

Excessive Use of Force and Migrant Death and Disappearance in Southern Arizona

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Executive Summary

In this article, we present a qualitative analysis of the events surrounding death or disappearance in autopsy and missing person reports from the Pima County Office of the Medical Examiner (PCOME) in Arizona to highlight how interactions between border enforcement personnel and migrants can be deadly. We reviewed PCOME records of undocumented border crosser deaths between 2000 and 2023 and observed three main types of deadly U.S. Border Patrol (USBP) practices: reckless motor vehicle pursuits, aggressive strategies used to detain individuals who are on foot, and the use of lethal force. Our findings reveal that these tactics, which we argue constitute forms of “excessive use of force,” represent significant yet overlooked factors contributing to migrant death and disappearance in southern Arizona. We make the following policy recommendations:

1. Immediate measures to prevent the loss of life

(A). The Department of Homeland Security (DHS) should mandate a ban on border enforcement methods that provoke fear, panic, or confusion.

(B). DHS should take measures to substantially reduce the use of high-speed motor vehicle pursuits by USBP and other immigration enforcement officials.

(C). DHS should ensure that USBP officers are compliant with Department of Justice (DOJ) standards on use of deadly force, in particular the policy that “Deadly force may not be used solely to prevent the escape of a fleeing suspect.”

2. Investigate Border Fatalities Involving Border Enforcement Officers

(A). We call on the Government Accountability Office (GAO) to conduct an official review of all medical examiner and coroner records along the U.S.-Mexico border for fatality cases in which border enforcement personnel were involved in any way in the circumstances surrounding death.

(B). We encourage the formation of civilian review boards in border regions to review medical examiner and coroner records of migrant fatalities involving immigration officials as well as immigration officials’ apprehension strategies immediately preceding fatal encounters with migrants.

Keywords

migration, U.S.-Mexico border, migrant deaths, Border Patrol, use of force

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Introduction

In the early 2000s, when the deaths of migrants crossing the U.S.-Mexico border increased dramatically, researchers and human rights advocates began to emphasize the deadly nature of prevention through deterrence strategies first undertaken by the U.S. federal government in the mid-1990s (Eschbach et al. 1999; Cornelius 2001; Rubio-Goldsmith et al. 2006; Nevins 2010; Miller 2014). Prevention through deterrence policies pushed migrants crossing the border between official ports of entry and outside of checkpoints into more inaccessible and rugged terrain than they faced before. After these policies went into effect, migrants faced longer treks through more remote areas of the borderlands, where many died from exposure-related causes (Sapkota et al. 2006; Anderson and Parks 2008; Hess and Winston 2014; Chambers, Boyce, and Martínez 2022). While the true number of deaths of migrants in transit for the entire U.S. side of the border is unknown, the Pima County Office of the Medical Examiner (PCOME) in Tucson, Arizona has investigated the deaths of 3,895 individuals either known to be or believed to be migrants from the year 2000 to the time of writing (Pima County Office of the Medical Examiner 2024).

Less attention has been paid in this literature, however, to examining how direct encounters between migrants and U.S. Border Patrol (USBP) agents in remote areas of the borderlands contribute to migrant death and disappearance during this era of prevention through deterrence. While the federal government's purposeful and tactical use of geography has certainly been an enormous factor contributing to migrant fatalities along the US-Mexico border, we argue that a close examination of the immediate circumstances preceding a migrant's death or disappearance — including migrant encounters with U.S. officials — helps expand the understanding of death in liminal spaces. While it is true that the spatial aspects of prevention through deterrence policies have been deadly, researchers and policymakers should not ignore the fact that prevention through deterrence has always been a strategy of militarization that depends on the actions of Border Patrol agents themselves. Prevention through deterrence was inspired in part by "Operation Hold the Line," a 1993 El Paso sector Border Patrol operation that

depended upon a large "show of force" among agents who were concentrated in particular regions (Kerwin 2001; Hing 2001, 2004; Nevins 2010). Prevention through deterrence was never solely about using natural geographies, but rather about using militarized strategies against civilians. The U.S. federal government continues to put lives at risk through both the manipulation of natural geographies *and* the specific tactics used by border enforcement agents within those geographies. In this article, we do not attempt to quantify migrant deaths caused by encounters with Border Patrol agents; rather, we call for closer attention to this often-overlooked aspect of prevention through deterrence.

