southwest Border Strategy” at: https://www.ncjrs.gov/ondcppubs/publications/enforce/border/ins_1.html.

10. United States Government Accountability Office, 6-7.

11. Raquel Rubio-Goldsmith et al, “The ‘Funnel Effect’ & Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990-2005.” The Binational Migration Institute. (University of Arizona: October 2006), <http://bmi.arizona.edu/sites/default/files/The%20Funnel%20Effect%20and%20Recovered%20Bodies.pdf>, 2.

12. Martinez et al, 11.

13. United States Government Accountability Office, 3.

14. United States Government Accountability Office, 4, 9.

Understanding the Border – U.S. Border Patrol Sectors

U.S. Border Patrol divides itself into sectors of operation. As a result, USBP statistics on apprehensions, deaths, illicit substances recovered, etc. are given by sector rather than by state. There are nine USBP sectors in the Southwest:

- the San Diego and El Centro Sectors (California);
- the Yuma Sector (California and western Arizona);
- the Tucson Sector (Arizona);
- the El Paso Sector (New Mexico and western Texas);
- the Marfa Sector (western Texas and Oklahoma);
- the Del Rio Sector (Texas);
- the Laredo Sector (Texas); and
- the Rio Grande Valley Sector (Texas)

Because of their locations, the Tucson Sector and the Rio Grande Valley Sector have seen the most migrant crossings in recent years. This is in contrast to the late 1980s and early 1990s, when San Diego was the busiest sector along the border.¹⁵

These deaths are gruesome. Migrants suffering from heat stroke lose the ability to thermoregulate, meaning that their bodies are no longer able to maintain a safe core temperature. They stop sweating and become dizzy and nauseated. Many faint. Incoherence, confusion, and hallucinations follow as catastrophic internal organ failure takes hold and migrants succumb to the heat.

Preparation is no guard against death in the sweltering summer months. It is physically impossible to carry enough water to survive more than a few days in the desert,¹⁶ and the further that migrants venture into remote territory to avoid detection, the longer they must spend without access to food and water.



Because of the condition of many of the bodies that we examine, our forensic pathologists are not always able to definitively determine cause of death. In the summertime, if body condition allows for a more complete autopsy, we see a lot of heat-related deaths. Very few—fewer than two percent—are violent deaths with the manner of death being certified as homicide. In most cases, when the cause and manner of death can be determined, people are dying of exposure.

**Dr. Bruce Anderson, Forensic Anthropologist,
Pima County (AZ) Office of the Medical Examiner**

15. United States Border Patrol, “Southwest Border Sectors: Total Illegal Alien Apprehension By Fiscal Year (Oct. 1st through Sept.30th). FY2015. <https://www.cbp.gov/sites/default/files/documents/BP%20Southwest%20Border%20Sector%20Apps%20FY1960%20-%20FY2015.pdf>

16. Edward Helmore, “Death map’ of deserts aims to save lives of desperate Mexican migrants.” *The Guardian*. June 1, 2013. <https://www.theguardian.com/world/2013/jun/01/map-us-mexico-migrant-deaths-border>

The Border Safety Initiative

In 1998, the INS implemented the Border Safety Initiative (BSI) to address the growing migrant deaths crisis. “We started the BSI in cooperation with the Mexican government and the U.S. Department of Justice,” explained Ronald Vitiello, Acting Chief of the United States Border Patrol,¹⁷ “so that we could save lives.”

As part of the BSI, the Border Patrol installed rescue beacons in particularly dangerous areas along the border that experienced significant migrant traffic. “Our beacons are 30-foot high towers with high-intensity blue strobe LED lights on top of them that you can see for approximately 10 miles,” said Steven Passement, Branch Chief of the USBP Border Community Liaison Program in Tucson, AZ. “The rescue beacons have a button on them that migrants can press that will bring an agent out there immediately to provide whatever attention or aid is needed. Each beacon in the Tucson sector has directions displayed in the English, Spanish, and Tohono O’odham languages, followed by a pictorial guide for those who may not be able to read.”

USBP’s specialized search and rescue units—called Border Patrol Search, Trauma, and Rescue (BORSTAR) teams—were also created in 1998 as part of the BSI.



The Border Communities Impacted by Migrant Deaths

Due to the patterns of border enforcement, as well as geography, the impact of migrant deaths on the border states—i.e., California, Arizona, New Mexico, and Texas—has been uneven.¹⁸

During the past 16 years, Arizona has seen the most migrant deaths, largely because during that time, southern Arizona and the swath of the Sonoran desert that it includes have been the preferred entry point for migrants crossing in the United States from Mexico.

In Arizona, it is Pima County—or in the language of USBP, the Tucson Sector (which extends to Arizona’s northern border but sees the most migrant deaths clustered in Pima County in the south)—that is ground zero for migrant deaths. The county encompasses more than 9,000 square miles and includes a lengthy stretch of Arizona’s 372-mile border with Mexico. Prior to the construction of Arizona’s border fence and the increase in Border Patrol staffing enacted in the wake of the September 11, 2001, terrorism attacks, migrants crossing into Arizona favored populated entry points such as Nogales, AZ. Locals began to see an uptick in migration through the more desolate stretches of Pima County only after these post-9/11 measures were put into place.¹⁹

The numbers are sobering. Since 2001, the Pima County Office of the Medical Examiner (PCOME) in Tucson, Arizona has examined the remains



Safe illegal passage into the United States is a misnomer. That does not exist. All of it is dangerous. Conditions, smugglers, terrain, it’s all dangerous; there is no such thing as safe illicit passage into United States.

Doyle Amidon, Patrol Agent in Charge, Falfurrias (TX) Border Patrol Station

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17. The titles used in this report reflect the titles of the participants at the time of PERF’s June 1, 2016 meeting in Washington, D.C.

18. California sees its fair share of migrant deaths annually (there were approximately 22 in 2010), but nothing on the scale experienced by Arizona and Texas. Of the two California border counties—San Diego County to the west and Imperial County to the east—Imperial County sees the majority of migrant deaths. An irrigation canal runs along the county’s southern border and directly parallel to the U.S.-Mexico border. Migrants might cross both the border fence and this canal in order to pass north. The canal is wide, however, and deceptively calm. Underneath the surface runs a strong current that drowns migrants every year. When migrants drown in the canal, their bodies tend to get caught on the canal’s gates and their clothes and any personal effects they have one them are torn off by the current. This makes identification particularly challenging for authorities in the county.

19. Nigel Duara, “Why border crossings are down but deaths are up in brutal Arizona desert.” *Los Angeles Times*, October 27, 2015. <http://www.latimes.com/nation/la-na-ff-immigrant-border-deaths-20151021-story.html>



Investigating migrant deaths is a huge resource drain for local agencies. There is a strong sense on the local level these deaths are the result of federal policies and that state and local agencies are being left to deal with them without a lot of support or understanding from federal agencies about what the real consequences of their policy decisions are for departments along the border.

**Assistant Special Agent in Charge Erik Breitzke,
Immigration and Customs Enforcement—
Homeland Security Investigations (AZ)**

Understanding the Border—The Differences between Arizona and Texas

Public vs. Private Land: Arizona is 57% public land. Texas, on the other hand, is 96% private land. This is a critical difference, because it means that access to the land through which migrants are crossing (access for rescues, recoveries, and putting out rescue beacons that USBP uses along the border in areas with high rates of migrant traffic) is restricted in Texas in a way that it is not in Arizona. As a result, relationship-building between local and federal law enforcement agencies and landowners in Texas is especially critical to facilitate entry into areas affected by migration and migrant deaths.

Medical Examiners vs. Justices of the Peace: Another complicating factor in Texas is that most jurisdictions are served by justices of the peace rather than medical examiners. There are just 13 medical examiners' offices in Texas, while 239 counties instead use justices of the peace (JPs).^{20, 21} These JPs are elected officials and are not required to have any medical background or knowledge, though they are charged with making cause of death determinations and signing death certificates.²²

Tohono O'odham Nation: Arizona is home to the nearly 4,500-square-mile Tohono O'odham Indian Nation, whose aboriginal lands were bisected by a 75-mile stretch of the U.S.-Mexico border. The Tohono O'odham Nation is a popular smuggling corridor for "coyotes"—as human smugglers are known—and drug runners; it is sparsely populated and remote. The same qualities that make it attractive to smugglers, however, also make it exceptionally dangerous for migrants.²³ "This is not an environment that is ideal for smuggling people," said Assistant Special Agent in Charge Erik Breitzke of Immigration and Customs Enforcement's Homeland Security Investigations. "It's very inhospitable and the reality is that many people who are smuggled through here aren't going to make it."

20. Paul Emerson, "Autopsy Costs in Various Counties," *The County Information Project: Texas Association of Counties*. June 2006. <https://www.county.org/about-texas-counties/county-data/Documents/MedicalExaminer.pdf>

21. Beatriz Alvarado, "More help for medical examiner workload," *Corpus Christi Caller Times*. November 1, 2014. <http://www.caller.com/news/local/more-help-for-medical-examiner-workload-ep-733914930.html>

22. Efforts are underway in South Texas—both on the part of the Texas Forensic Science Commission and other parties such as the Forensic Border Coalition—to document the protocols used in these JP jurisdictions for DNA collection and identifying remains. The long term goal of these efforts is to improve practices therefore outcomes for missing migrants and their families.

23. Edward Helmore, "'Death map' of deserts aims to save lives of desperate Mexican migrants." *The Guardian*. June 1, 2013. <https://www.theguardian.com/world/2013/jun/01/map-us-mexico-migrant-deaths-border>.

Understanding the Border – The Case of Brooks County and the United States’ “Second Border”²⁴

Even though Brooks County is one of the deadliest stretches of the Texas migration corridor, it is not on the border. It sits some 40 miles north of the border, separated from Mexico by Starr County and Hidalgo County.

The reason that Brooks County figures so prominently in the migrant deaths crisis is that it is home to a U.S. Customs and Border Patrol (USBP) checkpoint that sits astride Highway 281. Highway 281 is one of the three major transportation arteries that feeds goods—and people—north from the border and into Texas. The Falfurrias Border Patrol Checkpoint, named for the Brooks County seat, is one link in a chain of interior Border Patrol checkpoints that form a second border that migrants must cross.

Migrants who successfully make it through Mexico and across the Rio Grande are held in stash houses along the border by their smugglers, known as “coyotes.” They are then driven up Highway 281 and dropped off several miles south of the Falfurrias Checkpoint. After that, they must hike around the checkpoint through private ranchlands, sometimes for almost 30 miles.

