

ACLU

Michigan

FAQ

THE
BORDER'S
LONG SHADOW



WHAT IS THE 100-MILE ZONE?

Border Patrol, an agency within U.S. Customs and Border Protection (CBP) that is responsible for policing international borders, relies on outdated regulations to claim that it has the authority to conduct warrantless vehicle searches within 100 miles of any international border or waterway.

CBP claims the entire state of Michigan falls within this 100-mile zone because it defines each of the Great Lakes as an international waterway, thus asserting the right to measure its 100-mile jurisdiction beginning at each lake shore. For example, this includes Lake Michigan, even though it does not share a shoreline with Canada.

As a result of its expansive interpretation of what constitutes the 100-mile zone, CBP claims that no place in Michigan is beyond its reach.

WHAT DID YOU LEARN ABOUT BORDER PATROL'S OPERATIONS IN MICHIGAN?

Border Patrol engages in blatant racial profiling.

People of Latin American origin are the primary target.

One-third of those stopped are U.S. citizens.

Border Patrol is apprehending people who are U.S. citizens (more than 33%) and are documented (13 percent).

Border Patrol is arresting people who, overwhelmingly, are established, long-term residents of Michigan.

The average length of residency in the U.S. since the last recorded date of entry was 7.36 years.

More than 33% of people identified as deportable have children who are American citizens.

Border Patrol is not focused on the border and claim the authority to conduct warrantless searches anywhere in the state of Michigan. The agency arrested only a miniscule number of people as they attempted to enter the U.S. from Canada. Only 1.3% of cases in Border Patrol's records involved people attempting to enter the U.S. without authorization from Canada.

Whatever people of color do when driving near a Border Patrol vehicle is used as a pretext to pull them over.

Speaking Spanish, and even a person appearing "Hispanic" leads to investigation and arrest.

Border Patrol operates in Michigan with the help of state and local law enforcement agencies.

WHAT EVIDENCE DID YOU UNCOVER THAT SHOWS BORDER PATROL ENGAGES IN BLATANT RACIAL PROFILING?

Border Patrol uses complexion codes to describe people arrested. More than 96% of those arrested are recorded as being "Black," "Dark Brown," "Dark," "Light Brown," "Medium Brown," "Medium," or "Yellow."

The basis for suspecting a person to be in the U.S. without authorization in 19 percent of stops was that the person spoke Spanish or another foreign language.

A person's "Hispanic" appearance frequently leads to investigation and arrest.

The records show that whatever a person does when driving near a Border Patrol vehicle is used as a pretext to pull them over.

In 76.9% of cases, an agent cites a person's alleged reaction to seeing a marked Border Patrol agent or vehicle as a basis for suspicion. A close evaluation of records show that no matter how drivers of color react—whether they look and acknowledge an agent, or do not look at or acknowledge an agent, or whether they speed up or slow down—that action is recorded as "suspicious" and is used to justify a stop.

85% of people apprehended by Border Patrol were from Latin America.

HOW ARE STATE AND LOCAL POLICE AGENCIES COLLUDING WITH BORDER PATROL TO TARGET PEOPLE OF COLOR?

State and local agencies play a key role in helping Border Patrol target people of color. 48.6% of arrests by Border Patrol began with a stop by a state or local police agency.

Where a state and local police agency was involved, people of Latin American origin make up approximately 88 percent of arrests by Border Patrol. This is significant because people of Latin American origin only make up 16.8 percent of the state's foreign-born population. Michigan State Police, by far, is responsible for initiating more contact with Border Patrol than any other police agency that results in people being detained and turned over to the federal agency—making up 37% of all incidents.

The Macomb County Sheriff's Office has the second highest number of contacts with Border Patrol, and responsible for 11.4% of arrests, followed by the Detroit Police Department, making up 7.4%.

In more than 30% of cases, people had legitimate identification that police agencies either didn't know were legitimate or didn't care. Legitimate ID includes a passport and a foreign driver's license which when provided were at times ignored.

The second most common reason that local agencies cite for summoning Border Patrol was for “translation assistance.” Among 26% of arrests resulting in Border Patrol being summoned to provide translation assistance, not a single case involved people who spoke any language other than Spanish. Records indicate that local agencies are using this reason as an excuse to call Border Patrol.

HOW DID THE ACLU OF MICHIGAN GET THIS DATA?

We filed a Freedom of Information Act request in 2015, and when CBP failed to provide documents, we sued.

We fought for five years in federal court to get CBP to release the documents that they had been trying to hide.

The data is based on thousands of documents spanning nine years, including more than 13,000 Border Patrol daily apprehension logs.

Using those records, this groundbreaking report exposes for the first time how our state and local police departments collude with Border Patrol to arrest, detain, and deport immigrants and are far from the Northern border.

HOW EXPANSIVE IS BORDER PATROL AND WHAT IS ITS BUDGET?

CBP is the largest federal policing agency in the nation.

Our nation spends more money on border and immigration enforcement than the combined budgets of the FBI, Alcohol, Tobacco and Firearms, the Drug Enforcement Agency, the Secret Service and the U.S marshals Service.

CBP has the largest budget of federal law enforcement agencies. CBP began operations on March 1, 2003, as part of the Department of Homeland Security in the wake of September 1, 2001. In less than two decades, the agency has had massive growth with an annual budget ballooning from \$5.9 billion to nearly \$17 billion in two decades.

The number of agents in Border Patrol’s Detroit Sector has grown from 35 agents in 2000 to 404 agents in 2019, a 1,054% increase, which is by far the fastest rate of growth of any Border Patrol Sector in the country.

WHAT SHOULD HAPPEN NOW?

Comprehensive reform on the federal, state, and local level is necessary.

The new administration should commit to an immediate reduction in the number of Border Patrol agents in the Detroit Sector.

The outdated regulation Border Patrol relies on for its expansive interpretation of the 100-mile zone needs to be revised to a distance that is actually reasonable and takes into account its impact on Michigan communities.

The Department of Homeland Security should ensure that all CBP officials uniformly comply with full Fourth Amendment standards, including within any delineated border zone.

State and local law enforcement agencies should adopt policies explicitly prohibiting employees from assisting, cooperating with, or facilitating any federal agency with immigration enforcement.

The Department of Justice should revise its guidance and prohibit profiling based on actual or perceived race, religion, national origin, sexual orientation, or gender (including gender identity or gender expression), and English proficiency, and instruct the Department of Homeland Security to issue parallel guidance.

Pass anti-racial profiling legislation at state and local level.

Pass state legislation to provide eligibility for a state driver’s license to all residents, regardless of immigration status.