It is important to contextualize policies of prevention through deterrence within a broader shift in U.S. federal border strategy toward increasingly militaristic methods beginning in the late 1970s (Dunn 1996, 2021; Green 2011; Miller 2014; Slack et al. 2016; Sabo et al. 2014). Timothy Dunn has traced how a "low-intensity conflict" (LIC) approach was applied to the border, which entailed the use of military personnel, ideology, tactics, and technology. In fact, the United States Border Patrol's 1994 Strategic Plan, which officially introduced prevention through deterrence policies, was written with the assistance from the Pentagon's Center for Low-Intensity Conflict (Immigration and Naturalization Service [INS] 1994; Dunn 1996, 2009; Andreas 2009). At its most basic level, a LIC approach entails aggressive military strategies used against civilians (Dunn 1996, 2021; Nelson 2019). The doctrine was developed in the 1980s as a part of counter-revolutionary foreign policy applied especially in Central American countries (Dunn 1996, 2021; Nelson 2019). "The essence of LIC doctrine," according to Dunn (1996), "is the establishment and maintenance of social control over targeted civilian populations through the implementation of a broad range of sophisticated measures via the coordinated and integrated efforts of policy, paramilitary, and military forces" (p. 4). Hallmarks of the doctrine include military forces taking on police functions and vice versa, and "an emphasis on controlling targeted civilian populations rather than territory" (*ibid.*, 21).

We argue that an overlooked aspect of these militarized strategies has been the actions and tactics of

border enforcement personnel, especially those of U.S. Border Patrol (USBP) agents, directed toward migrants. Deliberate actions by law enforcement agents in remote areas of the borderlands — places largely out of view to the public — likely contribute to the phenomenon of migrant deaths in substantial but largely unquantified ways. We caution against the interpretation of the spatial aspects of prevention through deterrence policies as those that simply make use of existing natural geographies. Instead, we emphasize how these strategies have involved three processes: (1) the constant manipulation and management of natural landscapes, (2) the use of remote regions to perpetrate excessive use of force largely out of the view of the public, and (3) the alibi provided by a discourse that blames the “dangerous desert” for an increase in deaths and disappearances. Our goal in this article is to establish a framework for further research into the role that USBP agents’ actions and tactics in the borderlands have on migrant death and disappearance following the implementation of prevention through deterrence policies. After briefly situating this discussion within the broader literature on the history of the militarization of border enforcement, we then turn to evidence collected from autopsy and missing person reports shared by the PCOME. This evidence suggests that migrant deaths and disappearances are not just a result of funneling border crossers into remote, rugged terrain where they may get lost, but are also a result of migrants being chased, intimidated, and abused by law enforcement agents within these landscapes. In short, the militarization of the U.S.-Mexico border has been broader than the use of natural landscapes. As Stacy Holland, captain of the Texas Department of Public Safety’s aviation division said, “We’re using tactics and equipment that you will see in war zones” (Del Bosque 2015; No More Deaths 2016).

The Militarization of the U.S.-Mexico Border

While our focus in this article is on the period of U.S.-Mexico border history following the adoption of a prevention through deterrence approach, it is important to highlight the social context within which the U.S. Border Patrol emerged. The modern U.S. border security regime has roots in the

racialized violence of the U.S.-Mexico borderlands of the nineteenth century (Dunn 1996; Lytle Hernández 2010; Martinez 2018). The U.S.-Mexico border itself was originally established through military force during both the Texas Revolution of 1836 and the Mexican American War of 1846–1848. Timothy Dunn presents a history of the militarization of the border from 1848 through the 1990s, distinguishing between U.S. military repression of *mexicanos* resisting Anglo domination and militarized dispossession of *mexicano* land during the period of pacification (1848–1918), and twentieth-century forms of militarization which were largely focused on controlling labor before shifting to a “national security” framework (Dunn 1996). Although these eras of militarization were quite different, there were some continuities. The same state agents who facilitated widespread anti-Mexican violence at the turn of the century — including Texas Rangers — became the architects of the USBP in the 1920s (Lytle-Hernandez 2010; Martinez 2018). The USBP was founded in 1924 both to control Mexican labor and to police the racial boundaries of the American Southwest (Ngai 2004; Lytle-Hernandez 2010; Martinez 2018).

Following the founding of USBP, border enforcement in the twentieth century was largely focused on controlling immigrant labor (Dunn 1996; Ngai 2004; Lytle-Hernandez 2010; Heyman 2012). This changed in the late 1970s as the Carter and Reagan administrations began to frame immigration along the border as an issue of “national security” (Dunn 1996). In the 1980s, the U.S. began to apply a military strategy of low-intensity conflict to border enforcement. According to Timothy Dunn, low-intensity conflict (LIC) doctrine emerged in the 1980s during the Reagan administration as the U.S. worked to repress leftist insurgencies around the world, especially in Central America. There are three key aspects of the LIC approach: (1) an emphasis on the internal defense of a nation, (2) a focus on controlling civilian populations (often through psychological operations), and (3) collaboration between police and military forces. A LIC approach typically entails increased use of military-grade weapons and technologies that have a lower profile than what would be used in more formal, visible, and official military interventions. What this meant for the border region was a gradual shift in

official discourse about the border to frame it first as a national security issue (1970s), then part of counter-insurgency warfare (1980s), then a key aspect of the “war on drugs” (1980s and 1990s), and later, critical to the “global war on terror” (2000s). This ramping up of military discourse came with increased public support, congressional funding, and military assistance in the form of technology (including military issue rifles and helicopters on loan from the U.S. Army in the 1980s), training, and personnel.