In withering summer heat, this is a merciless trek. Temperatures often top 100 degrees and the terrain is arid and desolate. Migrants are often in poor physical condition as a result of their already protracted journey through Mexico, and rarely carry enough food or water to sustain them. Those who cannot keep up are often left behind. Some are rescued, but others succumb to exposure.

In 2013, Brooks County came under intense scrutiny because deceased migrants were found to have been improperly interred, and DNA samples not taken from all of them by the mortuary contracted by the county to transport and identify the remains. The unidentified had been buried in mass, unmarked graves with bodies piled on top of each other.²⁵

One of the issues that contributed to this crisis was a lack of funding. Brooks is one of the poorest counties in Texas. The budget was so tight at one point that there were only four sheriff’s deputies responsible for covering the county’s 944 square miles, and in 2014 the county suspended health care coverage for all of its employees because there was no money to pay for it.²⁶

Brooks County’s financial troubles worsened as the county began to see an uptick in migrant crossings. By 2012, the Brooks County Sheriff’s Office was spending a third of its shrinking budget on expenses related to deceased migrants.²⁷

In response to the discovery of the mass graves in 2013, the county contracted with the Webb County Medical Examiner’s Office in Laredo, TX (90 miles away from Falfurrias) to examine the remains of deceased persons, including migrants, found in Brooks County and help to identify them.

Although Brooks County is contending with a humanitarian crisis as a result of migrants crossing the border illegally, it is not eligible for federal immigration and border security-related aid, because it is not technically a border county. The Texas Lieutenant Governor’s office has provided funding to help the county respond to migrant deaths,²⁸ and the state has stepped in to increase the county’s search and rescue capacity. Members of the Texas Rangers, the Department of Public Safety, and the Texas State Guard have been periodically deployed to Brooks County to assist in search and rescue operations.²⁹

24. Alex Altman, “The Corridor of Death: Along America’s Second Border,” *Time*. May 28, 2015. <http://time.com/3898564/immigration-border-mexico/>

25. Lindsay Bever, “Dozens of bodies found in mass grave near South Texas border crossing,” *The Washington Post*, June 23, 2014. <https://www.washingtonpost.com/news/morning-mix/wp/2014/06/23/dozens-of-bodies-found-in-mass-grave-near-south-texas-border-crossing/>

26. “Health Coverage Dropped for Employees of Brooks County,” *KIII-TV*. March 21, 2014. <http://www.kiiitv.com/story/24971109/health-coverage-dropped-for-employees-of-brooks-county>

27. Ricky Carioti, “Going it alone,” *The Washington Post*, August 9, 2014. <http://www.washingtonpost.com/sf/national/2014/08/09/going-it-alone/>

28. Nadia Tamez-Robledo, “Many factors contribute to decline of Brooks County migrant deaths,” *Corpus Christi Caller Times*. October 25, 2014. <http://www.caller.com/news/local/many-factors-contribute-to-decline-of-brooks-county-migrant-deaths-ep-709449176.html>

29. Nadia Tamez-Robledo, “Texas officers to aid Brooks County in recovery of dead migrants,” *Corpus Christi Caller Times*. September 19, 2014. <http://www.caller.com/news/local/texas-officers-to-aid-brooks-county-in-recovery-of-dead-migrants-ep-623458701.html>

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of more than 2,300 people known or suspected to be migrants who perished while crossing through southern Arizona.³⁰

The number of migrants who die and whose remains are found in the Border Patrol's Rio Grande Valley Sector in southeastern Texas has been on the rise, though, as the number of crossings being made through Texas has increased.

At least one suspected reason for this shift is a change in migrant demographics as more Central Americans make their way into the United States. This is because the migratory routes from Central America to the United States feed primarily into Texas, not Arizona. In 2011, the majority of migrants apprehended in the Rio Grande Valley Sector were Central American, a first in U.S. Border Patrol history.³¹ In 2014, and for the first time on record, more non-Mexicans than Mexicans were apprehended at U.S. borders.

Of the Central American migration corridors, the freight trains that link Mexico's southernmost border with the United States are the most frequently trafficked. These trains are known as La Bestia ("the beast"). Migrants ride the trains along the Gulf Coast to the Rio Grande and are shuttled across the river by smugglers once they reach the Texas border.³²

While the deserts of southern Arizona are formidable obstacles for migrants, who are typically ill-equipped for traveling through such an environment, the desolate scrublands that greet migrants in South Texas are no more hospitable. As a result, Texas too has seen tragedy. Authorities in Brooks County, Texas recovered the remains of more than 400 migrants between 2009 and 2015.³³ And high as that number is, it is considered a gross undercount; it is estimated that for every body recovered in Brooks County, at least 5 to 10 go undiscovered.³⁴



At Border Patrol, we're invested in the search and rescue piece of this work, we're invested in building awareness of the dangers posed by crossing through the remote areas of the Southwest, and then we're part of the response team for recovering the remains of deceased migrants.

**Acting Chief Ronald Vitiello,
United States Border Patrol**

The Stakeholders: Roles and Responsibilities

The stakeholders in the migrant deaths crisis can be divided into four broad categories: 1) law enforcement agencies; 2) nonprofits and other non-governmental organizations (NGOs); 3) scientists in government and academia; and 4) international government representatives.

Law Enforcement Agencies

The law enforcement agencies involved in preventing and responding to migrant deaths include local sheriffs' departments and police departments as well as U.S. Border Patrol (USBP). Local agencies are involved in recovering migrants' remains, identifying migrants' remains, and taking reports of missing migrants. The agencies with the greatest involvement are those in the areas most heavily trafficked by migrants. Chief among them are the Pima County (AZ) Sheriff's Department and the Brooks County (TX) Sheriff's Office. Others include the Imperial County (CA) Sheriff's Office and the Cochise County (AZ) Sheriff's Office.

30. Traci Watson, "Border postmortem: What dead migrants tell us," *USA Today*. May 6, 2016. <http://www.usatoday.com/story/news/2016/05/06/border-postmortem-what-dead-migrants-tell-us/84005166/>

31. Historically, the majority of migrants crossing the Southwestern border have been Mexican nationals. The designations that USBP uses to categorize these migrants—"Mexican" or "Other than Mexican"—offer clear evidence of this history.

32. That is if they survive "La Bestia." Since there are no passenger cars, migrants have to ride on top of the trains. They risk losing limbs or being killed outright if they fall, all while at the mercy of the organized criminal groups who control the route north.

33. Alex Altman, "The Corridor of Death: Along America's Second Border," *Time*. May 28, 2015. <http://time.com/3898564/immigration-border-mexico/>

34. Miguel Almaguer et al, "Texas' Brooks County is 'Death Valley' for Migrants," *NBC News*. May 23, 2013. <http://www.nbcnews.com/storyline/immigration-border-crisis/texas-brooks-county-death-valley-migrants-n152121>

NamUs and its Role in Identifying Deceased Migrants

By Michael Nance, NamUs Regional System Administrator

The National Missing and Unidentified Persons System, or “NamUs,” is a national clearinghouse, centralized repository, and resource center for missing persons and unidentified person records. NamUs serves as a clearinghouse of metadata and biometric data for missing and unidentified persons. It is a web-based online system funded by the National Institute of Justice (NIJ) and managed by the University of North Texas Health Science Center. NamUs is an important tool for law enforcement agencies, medical examiners, coroners, and families.

NamUs includes three databases: a missing persons database, an unidentified persons database, and an unclaimed persons database. When a new report is entered into NamUs, it is automatically cross-checked against existing records within the System. For example, if a new missing persons report is entered, it is checked against the unidentified persons report database. NamUs identifies possible matches and reports them in that record’s “Possible Matches” screen. NamUs provides a ‘side by side’ comparison of these possible matches within the record. NamUs gives the investigator the ability to systematically compare cases and identify each possible match as an exclusion or identification. Excluding cases frees the investigator from having to compare the same cases again in the future. Excluded cases are displayed in the NamUs record “Exclusions” screen. This provides investigators necessary documentation and a history of their investigative labors.

NamUs’ databases are entry points into the many resources provided for and funded by the NIJ NamUs grant. Additional resources includes DNA, anthropology, odontology, fingerprints, analytics, support and other services. Once a record is entered into a NamUs database, meta and biometric data can be added to the platform. Having meta and biometric data in an online searchable format assures its availability when needed by law enforcement and forensic professionals to make exclusions or identifications.

Unfortunately, NamUs is still relatively unknown. NamUs is relatively new. The FBI NCIC system became operational in 1967, before most law enforcement officers working today were born. By contrast, NamUs was released in 2009 and continues to be unknown to many. Unlike NCIC, anyone may enter a missing person into NamUs and search its databases. NamUs’ Internet-based database gives anyone with access to the Internet the ability to search, compare, and enter cases. NamUs’ “Contacts” screen provides access to NamUs staff members who can provide support and assistance.

NamUs continually works with stakeholders to increase the response to missing persons. NamUs has been viewed in the past as a resource for long-term missing persons. Certainly resources like DNA, fingerprint, and dental records are generally used to name the unidentified. NamUs’ Missing Persons Database and Unidentified Persons Database work collaboratively to match cases of nameless persons to those missing long enough to have become one of those entered into NamUs’ Unidentified Persons Database.

NamUs’ Internet based database allows for the instant distribution of information, including images of the missing person and vehicle information that can be used to quickly alert the public. NamUs automatically generates missing persons posters that can be emailed or printed directly from the system, which facilitates the dissemination of information to help to quickly locate the missing person.

NamUs staff members work at the beginning of a missing persons investigation to increase the chances that the missing person will be returned home safely. NamUs staff, through their diligent work with law enforcement and families, strive to make missing persons recognized as the threat to public safety that it is. Helping to increase the response to missing persons is important to reduce those tragedies that can be averted.

NamUs is a tremendous resource for anyone missing or unidentified in America.





When we talk about the “golden hour,” we’re talking about the fact that every minute matters in a search and rescue scenario, and that getting information to rescuers as quickly and as efficiently as possible can mean the difference between life and death.

Lieutenant Thomas Garcia, Imperial County (CA) Sheriff’s Office

Local agencies are also involved in search and rescue operations. “In Arizona, search and rescue is one of the mandates for the sheriff of every county,” said Chief Deputy Thad Smith of the Cochise County (AZ) Sheriff’s Office. “It’s state law that we have to provide that service.” The same is true in California, Lieutenant Garcia said. USBP too participates in search and rescue along the border, sometimes assisting local agencies in these efforts and other times leading them.

Lieutenant Thomas Garcia of the Imperial County (CA) Sheriff’s Office underscored the importance of working closely with the Border Patrol on these search and rescue operations. “If anyone can get to them fast, it’s going to be Border Patrol. We have a search and rescue team, but chances are Border Patrol is already on the ground in whatever area we’ll be searching,” Lieutenant Garcia said.

