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Border Patrol Agents Need More Decision Making Authority, Advocacy Group Says

By Eleanor Stables, CQ Staff

The Border Patrol's pursuit and firearm policies need to be changed to empower Border Patrol agents, according to the head of an advocacy group.

Friends of the Border Patrol Chairman Andy Ramirez said in an interview that recent prosecutions of agents has led some to fear using their weapons.

Ramirez cited the case of agents Ignacio Ramos and Jose Alonso Compean, who are each currently serving a decadelong sentence for the nonfatal shooting of a Mexican drug dealer near the southern border. In the past four years there have been a half dozen similar cases, according to Ramirez.

However, U.S. Border Patrol Chief David Aguilar said at a Feb. 13 hearing he did not believe agents feel "constrained" due to the Ramos-Compean case, nor fear they will "be prosecuted for taking the appropriate action." The hearing was held by the House Homeland Security Subcommittee on Border, Maritime and Global Counterterrorism.

Ramirez said Congress needs to investigate why the Justice and Homeland Security departments are bringing cases against Border Patrol agents.

Ramirez's group aims to provide legal support to Border Patrol agents and educate the public about immigration law enforcement, according to its Web site.

Agents are required to orally report when they use a firearm, and a supervisor files a paper report of the event. If a supervisor forgets to record the event, it can lead to problems for the agent — instead, the agent should file his own paper report, Ramirez says.

Similarly, he said the Border Patrol's pursuit policy should delegate more power from supervisors to agents.

When an agent is pursuing a suspect, he or she notifies a supervisor who can call off the pursuit. Supervisors have increasingly been asking agents to abort pursuits, according to Ramirez. But agents in the field, with their 19 weeks of academy training, should make the decision about whether to go after a suspect, he says.

Border Patrol members of all levels have told Ramirez that agents are often directed to stop pursuit "[b]ecause the leadership at DHS and the Border Patrol are more

worried about lawsuits than they are about apprehension,” he said at a hearing last week of the House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism.

It can be dangerous to take members of Congress on a tour of the border, according to Ramirez. He went with Rep. Ted Poe, R-Texas, to the San Diego border and had to cut short the tour when shots were fired nearby, he said.

Homeland Security Secretary Michael Chertoff said last week, “Regrettably, the Border Patrol tells me that one of the signs of our success in cracking down on the border is that the organized criminal gangs that traffic in drugs or in humans are now getting more violent as they protect a shrinking market share.”

It’s a phenomenon that can be observed in other instances, “when you really start to crack down on criminal groups,” Chertoff said, speaking at a hearing of the Senate Appropriations Subcommittee on Homeland Security.

The increased violence means “we have to make sure we are supporting our Border Patrol with the tools they need to defend themselves and to repel violence,” and underscores the need for additional technology, infrastructure and agents along the border, he said.

The Border Patrol’s press office could not be reached at press time.

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