As a militarized approach to border enforcement developed, human rights abuses became more common. Excessive use of force on the part of Border Patrol and other INS agents during the George H.W. Bush administration (1989–1992) was well-recognized and extensively documented (Americas Watch 1992; Dunn 1996; Heyman 1995). The “besieged esprit de corps” (Heyman 1995, 277) among Border Patrol agents together with public perceptions of the border region as “out of control” normalized military tactics used against civilians. A powerful example of this normalization was the 1992 acquittal of a Border Patrol agent charged with murdering an unarmed Mexican man in Arizona. The agent was found ‘not guilty’ largely based on the argument that his actions occurred within “a war zone” where the use of force was justified (Dunn 1996, 88).

Prevention through deterrence policies pushed a substantial portion of border enforcement activity into more remote areas, obscuring abuses against migrants from public view. Despite this, a large body of literature has documented USBP use of excessive force in interactions with migrants in the prevention through deterrence era (Phillips et al. 2002; Ngai 2005; Hernández 2010; Nevins 2010; Green 2011; Sabo et al. 2014; Martinez 2018; Human Rights Watch 2021). For example, a survey conducted with a random sample of 415 repatriated undocumented Mexican migrants in Nogales, Sonora, between 2007 and 2009 found that 11 percent were physically abused and 34 percent verbally abused by the agents who apprehended them while crossing the border, most of which were USBP (Martínez et al. 2017). In a separate study conducted in 2010–2012, Slack and colleagues used a similar methodology to survey over 1,100 repatriated undocumented Mexican migrants in Tijuana, Mexicali, Nogales, Juárez, Nuevo Laredo, and Mexico City about their

border-crossing experiences and yielded similar findings. Approximately 12 percent and 20 percent of migrants reported physical abuse and verbal abuse by U.S. authorities, respectively (Slack, Martínez, and Whiteford 2018). Moreover, nearly 18 percent of respondents stated they witnessed USBP physically abuse other migrants during their crossing experience (Slack, Martínez, and Whiteford 2018). Overall, these findings are strikingly similar to those reported by other researchers and NGOs engaged in abuse documentation efforts during the prevention through deterrence era (see Phillips, Rodriguez, and Hagan 2002; Phillips, Hagan, and Rodriguez 2006; No More Deaths 2008, 2011; Danielson 2013).

While excessive use of force and the militarization of civilian law enforcement agencies are not trends unique to the USBP, there are unique characteristics of USBP that have made accountability over agent behavior especially difficult. Sociologist Irene Vega has documented what she describes as an organizational “culture of force” within USBP that is maintained “through 1) narratives that construct the border as a *uniquely* dangerous work environment, and 2) lessons that encourage an overly-individualistic view of reasonableness” as it pertains to the use of force (Vega 2022, 1154). This together with the fact that USBP agents often work alone in remote areas, have “a great deal of discretionary power when it comes to their conduct” (ibid., 1166), and experience a very high volume of encounters, creates a milieu where there is routine abuse of migrants with low levels of accountability. Dozens of lethal shootings and otherwise routine abuses of immigrants in custody have gone unpunished (Martínez, Slack, and Heyman 2013; Martínez, Cantor, and Ewing 2014). The agency’s mistreatment of migrants extends beyond physical and verbal abuse. For instance, civil rights organizations have sued USBP for coercing immigrants into signing “voluntary returns” without providing full and accurate information, and for racially profiling Latinos (American Civil Liberties Union 2023).