Police agencies and federal law enforcement agencies are also involved in taking reports of missing migrants. The Tucson Police Department, the Cochise County Sheriff’s Office, the Brooks County Sheriff’s Office, and the Imperial County Sheriff’s Office—to name several examples—all receive and document reports of missing migrants. “In California, it’s state law that we take missing persons reports and enter them into NCIC,³⁵ and it is our department policy to do so,” said Lieutenant Thomas Garcia of the Imperial County Sheriff’s Office, “so of course I’ll talk to family members and take a report if they want to make one. And we do get those calls in Imperial County.”

RESCUING MIGRANTS IN DISTRESS: THE “GOLDEN HOUR”

Reports of migrants in need of rescue are typically made in one of four ways: 1) the migrant has a cell-phone and calls 911; 2) the migrant has a cell phone and calls his³⁶ relatives, who in turn call either 911, the local consulate, or an NGO; 3) group with whom the missing migrant was travelling is apprehended and report that they left someone behind; or 4) the migrants pushes the call button on one of the rescue beacons that USBP has installed in high traffic areas along the border.

Stakeholders along the border have built information management systems that are designed to capture as much relevant information from these callers as possible and then route it to rescuers immediately. Some international government representatives and NGOs have developed intake forms in cooperation with the Border Patrol to ensure that they are collecting the types of information that rescuers need.

We capture as much information as we can when we get a call from someone in distress. Often it depends on the battery life of their phone. We give that information to the Border Patrol to put together a rescue at the same time that we tell the caller that he needs to call 911 so that Border Patrol can triangulate his location to rescue him.

José Alejandro Urbano Flores, Head of the Protection and Legal Affairs Department in the Consulate of Mexico, Tucson (AZ)



35. “NCIC” is the “National Crime Information Center,” an “electronic clearinghouse of crime data” operated by the FBI that includes information about missing persons, fugitives, stolen property, etc. For more information, see: <https://www.fbi.gov/services/cjis/ncic>.

36. Between 2005 and 2010, approximately 83 percent of the undocumented migrants apprehended by Border Patrol were men. For more, see: https://www.dhs.gov/sites/default/files/publications/ois-apprehensions-fs-2005-2010_0.pdf

We average 75 search and rescue missions a year, and about a third of those are for undocumented migrants.

[In the case of an undocumented migrant in need of rescue in our county,] what typically occurs is this: USBP patrol agents who are in the field performing their day-to-day duties learn, usually after or immediately upon apprehending a group of undocumented migrants, that one or more members of the group were in distress and left behind by the coyote. The agents get as much detail as they can regarding where the missing person was last seen. The agents notify their superiors and the Sheriff's Office, and then travel toward the area where they suspect the lost person may be. The Sheriff's Office SAR unit responds and begins to organize the formal search and rescue operation.

Sometimes the USBP agents find the lost person before SAR arrives and, depending on the person's condition, walks them out on their own or coordinates with SAR to extract the person. Sometimes the operation lasts for days, and at other times it results in finding a deceased person, at which time the Sheriff's Office conducts an investigation.



Chief Deputy Thad Smith, Cochise County (AZ) Sheriff's Office

When law enforcement agencies receive a report of a migrant in distress, they deploy a rescue party.

In Brooks County (TX), all 911 calls from migrants or regarding migrants in distress are immediately passed to the Border Patrol. As Doyle Amidon, Border Patrol Agent in Charge of the Falfurrias (TX) Border Patrol Station,³⁷ explained, “If we have a helicopter available, we’ll send a helicopter. If we have a horse or K-9s, we’ll send them. We will send everything at a rescue that we can.”

Acting USBP Chief Ronald Vitiello underscored this point. “Timing is critical in terms of how quickly they can get to people, as well as the resources that are immediately available. They have helicopters, horses, SUVs, etc., and they use them to save people lost in the desert. In the 2015 fiscal year, my colleagues in Tucson Sector rescued 181 people.”

Nonprofits and Other Non-Governmental Organizations (NGOs)

NGOs are instrumental in identifying migrants’ remains, because they work closely with family members of the missing, many of whom are afraid to contact law enforcement agencies or who have found that some law enforcement agencies will not take their reports of people who have gone missing while crossing the border. Once they have a report of a missing migrant, NGOs work on behalf of the family to locate their lost loved one. This might include searching reports of unidentified persons in NamUs or comparing the collected reports of missing migrants against data about recovered remains from medical examiners’ offices.

THE COLIBRÍ CENTER FOR HUMAN RIGHTS

The Colibrí Center for Human Rights, based in Tucson, AZ, has made numerous matches by comparing circumstantial information between the missing and the dead.³⁸ These identification hypotheses are then confirmed as positive identifications by medical examiners’ offices. The Colibrí Center is a nonprofit organization whose work includes taking forensically detailed missing persons reports from the family members of missing migrants, entering those reports into its database of missing migrants, and then working with the Pima County Office of the Medical Examiner (PCOME) and other agencies along the border to identify the dead.

37. The Falfurrias Border Patrol Station is located in Brooks County, TX.

38. Colibrí Center: webpage. <http://www.colibricenter.org/>



I've been working on this issue since 2006, and in my experience, families are deeply afraid to contact law enforcement or the Border Patrol. Certainly there are cases where it's necessary to do so if a migrant is in distress and in need of rescue, but we've been able to partner with the Pima County Medical Examiner's Office, other offices of the Medical Examiner, coroners, the Mexican Consulate, the Argentine Forensic Anthropology Team, Dr. Kate Spradley at Texas State University, Eddie Canales of the South Texas Human Rights Center, and Sheriff-Elect Benny Martinez in Brooks County, in order to identify the dead without requiring people to face a fearful encounter with law enforcement.

Dr. Robin Reineke, Executive Director, Colibrí Center for Human Rights (AZ)

“We’re a nonprofit, nongovernmental organization,” explained Dr. Robin Reineke, Executive Director of the Colibrí Center. “We intentionally provide an avenue for families to report and find information about missing—likely deceased—relatives. We don’t do search and rescue, but we partner with others to relay that information. Our focus is really on the unidentified and our mission is to provide a non-law enforcement avenue to report a missing migrant. It’s important to our identity as an organization to provide an alternative way to report and search for a missing loved one that is not in any way threatening for those family members who are deeply afraid to contact law enforcement.

“Our mission at the Colibrí Center is to end migrant death and related suffering on the U.S.-Mexico border. We approach this in two ways: one, to help identify the dead and help the families of the dead find their missing relatives, and second by partnering with families to tell their stories and bring the voices of the families of the missing and the dead into the broader domestic and international conversation about immigration, human rights, and border security,” said Dr. Reineke. “In terms of our relationship with the Pima County Medical Examiner’s Office, we provide a link between the families of missing migrants and forensic scientists to support identification efforts.”

This partnership with PCOME is central to the Colibrí Center’s operational model, because the Colibrí Center is circumspect about working closely with law enforcement agencies. “We run into challenges when it comes to sharing our data with other agencies, and especially law enforcement agencies, because of a trust issue,” Dr. Reineke explained. “The family members of missing migrants might be comfortable working with an NGO like the Argentine Forensic Anthropology Team or Colibrí or the South Texas Human Rights Center, but they might not be comfortable with their data being shared with law enforcement agencies like the Border Patrol. NGOs won’t share any information with the Border Patrol unless they have the family’s permission.”

HUMANE BORDERS

Other NGOs install and monitor water stations for migrants in high-traffic areas. Perhaps chief among these is Humane Borders, a faith-based humanitarian organization that operates out of Tucson.³⁹ Humane Borders also maps migrant death locations and produces and distributes literature warning migrants in northern Mexico about the dangers of crossing the border on foot through the desert.⁴⁰

“Number one, we work on the prevention side by placing and servicing permitted permanent water stations at strategic locations throughout the Sonoran Desert,” explained Dr. John Chamblee, Research Chair with Humane Borders. “In addition to that, we have a public education campaign that is built around taking people out into the desert to service water stations, and showing them what the conditions are like for migrants. We also have a migrant death mapping program, which I’ve been working on

39. Humane Borders: webpage. <http://www.humaneborders.org/>

40. Humane Borders: warning poster. http://humaneborders.org/news/documents/nogales_poster_20130617_download.pdf

since 2004. That began as a means of understanding where migration was happening, so that we could put water stations in appropriate locations.”

That mapping project evolved into the Arizona OpenGIS Initiative. “At the same time that I began working on mapping migrant deaths for Humane Borders, I also started talking to Dr. Bruce Anderson at the Pima County Office of the Medical Examiner (PCOME) about mapping the locations where migrants’ remains were recovered, as a way of improving the identification process,” said Dr. Chamblee. Human remains in the desert are often quickly disarticulated by animals. As a result, a tibia found in one location might be from the same person as a femur found 50 yards away. Those two bones might be recorded at different times as separate cases, even though they are from the same person. The death mapping that Humane Borders has done as part of their OpenGIS Initiative allows PCOME staff to make spatial associations in cases like these, ordering DNA testing to determine whether or not the remains in question in fact belong to the same person.

“We’ve gotten to the point that we’re now updating the system monthly and we’ve also expanded to include information from Maricopa County (AZ),” Dr. Chamblee said.

SOUTH TEXAS HUMAN RIGHTS CENTER

Other NGOs, such as the South Texas Human Rights Center (STHRC), engage in a combination of activities. STHRC is an advocacy and humanitarian organization based in Falfurrias, TX. Started by the organizing efforts of several human rights activists, including Maria Jimenez, and founded by Eduardo “Eddie” Canales, its objectives are “to promote policies to prevent migrant deaths,” “to strengthen the capacity of families to locate missing loved ones,” and “to increase public awareness of migrant deaths and militarization of the border.”⁴¹ In addition to working with the family members of missing migrants, STHRC also maintains water stations in highly trafficked migration corridors in Brooks County where they have the permission of landowners to do so.

“The STHRC is holistic and involved in taking missing migrant reports, search and rescue, and recovery of remains,” said Mr. Canales. “The STHRC’s main focus is centered in Brooks County due to the fact that there is a six to seven year gap—beginning approximately in 2006 and ending August 2013—when no DNA was taken from bodies or skeletal remains recovered in Brooks County,” said Mr. Canales. “Our efforts are concentrated in Texas where no such efforts have existed. The South Texas Human Rights Center has also created a missing migrants database that is very new and for Texas only.”

“We’re trying to prevent deaths, and we’re also trying to increase our capacity to assist the families of the missing and to identify the dead in Brooks County. And of course our goal is also to the change the policies that are contributing to migrant deaths.”

