June 19, 2018

Rodolfo Karisch, Chief Patrol Agent
U.S. BORDER PATROL, Sector Headquarters
2430 South Swan Road
Tucson, Arizona 85711

Head Patrol Agent
U.S. BORDER PATROL, Nogales Station
1500 West La Quinta Road
Nogales, Arizona 85621

Sheriff Tony Estrada
SANTA CRUZ COUNTY SHERIFF
2170 North Congress Drive
Nogales, Arizona 85621

Chief Roy Bermudez
NOGALES POLICE DEPARTMENT
777 North Grand Avenue
Nogales, Arizona 85621

John Lekan, Police Chief
YUMA POLICE DEPARTMENT
1500 South 1st Avenue
Yuma, Arizona 85364

Chris Magnus, Police Chief
TUCSON POLICE DEPARTMENT
270 South Stone Avenue
Tucson, Arizona 85701

Sheriff Leon N. Wilmont
YUMA COUNTY SHERIFF’S OFFICE
141 South 3rd Avenue
Yuma, Arizona 85364

Sheriff Mark D. Napier
PIMA COUNTY SHERIFF’S OFFICE
1750 East Benson Highway
Tucson, Arizona 85714

Mark Brnovich
Attorney General
ARIZONA ATTORNEY GENERAL
2005 North Central Avenue
Phoenix, Arizona 85004-2926

Elizabeth A. Strange
First Assistant U.S. Attorney
U.S. ATTORNEY’S OFFICE
40 North Central Avenue, Ste. 1800
Phoenix, Arizona 85004-4408

RE: Separating Children from their Parents at Arizona Borders

Dear All:

Based upon the ethical obligations of the State Bar of Arizona and my status as a certificated teacher in the State of Arizona, this letter constitutes my duty to report child abuse pursuant to Arizona Revised Statute (A.R.S.) §13-3620 regarding those children held at detention centers within the state of Arizona at the orders of Attorney General Sessions of the United States and of Homeland Security Chief Kristen Nielsen.
Please refer to A.R.S. §§8-201 and 13-3620, along with their subparts, which reference the definition of abuse, including “emotional damage as evidenced by severe anxiety, depression, withdrawal,” and under subsection 2(c) wherein abuse is defined as unreasonable confinement of a child.

The American Academy of Pediatrics and the American Medical Association (AMA) have both issued public statements setting forth that the separation of children from their parents constitutes child abuse, as defined by the laws of the State of Arizona. See https://www.huffingtonpost.com/entry/pediatrics-academy-border-separation-child-abuse_us_5b27f437e4b0783ae12bfe6d and https://www.cbsnews.com/news/doctor-colleen-kraft-separating-families-at-border-form-of-child-abuse/.

Specifically, Dr. Colleen Kraft, President of the American Academy of Pediatrics, stated that the children separated from their parents at the border are experiencing something so traumatic that it affects their brain chemistry in a way that amounts to child abuse. The types of conditions produce ‘toxic stress’ that when gone unchecked, ‘inhibits development of their brains.’ “It disrupts their brain architecture and keeps them from developing language and social emotional bonds and gross motor skills and the development that they could possibly have.” Dr. Kraft was supported by the American Medical Association, which agreed that a policy of separating children from their caregivers after crossing into the U.S. “will do great harm” to child and could “create negative health impacts that will last an individual’s entire lifespan.” See https://wire.ama-assn.org/ama-news/doctors-oppose-policy-splits-kids-caregivers-border.

If you are in possession of medical reports that the AMA and Dr. Kraft are in error, consider this letter a FOIA request for those reports.

In attempting to comply fully with A.R.S. §13-3620, I have identified, collectively, the children who are being abused; that they reside or did reside at the time of abuse within the state of Arizona, and I have provided opinions by both the American Medical Association and the American Academy of Pediatrics, that the separation of children from their parents causes in addition to emotional stress, an actual physical injury to the brain. I have the expectation that each of you will comply with your obligations as “peace officers” and open an individual investigation for each child that has been separated from their parent(s) and are held in places of confinement as depicted by the media.

Some of you may take the position that the abuse referenced by the American Medical Association and by the American Academy of Pediatrics is authorized and/or ordered by the United States Government, which relieves you of any obligation to investigate or prosecute. Any such conclusion that the United States Government can
authorize child abuse is not correct. I have represented several members of the United States Military. I have been asked by many of them if they are required to follow an unlawful order. They are not required to follow and, if they do so, they can be prosecuted under the Uniform Code of Military Justice. The same applies to your collective agencies and officers. An order by the United States Government to engage or aid in the commission of child abuse in the state of Arizona is unlawful.

In summary, you cannot be ordered to allow child abuse to occur in your jurisdiction and it would be unlawful and a violation of your oath to do so.

If you feel that I have not complied with any portion of A.R.S §13-3620, then please notify me immediately so that I may fully comply.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Respectfully,

M.E. “Buddy” Rake, Jr.
For the Firm

MER/asd