Despite numerous efforts to hold the agency accountable for human rights abuses, USBP remains an abusive organization with limited transparency, accountability, and oversight (Martínez, Cantor, and Ewing 2014; Cantor and Ewing 2017; Heyman 2017; Martínez, Heyman, and Slack 2020; Jones

2022). This is a concern not only given its size and growth over the past several decades but also considering the frequency with which agents have routine encounters with migrants in remote regions of the borderlands in what Heyman (1999) describes as “non-accountable zones” (p. 276; see also Vega 2022). USBP, which has been under U.S. Customs and Border Protection (CBP) within the Department of Homeland Security since 2003, has expanded substantially over time, particularly after the implementation of the 1994 prevention through deterrence strategy as well as in the wake of the 9/11 terrorist attacks (Martínez, Heyman, and Slack 2020). In 1992, for instance, USBP employed 4,139 agents and operated with a \$326 million budget (ibid.). By 2021, the agency employed 19,536 agents and had an annual budget of nearly \$4.9 billion (American Immigration Council 2021; CBP 2021). USBP’s parent agency, CBP, is now the largest civilian police force in the United States (Vega 2022), with more than 45,000 CBP officers and USBP agents (CBP 2021). Together, the budget for CBP and ICE exceeds the funding of the next four largest federal law enforcement agencies combined (Kerwin and Warren 2019; Miller 2019). The budgets of CBP (\$20.8 billion) and ICE (\$9.1 billion) in FY 2023 neared \$30 billion (Department of Homeland Security 2024).

The militarization of border enforcement together with the effect of prevention through deterrence in pushing migration and enforcement into remote areas means that an enormous agency with a track record of perpetrating human rights abuses is able to operate largely out of view of the public. This context begs an analysis of migrant deaths that considers causes beyond abstract notions of inanimate increased border enforcement efforts combined with the natural conditions of southwestern borderlands and pays closer attention to the *behaviors* of USBP agents within that landscape.

Deadly Apprehension Methods

We follow the Tucson-based humanitarian organization No More Deaths’ (2016) use of the term “deadly apprehension methods” to describe lethal apprehension tactics used by USBP agents and local law enforcement acting in a border enforcement

capacity. Although most of the cases we found where a pursuit ended in a death involved USBP agents, some involved local law enforcement. Some of these events could have been precipitated by law enforcement investigations that are not border enforcement related. However, it is important to reiterate Dunn’s (1996) description of LIC: “Hallmarks of the doctrine include military forces taking on police functions and vice versa,” (p. 21). While the tactics used by law enforcement may not be intended to cause death but rather result in an apprehension, it is crucial to keep in mind two standards from international humanitarian law. First, states are obliged to take “all reasonable precautionary steps to protect life and prevent excessive violence” (United Nations 2016, 12). Second, individuals are to be protected from the arbitrary deprivation of life (United Nations 2017). Importantly on this second point, “‘deliberate intent’ on the part of the State is not required for a killing or a deprivation of life to be deemed ‘arbitrary’” (ibid., 7).

There has been very little systematic tracking of migrant fatalities during encounters with USBP personnel. Two exceptions are the Southern Border Communities Coalition (SBCC) and the American Civil Liberties Union (ACLU) of Texas. SBCC defines such encounters as “any instance in which a CBP agent is trying to apprehend an individual, has made contact with a person, and/or has a person in custody and that person passes away during the interaction or shortly after the interaction” (Southern Border Communities Coalition 2024). SBCC’s data comes from CBP press releases, media and news outlet reporting, and reports by community members (Ibid.). At the time of writing, SBCC had documented 304 fatal encounters with CBP since the year 2010 (Ibid.). Similarly, the ACLU of Texas tracks fatal encounters with USBP agents drawing on news media sources. The ACLU reported 293 such fatalities between January 2010 and November 2023 (American Civil Liberties Union 2024).

In our review of autopsy and missing person reports from the PCOME between 2000 and 2023, we observed evidence of deadly apprehension methods that can be grouped into three categories: (1) high-speed motor vehicle pursuits, (2) the use of aggressive tactics to apprehend migrants who are on foot, and (3) the use of lethal force during apprehension attempts. Below, we

discuss each of these practices, which are consistent with Dunn's (1996) discussion of how LIC constitutes military strategies deployed against civilians. We do not estimate the proportion of migrant deaths or disappearances in southern Arizona associated with these practices, which is something that should be the focus of future research. However, we believe that our close examination of these USBP tactics as reflected in forensic reports of undocumented border crosser deaths contributes to the social scientific understanding of death and disappearance in liminal spaces such as the U.S.-Mexico borderlands by expanding the discussion beyond a focus on the use of geography in prevention through deterrence strategies.