Compared to Pima County, which has multiple advocacy organizations for migrants and their families, Brooks County has only the STHRC. There is no well-established network of NGOs based in Brooks County as there is in southern Arizona, though there are other nonprofit groups and academics working in Brooks County and with Mr. Canales at any given time.

LOS ANGELES DEL DESIERTO (THE DESERT ANGELS)

There are also NGOs that conduct their own search and rescue missions in the desert. One such organization is Los Angeles del Desierto, based in San Diego, CA.⁴² Led by Rafael and Monica Larraenza Hernandez, Los Angeles del Desierto operates on both sides of the U.S.—Mexican border.

Los Angeles del Desierto has been in operation for 20 years. As Rafael Hernandez explained, “We conduct searches all over California, Arizona, and



41. South Texas Human Rights Center: webpage. <https://southtexashumanrights.org/>.

42. Los Angeles del Desierto: webpage. http://losangelesdeldesierto.org/Main_English.html.



The National Center for Missing and Exploited Children has approximately 330 employees working day and night to help find missing children and stop the exploitation of children. We're a valuable resource to people working in this field because of our experience and the help that we're able to provide in cases that involve a missing child or the unidentified remains of a child.

Director John Clark, National Center for Missing and Exploited Children

Texas. People trust us because we're Mexicans and we are not law enforcement. But it's also important to note that we get in contact with the authorities when we need to and this communication with the authorities is very important. The main reasons that migrants perish while trying to cross the border are heat, exhaustion, and thirst. When we have a report of a missing or lost person in these desert regions, the first thing that Monica Larraenza, Director of the Desert Angels, does is contact the Border Patrol to determine whether or not this person has been detained or is indeed lost in the desert. A lot of times, we find that they have been apprehended by Border Patrol and that's fine because they are not dying somewhere. We feel that our group and Border Patrol, BORSTAR, Forestry Officials, and the Sheriff's Department are all working toward saving lives. I think, though, that we could have better points of contact to be more effective."

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (NCMEC)

The National Center for Missing and Exploited Children is a Virginia-based non-profit organization that serves as "the nation's clearinghouse on issues related to missing and sexually exploited children."⁴³ It is "authorized to perform 22 programs and services to assist law enforcement, families, and the professionals who serve them" in investigations of missing and sexually exploited children, said NCMEC Director John Clark. As Program Manager Mike Murphy explained, "as a national center we act as a facilitator in the process of connecting families, law enforcement, medical and legal death inves-

tigators, medical examiners' offices, and NamUs. We bring everyone together so that we can identify the children who die in the United States and return their remains to their loved ones."

Mr. Murphy explained that NCMEC is currently handling the cases of approximately 130 children who are presumed to be undocumented. "I will tell you that prevention is something that our organization believes in—we'd rather prevent these children from dying in the first place. At the same time, being able to give these children their names back and repatriate their remains is extremely important."



NGO-AFFILIATED ACADEMICS

There are some academics who work cooperatively with NGOs along the border. Dr. Christine Kovic, an Associate Professor of Anthropology at the University of Houston - Clear Lake, is a cultural anthropologist who specializes in engaging with family members of the missing.

THE ARGENTINE FORENSIC ANTHROPOLOGY TEAM (EAAF)

The Argentine Forensic Anthropology Team (EAAF)⁴⁴ is a "scientific, not-for-profit, nongovernmental organization dedicated to the application of forensic sciences—mainly anthropology, archaeology, and genetics—to humans rights investigations," explained Molly Miranker, an anthropologist with the EAAF. The EAAF was founded in Argentina in 1984 in response to the disappearances of Argentinians under

43. National Center for Missing and Exploited Children, webpage. <http://www.missingkids.com/About>.

44. Argentine Forensic Anthropology Team: webpage. <http://www.eaaf.org/>.

the military dictatorship. “Since then,” said Ms. Miranker, “we have worked in various projects either as expert witnesses or technical consultants in 45 different countries in Latin America, Africa, Asia, and Eastern Europe.”

Since 2009, one of the EAAF’s initiatives has been the Border Project, a program that aims to significantly increase identifications of missing migrants along the Central America-Mexico-U.S. migration corridor by improving forensic information available as well as facilitating mechanisms for its exchange. One important contribution of this project in addressing the migrant deaths crisis in the Southwest has been collecting DNA samples—called “familial reference samples” or FRS—from the relatives of missing migrants in both the U.S. and migrant communities of origin in Mexico and Central America, so that they can be compared against the DNA profiles of unidentified presumed migrants whose remains were recovered along the border.

When DNA analysis suggests an identification, EAAF representatives explained, the EAAF works with Forensic Data Banks on Missing Migrants or other mechanisms within the migrant’s country of origin to confirm an identification. The EAAF writes an identification report and works with the appropriate local U.S. officials to legally recognize the identification and initiate the repatriation process with the appropriate consulate.



The Efforts of the International Committee of the Red Cross (ICRC) in Mexico and Central America

*By Olivier Dubois,
Coordinator of Programs for Missing Persons for the
International Committee of the Red Cross in Mexico City, Mexico*

The mission of the ICRC as it relates to disappeared migrants in Central America and Mexico is to reduce the number of missing migrants and migrant deaths, and to serve as a bridge between state institutions and the families of migrants. Our goal is to improve cooperation between government agencies and the families of migrants and improve processes for reporting missing migrants and identifying the deceased.

In Central America, we’re working closely with the families of the missing and completed an analysis of their needs. We’ve discovered two issues. First, the families of missing migrants are unsure of to whom they should turn for help among governmental and non-governmental agencies working in this area. Second, many relatives of the missing don’t trust the local government agencies to whom they should be able to make a missing persons report and from which they should receive feedback on the follow-up of their case. We at the ICRC would like to see both a simplification in the process of making a missing persons report in Central America. We are also aiming at improving the quality of missing persons reports so that they can be of use in scientific forensic processes throughout the region.

The ICRC is also working directly with migrants in Mexico, giving them medical attention through the Mexican Red Cross and information about the risks that they will face during migration (self-help messages) and offering them the means to remain in contact with their family members as they travel up through Mexico (access to telephone). We advise migrants to keep in touch with their families so that their whereabouts are known and to report any fellow migrants who go missing along their journey. We can provide migrants with assistance and inform them of the risks of migration, but we remain neutral in the sense that we do not advise people to migrate or not migrate.



Scientists in Government and Academia

MEDICAL EXAMINERS' OFFICES

Other scientists are also involved in the examination and identification of migrants' remains. These scientists include medical examiners. In the case of Brooks County, TX and the border counties of Arizona, when a sheriff's office recovers the remains of a migrant and processes the scene of recovery, the migrant's remains are transported to the medical examiner's office for autopsy and forensic anthropological analysis and sometimes for DNA sampling. In Brooks County, remains are sent to the Webb County Medical Examiner's Office. In Pima, Pinal, Santa Cruz, and Cochise Counties (AZ), remains are sent to the Pima County Office of the Medical Examiner (PCOME).

Whenever we find a body, we treat it first as a criminal investigation and recovery. We send out our investigators, and they treat it just as they would any other death investigation. They process the scene and work directly with Dr. Anderson at the medical examiner's office. In fact, they'll often send photos of the scene to the medical examiner's office in real time and speak with them on the phone about what they're seeing.

Chief Deputy Thad Smith, Cochise County (AZ) Sheriff's Office

If the migrant's identity is unknown, then the medical examiner or the sheriff's office typically enters a case report into NamUs. That unidentified person report will be automatically compared against missing persons reports in NamUs, and can be compared against missing persons reports in other databases as well, such as those kept by consulates and NGOs.

Medical examiners also take DNA samples from deceased migrants so that, once a hypothetical match between a missing migrant report and an unidentified migrant report is made, the DNA profile from the deceased migrant can be compared against reference samples provided by the family members of the missing migrant.

FORENSIC ANTHROPOLOGISTS

The scientists responding to migrant deaths along the border also include forensic anthropologists. Dr. Bruce Anderson is a forensic anthropologist with the Pima County Office of the Medical Examiner (PCOME). For many years, Dr. Anderson has been instrumental in taking missing persons reports from the family members of missing migrants who call the PCOME.⁴⁵ The reasons that they call the PCOME vary—some are wary of contacting law enforcement agencies, others have tried to do so and have been turned away. In 2006, Dr. Anderson began working with then-graduate student Robin Reineke to assist in the task of taking and organizing these reports. That effort evolved into the Colibrí Center for Human Rights (discussed above), which now handles all reports of missing migrants received by the PCOME.

The forensic anthropologists who work along the border include those from academia as well. Dr. Lori Baker, an Associate Professor of Anthropology at Baylor University, and Dr. Kate Spradley, an Associate Professor of Forensic Anthropology at Texas State, are two of these scientists. Dr. Baker is one of the principal investigators involved in exhuming and identifying the remains of migrants that were improperly interred in Sacred Heart Cemetery in Falfurrias, TX.⁴⁶ Dr. Spradley is also involved in these efforts. Due to her expertise and the facilities to which she has access, Dr. Spradley processes recovered migrants' remains that are in an advanced state of decomposition, doing a forensic analysis and taking samples for DNA processing.⁴⁷ Since 2013, Dr. Baker has also kept decomposing remains in addition to those that are skeletonized. She processes the remains; cleans, photographs, and documents the clothing

45. There are only a handful of medical examiner's offices in Arizona and the PCOME is by far the busiest. It has conducted the largest number of post-mortems in the state and is responsible for processing the remains of migrants found in Santa Cruz and Cochise counties (two other border counties to the east) in addition to its own.

46. John Carlos Frey, "Graves of Shame," *Texas Observer*, July 6, 2015. <https://www.texasobserver.org/illegal-mass-graves-of-migrant-remains-found-in-south-texas/>.

47. Dr. Spradley also works closely with other stakeholders along the border, such as Colibrí and the EAAF. Those partnerships are discussed in more detail below.

The Reuniting Families Project (RFP)

Created in 2003 by Dr. Lori Baker, the Reuniting Families Project is “now a consortium of forensic scientists who recover the remains of unidentified individuals from pauper graves in cemeteries along the U.S. Southern Border. RFP scientists then perform a full forensic anthropological analysis [of the recovered remains], take samples for DNA, stable isotope and elemental analyses, enter the information into missing persons databases, and share this information with organization representing the families of the missing.”⁴⁸ The goal of RFP is to identify the remains of the deceased and return them to their loved ones.

and personal items; performs anthropological analysis; takes DNA samples for submission to the University of North Texas; and uploads the cases to NamUs.

