

Clash with migrants spotlights use of force at the border

By COLLEEN LONG
Associated Press

EL PASO, Texas — U.S. Border Patrol agents near Tijuana, Mexico, faced a choice as they looked out over the chaos at a crowd of migrants that included rock-throwing men as well as barefoot children: Do they respond with force — and, if so, what kind?

The circumstances at the San Ysidro border crossing Sunday were exceptional, but the question facing the agents was not. It's a split-second choice more often made in the remote desert, far from cameras, where agents are likely working alone and encountering groups of people crossing illegally.

The agents' response — firing tear gas into the crowd — triggered widespread outrage and rekindled complaints that the Border Patrol, bolstered by President Donald Trump's tough talk, is too quick to use force, particularly when responding to people throwing rocks.

But use of force by Customs and Border Protection officers and agents is declining from a high during the 2013 budget year, government statistics show. There are high-profile exceptions, like the shooting death by agents of a 19-year-old Guatemalan woman who crossed the border near Laredo in May.

Still, experts say policies have improved following a major audit five years ago.

"There has been progress made — especially in getting officers better training and better equipment," said Josiah Heyman, a professor with University of Texas at El Paso and director of the Center for Inter-American and Border Studies. "When I first started studying this, most agents had a gun and a



Migrants from Central America yell through a border wall at a U.S. Border Patrol agent after he pulled down a banner on Sunday in San Diego. Migrants approaching the U.S. border from Mexico were enveloped with tear gas on Sunday after a few tried to breach the fence separating the two countries.

baton. They didn't have the choice to use anything else."

Firearms were used 45 times in budget year 2013 compared with 17 in 2017, according to data from Customs and Border Protection. For the first 11 months of the 2018 budget year, firearms were used 14 times. The data includes Border Patrol agents that patrol between the ports of entry, and officers who police border crossings.

Over those 11 months, there were 743 cases of agents and officers using less-lethal force, like batons, stun guns, tear gas and pepper spray. These included 29 cases in which tear gas was used and 43 incidents of pepper spray.

Though the final numbers are unavailable, those figures represent a drop from 2013, during the Obama administration, when there were 1,168 incidents of less-lethal force, including 27 instances of tear gas and 151 of pepper spray, accord-

ing to the data. Less-lethal force has increased over the past two years but is still lower than 2013.

Complaints about excessive force prompted Customs and Border Protection to commission an investigation by the Police Executive Research Forum, a policing research and policy group. The 2013 audit highlighted problems that included foot-patrol agents without access to less-lethal options. It recommended law enforcement not be allowed to use deadly force when people throw rocks — a suggestion that was rejected.

Following those reviews, Customs and Border Protection revised policies and made major changes to training. Agents now undergo scenario-based drills at the academy and learn how to de-escalate tense situations. They get 64 hours of on-the-job training on use of force.

Some sectors, like El Paso, have a virtual real-

ity simulator. The octagonal giant screens mounted on a platform mimic a desert encounter where agents must decide whether to fire their weapons. The scenario is designed to cause stress, and agents are forced to think quickly or face being shot, run over or hit with rocks. After the simulation, they discuss reactions with training officers and work on how to better respond in the future.

"The desert is a very difficult, dangerous unstructured environment," said Aaron Hull, Border Patrol chief for the El Paso Sector. "We're trying to keep our agents safe. We're trying to protect the safety of our communities, and all the people involved."

Chuck Wexler, head of the police research forum, credited the agency with taking the recommendations seriously. "Also when they do have an incident, they have a better review process," he said.

Trump says Manafort pardon 'not off the table'

WASHINGTON (AP) — President Donald Trump said Wednesday a pardon for Paul Manafort is "not off the table" — a comment that drew swift rebuke from critics who fear the president will use his executive power to protect friends and supporters caught up in the Russia probe.



Paul Manafort

The president's discussion of a possible pardon in an interview with the *New York Post* came days after special counsel Robert Mueller said Manafort had breached his plea deal by repeatedly lying to investigators. The former Trump campaign chairman denies that he lied.

Trump's remarks are the latest sign of his disdain for the Russia investigation, which has dogged him for two years and ensnared members of his inner circle. In recent weeks, the president, armed with inside information provided to his lawyers by Manafort's legal team, has sharpened his attacks, seizing on what he claims are dirty tactics employed by the special counsel and accusing investigators of pressuring witnesses to lie.

In the interview with the *Post*, Trump likened the Russia probe to Sen. Joe McCarthy's pursuit of alleged communists in the 1950s.

"We are in the McCarthy era. This is no better than McCarthy," Trump told the newspaper.

When asked about a pardon for Manafort, Trump told the newspaper: "It was never discussed, but I wouldn't take it off the table. Why would I take it off the table?"

Trump only has the power to pardon for federal charges. A pardon would not shield Manafort from prosecution for state charges, though he is not currently facing any.

On Wednesday, the

top Democrat on the Senate intelligence committee said that if Trump pardons Manafort, it would be a "blatant and unacceptable abuse of power."

Sen. Mark Warner of Virginia said in a tweet that the president's pardon power is not a "personal tool" that Trump can use to protect "himself and his friends."

Meanwhile, Manafort's lawyers have been briefing Trump's attorneys in recent months on what their client has told investigators, an unusual arrangement for a government cooperator and one that raises the prospect that Manafort could be angling for a pardon.

Manafort spokesman Jason Maloni declined comment.

In the *Post* interview, Trump also praised two other supporters who are caught up in the Russia probe — conservative author and conspiracy theorist Jerome Corsi and longtime Trump associate Roger Stone. He said they were "very brave" for resisting Mueller's investigation.

Both men have been heavily critical of the investigation, and Corsi this week said he had rejected a plea offer from Mueller's team. Draft plea documents show Mueller accusing Corsi of lying to investigators — an allegation he denies — about emails he exchanged with Stone regarding WikiLeaks.

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