Reckless Motor Vehicle Chases

High-speed vehicle pursuits by USBP agents have been a serious concern for human rights advocates, victims, and borderland residents for many years. The ACLU of Texas tracker includes 107 deaths resulting from USBP-involved vehicle pursuits, while the SBCC tracker reports 103. Again, we do not attempt to quantify fatalities in the same manner as the ACLU and SBCC, but rather highlight patterns that demonstrate the importance of moving beyond a prevention through deterrence framework focusing primarily on the use of geography to control undocumented migration. Records from the PCOME we reviewed included fatalities caused when a high-speed chase resulted in a collision or rollover, at times culminating in multiple fatalities. For example, in 2012 four individuals were killed after USBP agents chased a vehicle containing ten people on the Tohono O'odham Nation. The chase lasted approximately nine minutes before the vehicle containing the migrants crashed into a house. In another case, in 2013, USBP agents pursued a vehicle containing 20 individuals at a high rate of speed (approximately 85 miles per hour) along Interstate 10 until the driver attempted to exit the freeway and lost control of the vehicle. The vehicle rolled several times, ejecting the passengers and killing five individuals, most of whom were from Guatemala. In 2020, two individuals were killed after their vehicle was chased by USBP near Arivaca, Arizona. In addition, we found multiple other high-speed vehicle chases that resulted in single fatalities and multiple survivors with

serious injuries. In some cases, accidents occurred after law enforcement set up a spike strip on the road ahead of the fleeing vehicle, with the resulting loss of tire pressure culminating in the driver's loss of control of the vehicle. It appears common for legal charges to be filed against the drivers of the vehicles that were pursued, but not against USBP personnel.

Following public scrutiny, CBP announced a revised vehicle pursuit policy in 2023 (American Civil Liberties Union 2024). The policy includes the adoption of an "objective reasonableness" (Vega 2022) standard that requires agents to weigh the need to apprehend someone against the potential risk to the public, law enforcement, and the occupants of the subject vehicle. Among other guidelines, the policy prohibits agents from starting or continuing a pursuit of a vehicle that is exceeding the speed limit and appears to be overloaded. An exception to this standard is if agents have probable cause that a felony that poses an imminent threat has been or is about to be committed (American Civil Liberties Union 2024). This new policy will likely help save lives and prevent serious injuries among vehicle occupants and others in border regions. However, we echo calls from the ACLU for greater transparency regarding how CBP will operationalize the revised policy and ensure compliance among officers.

Aggressive Apprehension Tactics

The strategies that CBP uses to pursue individuals who are on foot are especially under-researched. A 2016 report by No More Deaths highlighted how these pursuits can be deadly: "Environmental hazards during pursuit often lead to injury and death. Border Patrol agents chase border crossers through the remote terrain and utilize the landscape as a weapon to slow down, injure, and apprehend them" (No More Deaths 2016, 3). Such pursuits can also lead to groups becoming fragmented, placing individuals at risk of becoming lost. These pursuits often happen at night, putting migrants at a disadvantage when compared to USBP agents, who are equipped with night-vision goggles, helicopter spotlights, and SUV headlights. Such chases can last for hours or days.

We found evidence that aggressive pursuit of individuals on foot can lead to heat exhaustion, sprains,

and other injuries, falls, and jumps, all of which can be deadly. For example, in 2001, USBP was pursuing a group through the desert when a man in the group became ill and unresponsive. His sister went to a ranch to request aid. By the time law enforcement responded, her brother had died. A 2003 case describes that Border Patrol agents were chasing some migrants and found a victim on the ground. A 2004 death occurred while USBP was tracking a group of 10 immigrants for an unknown period of time. Eventually, agents encountered a man who began to mumble and become short of breath before dying. In other cases, USBP pursuits resulted in deadly falls. In 2008, agents were chasing a group of six individuals when one of them fell down an embankment and then fell again into a concrete canal. After being apprehended, the man began to complain of head pain. He then became combative with medics and went into cardiac arrest before expiring. In a different case in 2011, USBP agents encountered a group of four individuals in a mountainous area and responded with a helicopter. As the individuals tried to flee or hide, one of the men fell 60–70 feet to his death. Similarly, a 2015 case involved a man who ran from USBP agents and fell off an 80-foot cliff, and in 2021, a woman who was being pursued by agents fell to her death from a 40–50-foot cliff. In other cases, migrants jumped to their deaths in attempts to escape USBP or other law enforcement personnel. Multiple cases involved individuals jumping into canals and drowning. For instance, in 2010 a woman drowned after jumping into the Central Arizona Project canal while fleeing local law enforcement. In 2012, the body of a man was found in the same canal two days after USBP chased his group. In other cases, individuals jumped from bridges or ran onto highways. For example, in 2007, a woman being pursued by agents jumped off a 30-foot overpass and died due to head trauma. In 2006, a man was chased by USBP across Interstate 19 and was struck by a vehicle resulting in his death. We also encountered several reports that describe migrants being killed when they were struck by USBP vehicles during pursuits: in 2005 and 2006, migrants were struck and killed by trucks driven by USBP in desert areas, while a USBP vehicle hit and killed a migrant on a highway in 2010.