UNIVERSITY OF NORTH TEXAS – CENTER FOR HUMAN IDENTIFICATION

The University of North Texas’s Center for Human Identification (UNTCHI), funded by the National Institute of Justice (NIJ), provides free DNA analysis for law enforcement agencies and other government-affiliated agencies (such as medical examiner’s offices) in Texas to assist in solving missing persons cases and identifying recovered remains. The UNTCHI also operates NamUs and is responsible for Texas’s submissions to the federally-operated Combined DNA Index System (CODIS).⁴⁹

As Dr. Harrell Gill-King, professor and Director of the Institute of Forensic Anthropology at UNT, explained, “We’re scientists, and we [at the UNTCHI] treat every case as a medico-legal death investigation, regardless of whether or not the person involved is presumed to have been a migrant.” Texas law requires that DNA samples be taken for all unidentified remains recovered in the state.⁵⁰ It is the UNTCHI’s responsibility to process these samples and generate DNA profiles for the deceased.

TEXAS FORENSIC SCIENCE COMMISSION

Created by the Texas State Legislature in 2005, the Texas Forensic Science Commission (TFSC) is comprised of nine members: seven scientists and two attorneys. As Dr. Sheree Hughes-Stamm, a commissioner and Assistant Professor of Forensic Science at Sam Houston State University, explained, the TFSC is responsible for investigating any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by an accredited forensic laboratory, facility, or entity. The TFSC “is also responsible for making recommendations on various procedures, policies, and best practices to improve the quality of forensic analyses conducted in Texas.”⁵¹ In 2015, as Dr. Hughes-Stamm explained, “the state legislature mandated that the Commission develop a method for collecting forensic evidence related to the unidentified bodies located less than 120 miles from the Rio Grande River.”



48. “The International Consortium for Forensic Identification,” <http://www.reunitingfamilies.org/#!/about/c10fk>.

49. CODIS is administered by the Federal Bureau of Investigation (FBI).

50. Kristian Hernandez, “New Texas law addresses death toll of unidentified border crossers,” *The Monitor*. June 27, 2015. http://www.themonitor.com/news/local/new-texas-law-addresses-death-toll-of-unidentified-border-crossers/article_8e553c14-1d2c-11e5-a555-472545ac2579.html.

51. “Texas Forensic Science Commission: About Us,” <http://www.fsc.texas.gov/about>.

International Government Representatives

International government representatives, and specifically consular staff working in high-traffic areas like southern Arizona and Texas, take reports of missing migrants and migrants in distress. As explained by José Alejandro Urbano Flores, Head of the Protection and Legal Affairs Department in the Consulate of Mexico in Tucson, consular staff occupy a unique position because they have the full powers of a governmental agency and are trusted by the family members of the missing and law enforcement agencies alike.

In Arizona, many Mexican nationals—either the relatives of migrants or migrants themselves—ask the Consulate of Mexico in Tucson for aid. The consulate has what is known as its *Center for Information and Assistance for Mexicans*. It began as a call-in informational line for Mexicans. It has since evolved into, among other things, a call center for migrants in distress and the family members of missing migrants. When consular staff receive a report of a migrant in distress, they share that information with the U.S. Border Patrol so that Border Patrol can initiate a rescue operation.

Consulates are equally important stakeholders in efforts to locate missing persons and identify migrants' remains. They take reports of missing migrants and work with other consular offices in the United States as well as their partners in local government in order to locate the missing.

Consulates are also crucial in repatriation. When the remains of a deceased migrant are positively identified, that migrant's remains must be sent home to his family. Consulates arrange this process and, in many cases, pay the associated costs.

The Role of Consulates in Missing Migrants Investigations

*By Alejandro Celorio Alcántara,
Representative of the Office of Consular Coordination
at the Embassy of Mexico*

You should look at the embassy and our consular network here in the U.S. as a resource not only for building trust with the community, but also for identifying remains. We have a case management system that is shared between the consulates, into which we feed information about missing people. We are also moving forward in terms of matching DNA. The relatives of missing migrants can provide a DNA swab to our main coroner's office in Mexico City and other locations in the country with the collaboration of the Scientific Division of the Federal Police. The coroner's office and the Federal Police keep the DNA sample and it can be matched against the samples taken by medical examiners in the United States. Between 2005 and 2016, we made 288 matches using this system.

So I encourage you to think of the consular network as a way to expand your reach, because human remains in Pima County or Sacramento County can be linked with the tiniest village in Oaxaca using our system.



SECTION II:

The PERF Roundtable Discussion on Responding to Migrant Deaths Along the Southwest Border

We all own this. The federal government owns this, the NGOs own this, the law enforcement agencies own this, the consulates own this, other countries own this. We all have a significant role to play.

The most important part of what we're talking about today is making sure that everybody understands their roles and the relationships among us, and how we can best contribute to the team as we move forward and institutionalize these relationships that we've built.

Doyle Amidon, Patrol Agent in Charge, Falfurrias (TX) Border Patrol Station

On June 1, 2016, PERF hosted a roundtable discussion in Washington, D.C. to discuss the response to migrant deaths along the Southwest border. PERF brought together key stakeholders from advocacy groups, the scientific community, local and federal law enforcement agencies, humanitarian organizations, and international governments. Participants came from Arizona, California, Texas, Mexico City, New York, and Washington, D.C.

The goals of the meeting were:

- To facilitate practical information-sharing between law enforcement and non-law enforcement attendees;
- To discuss and document promising practices for forging interdisciplinary partnerships to prevent migrant deaths and improve the process of identifying and repatriating migrants' remains; and
- To identify new opportunities for cooperation and information-sharing among stakeholders.

The PERF roundtable discussion was unprecedented in its geographic scope and the agencies represented. Representatives from all major stakeholder groups involved in the migrant deaths crisis—including representatives from the Southwest, Mexico, and Washington, D.C.—had the opportunity to frankly discuss their promising practices, the challenges they face, and the informational gaps that they want to close.

All of us, regardless of whether we're law enforcement or NGOs or activists or scientists, agree that the penalty for crossing the border shouldn't be death.

Doyle Amidon, Patrol Agent in Charge, Falfurrias (TX) Border Patrol Station

Interdisciplinary and Interagency Partnerships

Roundtable participants emphasized that partnerships are necessary to ensure the best possible outcomes for migrants and their families and to ensure that limited resources are not wasted on duplicative efforts.

Participants also made clear that these collaborative efforts need to be institutionalized. Relationships must be formalized to ensure that they will continue even when there are personnel changes in an agency.

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Roundtable Discussion Participants

Law Enforcement Agencies

- Pedro Alonso Jr., Border Patrol Agent, United States Border Patrol – Tucson Sector (AZ)
- Doyle Amidon, Patrol Agent in Charge of the Falfurrias Border Patrol Station, United States Border Patrol – Rio Grande Valley Sector (TX)
- Erik Breitzke, Assistant Special Agent in Charge, Immigration and Customs Enforcement – Homeland Security Investigations (AZ)
- Charlie Deane, Chief (retired), Prince William County (VA) Police Department
- Thomas Garcia, Lieutenant, Imperial County (CA) Sheriff's Office
- Benny Martinez, Sheriff-Elect, Brooks County (TX) Sheriff's Office
- Steven Passement, Branch Chief, Border Community Liaison Program, United States Border Patrol – Tucson Sector (AZ)
- Thad Smith, Chief Deputy, Cochise County (AZ) Sheriff's Office
- Ronald Vitiello, Acting Chief, United States Border Patrol
- Bob Wilson, Captain, Tucson (AZ) Police Department

Nonprofit Organizations and other NGOs

- Eduardo “Eddie” Canales, Founder, South Texas Human Rights Center (TX)
- Dr. John Chamblee, Research Chair, Humane Borders (AZ)
- John Clark, Director, National Center for Missing and Exploited Children (VA)
- Olivier Dubois, Coordinator of Programs for Missing Persons, International Committee of the Red Cross (Mexico City, Mexico)

- Andrew Geraghty, Program Analyst, Carnegie Corporation (NY)
- Rafael Hernandez, Director, Los Angeles del Desierto (CA)
- Nadia Kalinchuk, Outreach Coordinator and Caseworker for the Americas Restoring Families Links, American Red Cross (Washington, D.C.)
- Dr. Christine Kovic, Associate Professor of Anthropology, University of Houston – Clear Lake (TX)
- Molly Miranker, Anthropologist, Argentine Forensic Anthropology Team (NY)
- Michael Murphy, Program Manager, National Center for Missing and Exploited Children (VA)
- Dr. Robin Reineke, Executive Director, Colibrí Center for Human Rights (AZ)

Scientists in Government and Academia

- Dr. Bruce Anderson, Forensic Anthropologist, Pima County (AZ) Office of the Medical Examiner
- Dr. Harrell Gill-King, Director of the Institute of Forensic Anthropology, University of North Texas (TX)
- Dr. Sheree Hughes-Stamm, Commissioner, Texas Forensic Science Commission (TX)
- Michael Nance, NamUs Regional System Administrator, University of North Texas (TX)

International Government Representatives

- Alejandro Celorio Alcántara, Representative of the Office of Consular Coordination, Embassy of Mexico (Washington, D.C.)
- José Alejandro Urbano Flores, Head of the Protection and Legal Affairs Department, Consulate of Mexico – Tucson (AZ)

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Bridging the gaps among border agencies is a delicate process and one that in its early stages is largely dependent on personal relationships that have been established by key officials. “You must have the right people in the right agencies at the right time when you’re trying to get a partnership effort off of the ground,” said Border Patrol Agent Pedro Alonso. “We had to overcome the reluctance among some of the non-law enforcement agencies to listen to what we had to say, and to understand what we were hoping to achieve by building relationships of trust with them.”

Overcoming barriers to collaboration requires two things of participating agencies. **First, they need to establish a shared baseline goal—for example, improving the flow of information among stakeholders so that migrants in distress are more likely to be recovered alive. Second, they need to determine the precise information that they can share with each other so that they can achieve the best possible outcomes for migrants and their families without revealing any protected information.**

The Forensic Border Coalition

The Forensic Border Coalition — founded by the Colibrí Center for Human Rights, the Argentine Forensic Anthropology Team (EAAF), and Dr. Kate Spradley, a forensic anthropologist with Texas State University— is one standard of cooperation that has emerged in the Southwest.

The Forensic Border Coalition brings together the resources that Dr. Spradley, the EAAF, and the Colibrí Center for Human Rights represent. It has also grown to include the South Texas Human Rights Center and Dr. Christine Kovic, a cultural anthropologist and Associate Professor of Anthropology at the University of Houston–Clear Lake.

“The mission of the FBC,” said Dr. Kate Spradley, “is to support the families of missing migrants searching for their loved ones and to address problems related to the identification of human remains found near the U.S.-Mexico border.”

“The Forensic Border Coalition primarily involves forensic scientists and nonprofit groups,” explained Dr. Reineke, “and so our focus has really been on addressing shared challenges and supporting the families of missing migrants. The Colibrí Center, the Argentine Forensic Anthropology Team, and the South Texas Human Rights Center represent, I believe, the largest repositories of missing migrant data on the border. We share data and share best practices all with a goal of improving the delivery of services to the families of the missing.”

“The Forensic Anthropology Center at Texas State also works with and represents unidentified individuals,” said Dr. Spradley, “and collaborates with Colibrí, EAAF, and STHRC to work towards best practices for the missing and unidentified.”

Everybody has a role to play. From our perspective at the medical examiner’s office, we want to do everything we can to identify the deceased, so we partner with everyone. I know most of the people in this room because of some case at the Pima County Office of the Medical Examiner that you helped us resolve. One reason we want to partner with as many different groups as possible is that some families might be more comfortable talking to one group, and others might contact another. We need to be plugged into all of those informational networks in order to identify the remains of the people in our care. Some families won’t go to law enforcement; others will.

Dr. Bruce Anderson, Forensic Anthropologist, Pima County (AZ) Office of the Medical Examiner

The formation of the Forensic Border Coalition⁵² is an affirmation of the great brain trust that our different agencies represent and of our efforts to find a way to get the right people talking to each other and sharing ante-mortem and post-mortem data in order to make identifications and not duplicate efforts.

Molly Miranker, Anthropologist, Argentine Forensic Anthropology Team

52. The Forensic Border Coalition (FBC) is a multidisciplinary and multi-institutional group whose mission is to support families of missing migrants searching for their loved ones and to address myriad barriers related to the identification of human remains found near the U.S.-Mexico border. Its ongoing research aims to provide minimum numbers regarding missing migrants who may have died crossing the US-Mexico border, to locate burials of unidentified remains, to identify the dead, and to improve practices and protocols for future identifications of the dead in the US.

We've been able to resolve cases in Texas and in Arizona by contacting each other directly. Having the opportunity to exchange data directly with Kate Spradley, for instance, has been instrumental in our efforts to identify the remains of missing migrants and return them to their families.

Dr. Robin Reineke, Executive Director, Colibrí Center for Human Rights (AZ)

BUILDING NONGOVERNMENTAL INFORMATION SYSTEMS

The Colibrí Center has also created its own database of missing migrant reports that is modeled on NamUs. In fact, Colibrí hired Dr. Steve Clark, who developed the NamUs system, to create their database. “Ours is a nongovernmental database that’s very similar to NamUs, which allows all of us nongovernmental entities to use a shared dashboard and capture all of the data that we have in the same space,” said Dr. Reineke. “It allows us to exchange non-law enforcement family advocacy data about missing migrants and unidentified remains. It’s a replicable, closed collaboration.” Access to the database is managed by the Colibrí Center.

The Missing Migrant Initiative – Tucson Sector

Law enforcement agencies, of course, have an important stake in addressing the migrant deaths crisis. The Missing Migrant Initiative (MMI) is a leading example of interagency collaboration that includes law enforcement partners.

The MMI was piloted in the spring of 2015. The number of 911 calls that the U.S. Border Patrol was receiving from the family members of migrants in need of rescue, as well as migrants themselves, was the initial impetus for the project. The Border Patrol realized that in order to save more migrants in the desert, it needed to get information about them faster and more efficiently.

Led by the Border Patrol in Tucson Sector, the MMI’s goals are to improve outcomes for migrants in need of rescue, to assist the loved ones of migrants who have gone missing, and to improve information-sharing and information management. To that end, the Missing Migrant Team (the two Border Patrol

Agents, Mario Agundez and Pedro Alonso Jr., who manage the MMI) is formalizing a communication network that includes the Pima County Medical Examiner’s Office, NGOs, and international government representatives. The aim of the Missing Migrants Team is to be the point of integration for information about migrants who are missing, deceased, or in need of rescue.

“A large part of what we’re doing is outreach,” explained Border Patrol Agent Alonso. “We work very closely with foreign consulates in Tucson, and we’ve reached out to numerous non-governmental agencies in order to facilitate the exchange of information. When it comes to search and rescue, timing is everything. The sooner we get information—and accurate information—about a migrant in distress, the faster we can respond, and that saves lives.”

In March of 2015 and as part of their improvement efforts, Customs and Border Patrol’s (CBP) Joint Intelligence and Operations Center, or JIOC, began tracking and coordinating all local 911 calls from migrants in distress. Emergency dispatchers from all local counties—including Pima, Maricopa, Pinal, Cochise, and Santa Cruz—now transfer all 911 calls from migrants in the desert directly to the JIOC at the Tucson Sector headquarters. Dispatchers at headquarters, in turn, interview these migrants to determine their location and send out Border Patrol agents to rescue them.

THE STRUCTURE OF THE MMI

The Missing Migrant Team handles reports from migrants themselves—who call 911 from the desert using cell phones—or from third parties like NGOs, consulates, or migrants’ family members. The Team divides these reports and requests for assistance into four categories:

- Category One: *General database search* (checking to see whether or not a migrant is in custody);
- Category Two: *Search and rescue* (when a migrant is known to be in distress in the desert);
- Category Three: *Recovery* (when a migrant is known to have died in the desert); and
- Category Four: *Medical examiners’ requests* (about migrants whose remains they have in their care).



The Team has developed protocols for handling requests in each of these categories. The protocols govern:

- The precise information that the Border Patrol needs from the submitting agency or individual in order to complete the request;
- The information that the Border Patrol is able to give back to the submitting agency or individual; and
- The actions that Border Patrol will take—such as initiating a search and rescue mission—based on the information that they receive.

As part of the MMI, the Team meets weekly with the Pima County Medical Examiner’s Office, consular representatives, and NGOs to discuss cases and address issues and concerns.

MANAGING INFORMATION TO PROTECT PRIVACY AND SAVE LIVES

Migrants in distress who call 911 establish a direct line of communication with Border Patrol. Typically, however, the reports that the Missing Migrant Team receives are from their third-party partners in the MMI. Sometimes migrants will call a family member, for instance, who then calls 911 on their behalf. In other instances, migrants will call their consulate and ask for rescue. And still other times, family members will call their consulate or an NGO working along the border to report a missing migrant.

“Everyone who works in the Center is trained to ask certain questions and follow certain protocols when a migrant in distress calls in, a loved one of a migrant lost in the desert calls in on their behalf, or we get a missing persons report,” explained José Alejandro Urbano Flores, Head of the Protection and Legal Affairs Department in the Consulate of Mexico, Tucson. “We have developed a particular intake document to use in these instances that we’ve developed in cooperation with Border Patrol to ensure that we’re capturing the most useful information for rescuers. Border Patrol has the rescue team, so it’s important that we’re asking the questions that they need answers to.” These questions, Consul Urbano Flores said, include a brief description of their location and any notable topographical features that may help rescuers find them.

Like the Border Patrol, consulates and NGOs have their own protocols for the types of information they can and cannot share with the Missing Migrant Team, which might include the names and contact information for the family members of missing migrants, as part of their participation in the MMI.

“We need to be very deliberate in determining how we share information,” said Consul Urbano Flores. “One of the concerns of the consulate is with the management of information and ensuring that everyone is following the proper protocols. We of course also have laws that govern the types of information that we can and cannot share with the public. Our goal is to find ways to protect family information while also making sure that identifications of migrants’ remains are made.”

Protecting family information is important to NGOs that work with family members to take reports of missing migrants. These NGOs have to find the balance between protecting the privacy of their clients (many of whom are themselves undocumented and wary of Border Patrol) and providing enough information to the relevant authorities, when appropriate and agreed to by their clients, to ensure that their clients’ loved ones are rescued or recovered and properly identified.

“NGOs are really on the front line here, since families trust NGOs and are reaching out to us when they might not feel comfortable reaching out to law enforcement,” said Dr. Robin Reineke, Executive Director of the Colibrí Center for Human Rights in Tucson. “There’s a reason that families call



I think that we have something special in Tucson in terms of the level of cooperation and communication that we’ve been able to achieve. There is only so much that we can do alone. We’re a lot more effective when we work together and when we’re assisting each other rather than duplicating efforts.

**Steven Passement, Branch Chief,
Border Community Liaison Program,
United States Border Patrol –
Tucson Sector (AZ)**

NGOs first. They are highly vulnerable people, and there is data that we need to keep private because the families trust us. We don't want to end up in a situation where NGOs are seen only as a conduit of information for law enforcement."

Brooks County, TX: A Network of Interconnected Partnerships

In Brooks County, TX, a formalized system has evolved in order to manage the sharing of information between the Falfurrias Border Patrol Station, the South Texas Human Rights Center (STHRC), and the Brooks County Sheriff's Office.



I believe that transparency is key to making our partnership work. Eddie comes to me and says, "This is what I need in order to help migrants and help their families," and I say, "Okay, this is what I can get. Let's make this happen."

**Benny Martinez, Sheriff-Elect,
Brooks County (TX) Sheriff's Office**

The partnership that Eddie and Benny have in Brooks County is, to my mind, the model that we should be trying to replicate in other jurisdictions. I see how effective they are and what a difference their collaboration is making in Brooks County.

**Michael Nance, NamUs Regional
Systems Administrator,
University of North Texas**

THE STHRC AND THE BROOK'S COUNTY SHERIFF'S DEPARTMENT

The partnership between Eduardo "Eddie" Canales and the Brooks County Sheriff's Office began in 2012. As Brooks County Sheriff-Elect Benny Martinez described it, "Eddie came into my office with a stack of requests, and I sat him down and was frank with him about my lack of resources, and also about the fact that I wanted to address this issue of migrant deaths that we're facing." Canales and Martinez decided to work together, drafting and signing a Memorandum of Understanding (MOU) to formalize their partnership.

As part of their cooperative relationship, the STHRC enters missing migrant reports into NamUs on behalf of the Sheriff's Office and generates the corresponding case numbers. (NamUs is the National Missing and Unidentified Persons System, the National Institute of Justice's national centralized repository and resource center for missing persons and unidentified decedent records.⁵³) This joint effort, Sheriff-Elect Martinez said, has been instrumental in decreasing the impact that processing reports of missing migrants has on the county's limited resources and in increasing the identification rates of migrants whose remains are recovered in Brooks County.

Just as the STHRC works with the Brooks County Sheriff's Office in generating reports of missing migrants, they also work with the consulates of Mexico, Honduras, El Salvador, Guatemala, and others. The reason, as Mr. Canales explained, is to ensure that they are coordinating reports and that the reports that they generate contain the most complete information possible.