We must emphasize that each of these fatal encounters between migrants and law enforcement was witnessed by an agent and reported to medical examiner staff. When deadly apprehension methods result in someone fleeing, there may be no witnesses of the person's eventual death. This could mean that for a substantial portion of those found deceased in the borderlands, the person ended up alone, sick, or injured because of a USBP chase. In fact, a survey conducted by Martínez et al. (2017) found that roughly one-in-four undocumented Mexican border crossers had become separated from the group with which they had originally crossed the border, with about half of this share citing USBP pursuits as the main factor contributing to the separation. These separations could be deadly. Skeletal or decomposing remains found alone would present no evidence of a chase. Given these considerations, any future effort to quantify the relationship between reckless chases and migrant deaths would likely grossly underestimate the frequency with which this type of LIC approach results in death (Dunn 1996).

While it may be impossible to quantify these events, missing person reports provide additional evidence that aggressive apprehension tactics can result in deadly circumstances. We reviewed missing person reports shared with the PCOME from 2000 through the present for mentions of USBP activity. In report after report, families and friends of missing migrants describe events in which a person went missing after USBP agents arrived and dispersed a group. In some cases, migrants called their families from the border wilderness to explain that they were alone and lost after USBP had chased their group. In other cases, traveling companions informed the family that the missing person was unable to continue because they had fallen and become injured after a chase, or because they had dropped their water and supplies while running from agents.

Many reports describe groups of migrants on foot being dispersed by USBP helicopters. For example, a mother reported her child missing after an incident in which USBP helicopters intercepted their group. She reported that when the helicopters arrived, they flew very low causing dust and debris to fly into the air, and everyone scattered. When agents arrived to apprehend the group, they refused to wait for the

child despite the mother's pleas. In another case, two men became separated from their group after USBP helicopters arrived. One of the men fainted and awoke in a hospital and the other remains missing. In yet another case, USBP helicopters scattered a group, apprehending some individuals but not others. When the agents departed, members of the group reconvened but were missing one person they had seen running. They searched for him but were unsuccessful. In a recent case, several members of a group were lost in the desert following a helicopter scatter. A woman in this small group became seriously ill. Other members of the group took care of her for a few days in caves before eventually leaving her behind and reporting her missing to her family.

The USBP is known to use helicopters not only as an apprehension tactic, but also as an intimidation strategy (Kerwin 2001; Miller 2014; No More Deaths 2016). As one agent explained in a 2012 Discovery Channel documentary, "[t]he Black Hawk, I look at it as an intimidator. When it comes in, it's loud, it's noisy, it's scary . . . it's a beast all right." (No More Deaths 2016, 18). Another agent explained how he used the helicopter while chasing a man to "get that rotor wash on him, get him disoriented" (*ibid.*, 19). The man being pursued in this case was unable to stand afterward due to injury (*ibid.*). In a tactic known by border humanitarian aid workers as "dusting," the pilot of the helicopter flies exceptionally low, about the height of a telephone poll, using the strong winds created by the rotors to propel dust and gravel into the air and the eyes of migrants. The goal, as explained by a USBP agent on an episode of the National Geographic's series, "Border Wars," is to "wear them out" and "hold them down" (*ibid.*, 18). The effect is often that groups scatter as people run in different directions. While dusting is not the only intimidation tactic, it is quite common. This tactic relates to a broader strategy used by USBP to disrupt large groups of migrants in remote terrain. This intentional strategy puts migrants at serious risk of death in remote landscapes.

The Use of Lethal Force

In addition to reckless motor vehicle pursuits and aggressive tactics used toward migrants on foot,

there have also been deaths due to the use of lethal force. The ACLU of Texas data (2010–2023) includes 12 "deaths by off-duty agents", 65 deaths due to the use of firearms, and 6 resulting from cross-border shootings (American Civil Liberties Union 2024). In SBCC's tracking of fatal encounters with CBP, 68 of the 304 deadly encounters were "caused by an on-duty CBP agent's use of force including a fatal shooting, asphyxiation, a Taser, beating or a chemical agent" and 15 were homicides carried out by off-duty officers. Only in these latter cases have agents been charged, convicted, and sentenced to prison time. "No agent in the 90-year history of the agency has been successfully convicted of a killing while on duty" (Southern Border Communities Coalition 2024).

Irene Vega's research with USBP agents offers additional insight into this problematic lack of accountability. Vega (2022) finds that when it comes to the use of force, USBP is "governed by the same constitutional standard that governs the legality of all police force in the United States: objective reasonableness" (p. 1156). The notion of "reasonableness" is overly individualistic, situational, and context-specific among USBP agents and largely influenced by the prevailing narrative within the agency that the border is a "uniquely dangerous work environment" (*ibid.*, 1155). In other words, consistent with this logic, most egregious behaviors can be constructed as "reasonable" after the fact if the individual agent was on duty, claimed imminent danger or fear, and deemed the action to be objectively reasonable.