THE MISSING MIGRANT INITIATIVE – BROOKS COUNTY, TX

The STHRC is also working with the Falfurrias Border Patrol Station as part of a partnership forged between Mr. Canales and Doyle Amidon, Patrol Agent in Charge (PAIC) in Falfurrias.

As PAIC Amidon explained, what is interesting about his partnership with the STHRC is that its evolution closely resembled that of the Missing Migrant Initiative in Tucson Sector, even though the programs were developed independently. "In Brooks County, we knew we had a problem, so we sat down to figure out a way to solve it," he said. "In developing our process, we ended up with a program that's very similar to what they're doing in Tucson Sector. And we did that in complete isolation from each other. So we're clearly learning the same lessons from our parallel experiences in Arizona and Brooks County and, at the ground level, are changing the way that we do business in response."

53. The National Missing and Unidentified Persons System: webpage. <http://namus.gov/>

The goal of PAIC Amidon and the Missing Migrant Team in Tucson Sector is to make their two programs consistent with each other, and replicate the resulting model of collaboration in other Border Patrol sectors. To that end, PAIC Amidon visited Tucson Sector in May of 2016 to learn about their promising practices. As a result of that visit, and in an effort to build unity between the two programs, he has renamed his partnership-building efforts in Brooks County the Missing Migrant Initiative after the model developed in Arizona.

The innovations of the system developed by PAIC Amidon and the STHRC include standardized intake forms. “We have an intake sheet for each of the three categories of report and requests that we get,” said PAIC Amidon. The first is a request for a general database search to determine whether or not USBP has a migrant in custody. The second is a request for a search and rescue operation for a migrant in distress. The third is a request for a recovery mission, when the person in question is known or expected to be deceased.

“If we have a rescue scenario, I don’t need that form right away since our first priority is saving a life,” said PAIC Amidon, “But I will need it within 24 hours to document what we’ve done. We have timeline guarantees on everything as part of our agreement. We need certain forms within 24 hours, for instance, and we guarantee that we will respond within 24 hours.”

The STHRC, like NGOs in southern Arizona, is circumspect about the information that they share with their partners, to ensure that they protect their clients’ privacy while also assisting in the rescue of migrants in distress and identifying the dead. “Our goal,” said Mr. Canales, “is helping migrants and their family members. In the short term, a huge part of that is doing everything we can to save lives in Brooks County and identify the dead. In the long term, that means advocating for immigration reform so people aren’t forced to risk their lives in the first place.”

“There are some people who don’t want to talk to Border Patrol,” said PAIC Amidon. “There are some folks who will only speak to NGOs. That’s okay. It doesn’t matter to me who they want to talk to, as long as we get the information that we need in order locate or rescue someone.

“I clearly understand the delicate dance that is the humanitarian versus the law enforcement side,” PAIC Amidon went on. “If Eddie doesn’t fill out half of the stuff on the forms that we’ve put together, that’s fine. We are not going to ask for any more, but that may limit our ability to be able to resolve the issue. We understand the issue that many people have with trusting law enforcement and we are not going to ask for any more than we need. We are not going to ask for one ounce more information than we need to resolve a certain issue.”

The Way Forward: Next Steps and New Opportunities for Collaboration

While practitioners along the border have made tremendous strides toward building partnerships to prevent and respond to migrant deaths, participants in PERF’s roundtable discussion agreed that gaps remain. The meeting on June 1, 2016 opened lines of dialogue among practitioners across disciplines and states, providing them with the opportunity to discuss these gaps as well as methods for bridging them.

At the point that migrants are calling 911, are calling to be rescued, they don’t care who comes. They don’t care that it’s Border Patrol coming to save them—what matters to them is that they’re rescued. They’re desperate. They need water, they’re disoriented, and they’re lost. They’ll do anything they can to get help, and we will do whatever we can to save them.

Doyle Amidon, Patrol Agent in Charge, Falfurrias (TX) Border Patrol Station



One of the things that we need is exactly what PERF is doing here today—bringing everyone together to participate in a facilitated discussion about the issues and new opportunities to improve processes.

Dr. John Chamblee, Research Chair, Humane Borders (AZ)

Data Sharing

One such gap that participants identified is data-sharing. There is some information that NGOs will never divulge to law enforcement agencies. “Some families do not want to talk to Border Patrol and they do not want to share information with Border Patrol,” explained Dr. Reineke. “A mother can say, ‘I haven’t seen my son in 10 years. He is missing. I think this is where he is, but don’t call Border Patrol, because if he gets picked up, he is going to be deported.’” At the same time, there is information that law enforcement agencies are unable to share with NGOs.

Next Steps Discussed at the PERF Roundtable

As Dr. John Chamblee of Humane Borders explained, however, there are methods for allowing otherwise siloed databases to “talk” to one another while still keeping certain information confidential.

“In the long term, every group working in this field is going to develop their own data set. There will be parts of each data set that a group has to hold onto for reasons that relate either to ethical best practice or to the law,” he said. “Similarly, every group is going to have data that they want to share. The trick is figuring out the information that everyone needs and then figuring out a way for the different organizations to share as much as they can without jeopardizing any of the data that needs to remain confidential. In this area you have questions of trust and cooperation in which a small technical solution—like building a data exchange standard—could make a big difference. Our next step should be to define our data and establish systems for an automated data exchange.”

DNA

The question of data-sharing is especially pressing, participants in the PERF roundtable noted, when considering DNA.

Matching DNA samples from unidentified migrants to familial reference samples (FRS) collected from the family members of the missing is a necessary step in making positive identifications. Often, however, this is a complicated process. This is because these two datasets—migrants’ DNA and FRS—in many instances are contained in different data silos that do not communicate with each other and acceptable methodologies for sharing data are still being determined.

The Argentine Forensic Anthropology Team (EAAF) represents perhaps the largest single set of FRS for missing migrants. “One of the longer-term projects that the Argentine Team has been working on is setting up Forensic Data Banks on Missing Migrants in migrant communities of origin,” said anthropologist Molly Miranker. “For example, we’ve co-founded and work with Forensic Data Banks in Honduras, El Salvador, and Chiapas and Oaxaca in Mexico. These are repositories of information that we’ve been able to establish containing forensic case files with all available information on each missing migrant, including background and ante-mortem information, as

well as DNA profiles from relatives for genetic comparison. These Forensic Data Banks are composed of governmental and non-governmental institutions, an unprecedented development allowing direct participation from the NGO sector, particularly committees of relatives of missing migrants, to monitor and inform the work of the government officials searching for their loved ones.” The EAAF sends these samples for extraction to a private laboratory in the United States, Bode Cellmark Forensics (Bode Labs).

When CODIS came into existence, we weren’t anticipating this problem. CODIS was not designed to handle mass identifications of migrants who died crossing the border. It has evolved somewhat, and there is some flexibility, but that fact needs to be understood.

Dr. Harrell Gill-King, Director of the Institute of Forensic Anthropology, University of North Texas

The Combined DNA Index System (CODIS), meanwhile, contains the DNA profiles of unidentified remains of presumed migrants. CODIS is administered by the Federal Bureau of Investigation (FBI). In Texas, it is the University of North Texas (UNT) that processes DNA samples from migrants' remains and enters those profiles into CODIS.

The information that can and cannot be entered into CODIS is strictly regulated. So too are the DNA profiles that can and cannot be compared against the data in CODIS. As Dr. Sheree Hughes-Stamm of the Texas Forensic Science Commission explained, "we know that the EAAF has familial reference samples and that CODIS has profiles from deceased migrants. However, right now we can't simply compare the family reference samples from the EAAF that are at Bode Labs against the DNA profiles in CODIS due to multiple factors."

FRS samples cannot be directly uploaded to the CODIS system by Bode because CODIS participation is only open to eligible government law enforcement laboratories. However, as the EAAF explained, "family members of missing migrants face various obstacles to contributing FRS samples directly to US law enforcement laboratories, including situations where family members reside outside of the U.S. and, for some family members in the U.S., concerns around documentation."

CODIS also has key requirements for FRS samples entering the CODIS system which need to be addressed for any DNA data comparison process, including: 1) the consent form that family members signed when giving their FRS must give explicit permission to search that FRS against a U.S. federal database; and 2) samples must be collected in the presence of a law enforcement agent or an approved criminal justice agency representative. Any associations made by cross referencing FRS and remains from the UNT Missing Persons Laboratory must be reported to the submitting agency (an approved law enforcement/criminal justice entity).

For the EAAF, protecting the privacy of the family members of the missing is a central concern in negotiating a path forward. "When a family comes forward with a case, we take their DNA samples," said Ms. Miranker, "and we do it at a consulate or in the presence of associated NGOs and the necessary legal representatives while protecting the family and their identities. Moving forward, our goal is to steer away from a case-by-case approach to making identifications, and instead find ways to allow our different reference libraries to talk to one another without compromising protected information or the identities of the family members that we work with."

CODIS administrators at UNT have noted that information sharing presents a challenge. "The EAAF has huge numbers of familial reference samples," said Dr. Harrell Gill-King, "and we can make a DNA match between their samples and the samples that we have, but the problem is that we also need a name for the deceased migrant in order to fill out a death certificate in the U.S. and release those remains." Though the EAAF will release missing migrant names once an identification is made, the exact timeline and process for sharing this information and acceptable agreements around sharing family names and other case data have yet to be resolved. Mechanisms for sharing DNA and case data that respect the processes, protocols, and privacy concerns of all the involved institutions are being actively negotiated between these organizations, whose shared goal is the facilitation of DNA data comparisons to reach identifications.

A critical method for doing so, attendees agreed, was holding and participating in facilitated roundtable discussions like PERF's in order to discuss the issues and forge new working relationships.

If I could impress one idea upon you, it would be this: CODIS was not created for this purpose [of being used to identify large numbers of migrants' remains in the Southwest.] It is one of the most secure databases in the world.

Dr. Harrell Gill-King, Director of the Institute of Forensic Anthropology, University of North Texas

Next Steps Discussed at the PERF Roundtable

In an effort to bridge the DNA information gap, the Texas Forensic Science Commission is working to implement a memoranda of understanding between EAAF as a representative of the various Forensic Data Banks on Missing Migrants under the EAAF-coordinated Border Project in Mexico and Central America and the UNT Center for Human Identification, so that a comparative search can be made between the different DNA databases. The Commission and other stakeholders, said Dr. Hughes-Stamm, are also working with the EAAF to redraft the informed consent forms used in collecting FRS so that the resulting DNA profiles will be CODIS-eligible in the future. The process to amend consent forms with the required language is ongoing.

There are, of course, still those Family Reference Samples already collected for which the steps to take that could lead to future CODIS eligibility are still being determined. “For those samples,” said Dr. Hughes-Stamm, “we’re trying to establish a one-time search against our state-level CODIS database (SDIS). We are confident that if we can search those more than 2,500 FRS against the existing DNA profiles housed within the CODIS Missing Persons database here in Texas, we can identify at least some of those individuals. That would be an important step forward.” If the FBI requests additional information be added to the existing consent forms for these 2,500 FRS, the families who have already been tested could be asked to sign an annex containing the additional requirements. This would be another important step forward as stakeholders actively pursue solutions that have the potential to facilitate the broadest possible comparative searches.

Building Trust with Migrant Communities

Ultimately, participants in the PERF roundtable discussion agreed, successfully rescuing migrants in distress and identifying the dead requires trust. Law enforcement agencies, NGOs, scientists, and international government representatives need to build strong relationships with each other in order to be effective in responding to the migrant deaths crisis. They also need to have the trust of migrant communities, because many reports of missing migrants are made by migrants who are themselves living in the United States.

Building trust between law enforcement agencies and migrant communities is a difficult task and one that is complicated when the agencies involved are also tasked with enforcing immigration laws. Arizona’s SB 1070 law looms large in these conversations. “In the beginning, there was a big fear of SB 1070,” said Tucson Police Captain Bob Wilson, “and that put a damper on people calling the police department for help because they were afraid of deportation. As a result, the Tucson Police Department created a policy that prohibits us from running the immigration status of victims of and witnesses to a crime.”

The Tucson Police Department has also undergone a reorganization in an effort to strengthen relationships between the community and the police force. “We started on May 1,” said Captain Wilson, “and now we have more cops back on the street and we’re reinforcing the community policing approach. We lost beat integrity because of the economic downturn, so we’re working to get it back. We have more cops on the street and we’re stressing that they need to get out there and get to know their community. It sounds rudimentary, but it’s imperative that we teach our young cops this, so that the community we serve trusts us and trusts us to protect them.”

Steven Passement, the Branch Chief of the UBSP Border Community Liaison Program in Tucson, AZ, explained that the Border Patrol is also deeply invested in building trust with the community. “Each Border Patrol Station has a Border Community Liaison Program that sends agents out into their

communities to meet with them and make themselves available to community members. Our goal is to educate community members about the work that we're doing and build trust through transparency. There are a lot of good things that agents are doing that communities don't know about. The better their understanding of who we are and what we're about, the more understanding and acceptance there will be."

Next Steps Discussed at the PERF Roundtable

Many participants agreed that one tool that is often underutilized by local police and sheriffs' departments is the U visa.

U visas are defined by DHS as "an immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity."

When police agencies are investigating a crime in which the victim is undocumented, they can—if that victim applies for a U visa—complete a form (the I-918(b) form) certifying that the applicant is the victim of a qualifying crime and has been helpful, or is likely to be helpful, in investigative and prosecutorial efforts. That form is then included in the victim's U visa application. U visa applicants are not eligible for deportation while their applications are pending.

"I wrote our U visa certification policy several years ago," said Captain Wilson of the Tucson Police Department, "and it has been tremendously helpful in terms of closing cases and building community trust, because it enables us to show community members that we want to work with them in order to keep them safe."

SECTION III:

Critical Lessons for Building Interagency Partnerships to Prevent and Respond to Migrant Deaths and Next Steps

Critical Lessons for Building Interagency Partnerships to Prevent and Respond to Migrant Deaths

The June 2016 roundtable discussion gave stakeholders an opportunity to discuss the migrant deaths crisis, their efforts to respond to it, and new opportunities for partnership-building. The following five concepts emerged as lessons that will inform new partnership-building efforts along the border. Awareness of and adherence to these core concepts will help move stakeholders in the field toward collaboration, which will ultimately result in additional lives saved.

- 1 | Practitioners need to work together to improve outcomes for migrants in distress as well as the family members of missing migrants who are hoping to find their loved ones. No single agency “owns” the migrant deaths crisis.**

What’s clear in the conversation that we’re having today that utilizing this triangular network of stakeholders—law enforcement, scientists, and NGOs, as well as our partners in foreign consulates—could prove tremendously helpful in preventing and responding to migrant deaths. I think that we all understand that this is a problem that is not going away, and it’s one that we can absolutely manage in a much more effective and efficient way through interagency partnership-building.

Acting Chief Ronald Vitiello, United States Border Patrol

Different agencies have access to different types of information, equipment, and institutional knowledge. While NGOs are often best equipped to work with the family members of missing migrants, for instance, law enforcement agencies have the manpower and expertise to conduct search and rescue missions in the desert. By finding ways to combine efforts, the diverse agencies involved in responding to the migrant deaths crisis can increase the likelihood that migrants in distress will be successfully rescued, and can improve identification and repatriation rates for those who perish.

2 | **Transparency and follow-through are critical in building relationships among stakeholders responding to the migrant deaths crisis.**

When Eddie Canales of the South Texas Human Rights Center first came to me, we sat down and had an honest conversation about what I could and could not do. Transparency has been vital in our partnership from the beginning. We're both very limited in terms of resources, so we knew that we would have the greatest impact if we worked together. We came up with policies and guidelines for our partnership and drafted an MOU.

Sheriff-Elect Benny Martinez, Brooks County (TX) Sheriff's Office

While there are clear limits on the information that practitioners can share with one another, many participants at the June 1, 2016 roundtable discussion underscored the importance of transparency when forging relationships among agencies—and especially between law enforcement agencies and NGOs and nonprofits. In order to overcome any mistrust, all parties must be forthright about what they aim to achieve through interagency partnerships, the resources they have, and the steps that they are willing to take in order to prevent and respond to migrant deaths more effectively as part of a cooperative effort. Then, partnering agencies need to follow through on those commitments.

3 | **When laying the groundwork for an interagency partnership, start by establishing a shared baseline goal.**

For us, the common denominator has always been the sanctity of human life, and we save more lives if we work together.

Sheriff-Elect Benny Martinez, Brooks County (TX) Sheriff's Office

This goal might be as simple—and as important—as saving lives. No one, participants at the PERF roundtable discussion agreed, wants people to die. The various agencies working along the border have complementary strengths that, when brought together, can improve responses to migrants in distress as well as identification processes for migrants who die. These strengths include the search and rescue capacity of law enforcement agencies as well as the relationships of trust that NGOs and nonprofits have with the family members of missing migrants.

4 | **Once cooperating agencies have established this shared baseline goal, they need to determine the information that they are able to share with each other. Agencies can have clear boundaries about the types of information that they are willing to share with one another and still forge successful partnerships.**

There is some information that NGOs will not share with other agencies because of their mandates. Similarly, there is information that government and law enforcement agencies are unable to share because the law does not allow them to do so. This does not mean that partnerships cannot be built, but rather that practitioners need to engage in frank dialogue about the types of information that they are not able to share with each other and the reasons for those restrictions. Not only does this promote mutual understanding, it also allows practitioners to determine the information that they *can* share, methods for doing so, and how sharing that information can improve migrant rescue, recovery, and identification efforts. Setting clear boundaries ensures that there is no “mission creep” among partnering agencies.

Establishing protocols around information-sharing is especially critical when a migrant is in distress and in need of rescue. In these instances, time is of the essence and partnering agencies need to have an

agreed-upon system for sharing critical information quickly and efficiently. In practice, this might mean that an NGO that has received word from a migrant in distress might not wait to fully complete and file an intake form for the law enforcement agency that will conduct the rescue operation; instead, the NGO will capture all the critical information about the migrant's location and physical state and send it immediately to their established law enforcement contact. The intake form could be completed later.

5 | While personal relationships are important in initial partnership-building efforts, ultimately these cooperative relationships need to be institutionalized so that they can endure in the long term.

Having the right people in the right chairs at the right time is important, but you really need to institutionalize these practices and partnerships if they are going to be sustainable.

Dr. John Chamblee, Research Chair, Humane Borders (AZ)

As long as migrants continue to cross into the United States through the deserts and scrubland of Arizona and Texas, many will continue to die. The personal relationships among stakeholders operating along the Southwest border have been the foundation of interagency efforts to respond to the migrant deaths crisis. In order to ensure the continued success of these partnerships, the relationships need to be institutionalized through formalized cooperative agreements that include established systems for sharing information and clear succession planning.

At the same time, it is important to maintain close personal relationships and not allow partnerships to become mere formalities. Even as the leadership of stakeholder agencies changes over time, new leaders should strive to make personal contacts with each other and share information on a day-to-day basis, so that there will be an existing level of trust and mutual understanding when decisions must be made quickly.

Next Steps

The following next steps also emerged from discussion at the June 2016 roundtable meeting, as well as PERF's site visits and stakeholder interviews. These are areas with new opportunity for growth and partnership-building that have the potential to improve rescue and identification efforts along the border.

- 1 Agencies working along the border need to develop methods and the technical capacity to share data easily, while still protecting the data that they cannot share.
- 2 Law enforcement agencies along the border should develop close working relationships with NGOs and other stakeholders. These organizations should discuss their expertise, their operational philosophies, and missing person databases and other resources they have.
- 3 Existing efforts that are successful—such as the partnership forged between the STHRC and the Brooks County Sheriff's Office in Texas, or the partnership between the Colibrí Center for Human Rights and the Pima County Office of the Medical Examiner in Arizona—should be replicated in other border counties.

Conclusion: A Call from Practitioners for Long-Term Solutions

The Southwest is in the grips of a humanitarian crisis as migrants continue to die trying to cross the U.S.-Mexico border. Stakeholders along the border have begun working together to save lives and identify those who perish. These collaborations are leading models of interagency partnerships and have made practitioners in the Southwest more effective in their work.

The PERF roundtable discussion in June of 2016 opened additional lines of dialogue among these stakeholders, affording them the opportunity to share their work and the challenges they face, and to forge new partnerships.

As many practitioners—from law enforcement officers to advocates to anthropologists—made clear, however, preventing migrant deaths in the long term requires a strategy to address the larger issues of reforming immigration policy and law.

“It’s important for people in the rest of the United States to understand that this is a crisis that isn’t going away,” said Dr. Bruce Anderson of the Pima County Office of the Medical Examiner. “The way to really fix this is immigration reform. We need to implement policies that allow us to separate hard-working people who are looking for a better life for themselves and their families from criminals, so that we can focus our enforcement attention on that latter group. Until we do that, criminal groups who profit from human smuggling will continue to benefit from law enforcement policies in the United States, and migrants will keep dying along the border.”

Roundtable Discussion: Responding to Migrant Deaths Along the Southwest Border: Washington, D.C. June 1, 2016

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