PCOME records include multiple cases of deaths caused by gunshot wounds inflicted by USBP. In a 2005 case, agents encountered a group of individuals carrying bundles on their backs who ran when confronted. USBP shot one of the subjects from a distance of about 200 feet, who died from his wounds. In 2008, a USBP agent shot a man in the head after a struggle ensued between the officer and the decedent. A 2011 shooting occurred after a migrant engaged in a "scuffle" with USBP and acquired an agent's baton and used it to strike a USBP canine. "In fear for his safety," an agent fired a shot at the individual, which led to his death. More recently, a case in 2022 involved an agent who shot a migrant who tried to flee apprehension.

Discussion: Deaths Due to Border Militarization

In the existing literature about migrant deaths, there has been a disproportionate focus on the use of natural landscapes within the U.S. federal government's strategy of prevention through deterrence. We argue that this focus has led to an incomplete understanding of the ways that migrants encounter danger during a border crossing. While many migrants who have died likely experienced a scenario in which they found themselves lost in remote terrain, we have provided preliminary evidence suggesting that this is not the full story. Prior research among undocumented migrants as they make their journey north has shown that they work together, support one another, and do not take lightly the decision to leave one another behind (Vogt 2016, 2018; Slack, Martínez, and Whiteford 2018; Slack and Martínez 2018). As evidenced in the missing person reports discussed above, migrants may become separated from their groups and traveling companions because they were chased or intimidated by aggressive USBP tactics. Migrants often risk deportation and death to tend to the injured, sick, or dead, rather than leaving someone behind. For example, there is a well-known story in Tucson of a group of migrants who carried a gravely injured woman, Beatrice, to a road rather than leave her behind. They were all apprehended while Beatrice was taken to a Tucson hospital where she later died. The stretcher made by the group from desert materials and cloth torn from their own clothing is on permanent display at the Arizona Historical Society in Tucson, AZ (Arizona Historical Society 2022).

In addition to migrants caring for one another, places along the border like the Sonoran Desert have sustained life for centuries and are not inherently dangerous. Barbara Sostaita has argued against the idea that the desert has been successfully "deployed" as a weapon against migrants: "The settler state is not allying itself with the desert. It is actively working to destroy the desert" (Sostaita 2023, 1). To maintain prevention through deterrence strategies, the land must be constantly managed and altered. Sostaita continues,

For the Border Patrol, the desert is not so much an accomplice as it is an obstacle to catching and detaining

migrants. Saguaros stand in the way of walls, and so they are cut down. Ancestral burial grounds are desecrated. Mountains harbor fugitives, and so they are blasted to make way for switchback roads (ibid.).

Boyce (2015) has demonstrated how "the climate, topography, and inhabitants of the border region have never fully cooperated" with USBP's attempt to enlist the desert in its enforcement strategy (p. 257). The land, its inhabitants, and migrants themselves are aggressively managed and actively disrupted for USBP to maintain dominance. In addition to chasing, intimidating, and physically abusing migrants, USBP as an agency also prevents or disrupts relationships of care and efforts to provide aid in the borderlands: Tohono O'odham traditions and movements are disrupted or prevented (Blanchfield and Kolowratnik 2019; Zicari 2019; Schaeffer 2022; Madsen 2023), humanitarian aid workers are harassed and arrested (Caminero-Santangelo 2009; Boyce 2019; Sostaita 2020), and water and food left for migrants is destroyed (No More Deaths 2018).

Rather than thinking of the desert itself as a weapon or as "hostile terrain" (De León 2015), the evidence presented in this article argues for a refocusing on the tactics of U.S. law enforcement agents toward migrants within this terrain. Through the doctrine of low-intensity conflict, aggressive military strategies have been used against civilians in the U.S.-Mexico borderlands since the mid-1970s, increasing dramatically after 9/11 (Dunn 1996, 2021; Nevins 2006; Green 2011). Historically, and as demonstrated by our review of medical examiner data, a LIC approach is more violent in practice than described in policy (Nelson 2019). Although U.S. federal policy documents that outlined prevention through deterrence strategies emphasized the non-human (e.g., ecology, walls, technology), the reality on the ground is that the strategy has always included aggressive and militarized tactics on the part of federal and local law enforcement agencies toward civilians. As the United Nations Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions has stated, "militarization of border control leaves civilians 'vulnerable to a wide range of abuses' owing to the mind-sets of some who may perceive themselves as being akin to the military" (United Nations 2017, 6). Migrant

deaths along the U.S.-Mexico border are not caused by dangerous or inhospitable terrain; rather, they are a direct result of military strategies being deployed against civilians.

Policy Recommendations

Based on our review of autopsy and missing person reports from the PCOME, we make several policy recommendations emphasizing the need for closer scrutiny of USBP pursuit and apprehension tactics, and closer attention to migrant fatality events where law enforcement personnel were present.

Immediate Measures to Prevent the Loss of Life

(A). DHS should ban border enforcement methods that provoke fear, panic, or confusion. An example is the use of helicopters to intimidate and disrupt groups of migrants and the practice of “dusting,” practices that should be immediately and permanently suspended. The U.S.-Mexico border is more heavily enforced and surveilled than ever and now includes the use of surveillance towers, remote sensors, and drones. Relying on helicopter dusting is not vital to the pursuit and interdiction of undocumented border crossers, and only serves to intimidate, disorient, and separate individuals from one another. These practices can lead to injury, isolation, and loss of supplies, all of which can be deadly in remote geographies.

(B). DHS should take measures to substantially reduce the use of high-speed motor vehicle pursuits by USBP and other immigration enforcement officials. While CBP’s 2021 directive on vehicular pursuits and 2023 revised policies are improvements, individual agents are still allowed far too much discretionary power in interpreting and defending post-facto the “objective reasonableness” of such pursuits. DHS should provide greater transparency in terms of how CBP will operationalize these policies (ACLU 2024). We have demonstrated how such pursuits can be lethal. Therefore, high-speed motor vehicle pursuits should be considered an extreme measure only to be used if there is substantial evidence that the

fleeing vehicle poses an immediate threat to public safety.

(C). DHS should ensure that USBP officers are compliant with Department of Justice (DOJ) standards on use of deadly force, in particular the policy that “Deadly force may not be used solely to prevent the escape of a fleeing suspect.”

Increased Investigation of Border Fatalities Involving USBP Agents

(A). We call on the Government Accountability Office (GAO) to conduct an official review of all medical examiner and coroner records along the U.S.-Mexico border for fatality cases in which border enforcement personnel were involved in any way in the circumstances surrounding death. Given the recklessness with which tactics such as high-speed motor vehicle pursuits are undertaken by USBP, such a review should not be limited to decedents who are suspected to be migrants but should also include fatalities among border residents.

(B). We encourage the formation of civilian review boards in border regions to review medical examiner and coroner records of fatalities involving immigration officials as well as immigration officials’ apprehension strategies immediately preceding fatal encounters with migrants. There should be closer public scrutiny of the militarized tactics used by immigration enforcement agencies and their deadly impact on citizens and non-citizens alike.

Conclusion

Throughout this article, we have argued that a militarized approach to border enforcement has been deadly in ways that extend beyond the reliance on geography to deter undocumented migration. Based on a qualitative analysis of autopsy and missing person reports from the Pima County Office of the Medical Examiner (PCOME) in Arizona between 2000 and 2023, we show how excessive use of force by border enforcement personnel can be deadly for migrants. These interactions have not been fully considered in prior studies focusing on the relationship between prevention through deterrence strategies and migrant death and disappearance along the

US-Mexico border. Specifically, we observed three types of Border Patrol (USBP) practices that have been deadly: reckless motor vehicle pursuits, aggressive strategies used to detain individuals who are on foot, and the use of lethal force. Our findings reveal that these actions and tactics by immigration enforcement officers, which we argue constitute forms of “excessive use of force,” represent significant yet overlooked factors contributing to migrant death and disappearance in southern Arizona. Future research should conduct subsequent analyses of migrant death cases for which there were eyewitnesses to assess how the contexts and circumstances surrounding migrant death and disappearance have changed over time. We predict that deterrence-based policies have increased the incidence not only of migrant deaths due to exposure to the elements, but also due to aggressive pursuit and apprehension methods on the part of USBP.

While prevention through deterrence policies do involve the strategic use of border geographies as mechanisms of deterrence, they have also involved the use of militaristic tactics on the part of border enforcement agencies. We recontextualize prevention through deterrence policies within the history of the shift to militaristic strategies undertaken at the border by the U.S. government in the 1990s. While it is true that many border crossers have lost their lives because U.S. border policy has funneled them into remote geographies, an unknown number have also lost their lives due to the use of dangerous apprehension tactics used by border enforcement personnel. We understand both types of fatalities as direct results of prevention through deterrence strategies, and therefore call for an immediate end of prevention through deterrence policies along the U.S.-Mexico border.

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