

Yuma County Sheriff's Office

August 19, 2014

The Honorable Jeff Flake
United States Senator
368 Russell Senate Office Building
Washington, D.C. 20510

RE: Operation Streamline

Dear Senator Flake:

I would like to take this opportunity to address some very disturbing news that I received regarding the implementation of new "Operation Streamline" prosecution guidance. I have been informed that the United States Attorney's Office for the District of Arizona will no longer be prosecuting first time undocumented aliens (UDAs) under 8§1325. Furthermore, I was advised that only UDAs with an adverse immigration history (excluding voluntary returns and voluntary departures but including expedited removals, orders of removal and other forms of administrative removals and reinstatements) and/or a criminal conviction of any kind, and all UDAs found in the United States while engaged in criminal activity or who otherwise present a danger to public safety or officer safety, with the exception of the UDAs who otherwise qualify for flip-flop or felony prosecutions, would be prosecuted under 8§1325. This new guidance is of great concern because it undermines the mission of local law enforcement agencies throughout Yuma County for 100% prosecution of those entering the United States illegally in order to curb reentries.

At one time, Yuma County had the worst record in the United States for illegal entries by UDAs. As a result of the high UDA traffic, our community suffered numerous ancillary crimes. In effort to reduce the UDA traffic and their criminal activity in Yuma County, the Federal, State and local law enforcement agencies came together and formed a partnership with a common mission— 100% prosecution of all UDAs. Over the years, we have worked together through this partnership to make our community a safe place for Yuma County citizens to live, work and play. This partnership has been very successful, to the point that it has been viewed as an excellent example of collaborative efforts to accomplish a mission.

Since the implementation of Operation Streamline in December 2006, Yuma County has been very successful in curtailing UDA traffic. Through our



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"Dedicated to Service"

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partnership with the Yuma Sector Border Patrol, Yuma County has attained a reputation of "zero tolerance" enforcement for UDAs and their criminal activities. Case in point, during an interview of a defendant from a recent smuggling case, the subject told investigators that since he has been in jail, he has talked with several other inmates. He informed the investigators that the inmates were talking about how hard we (Yuma Sector) have been coming down on alien smuggling in our area. He stated that they and their partners are moving to other areas due to our hard stance on smuggling and the fact that if you are caught in Yuma, you will go to jail.

Now I'm being told that Operation Streamline is being scaled back to be more in line with the Tucson Sector and that first time offenders will not be prosecuted. I'm not sure why or how the United States Attorney's Office for the District of Arizona came up with this idea. Regardless of the why or how, this new guidance aligns the Yuma Sector operations to practices that are not working in other sectors. From an outside perspective, this new guidance gives a strong impression that its sole purpose is to direct the UDA traffic and their criminal activity back to Yuma County. This practice undermines everything that we have worked hard to achieve over the years for the citizens of Yuma County.

Recently, Yuma County has had to assume an already growing trend of prosecuting cases through the state that the AUSA failed or refused to prosecute. For example, we recently assumed a case that the AUSA would not prosecute involving a local express shuttle company smuggling illegals by transporting them from San Luis, Arizona to Phoenix. On August 15, 2014, an express shuttle van was sent to secondary at the Border Patrol checkpoint. Two occupants presented identification that turned out did not belong to them. The identification consisted of a U.S. Passport Crossing Card and a Mexico Passport with a U.S. Visa Stamp. When a check was run on the documents, it was found that these documents had been used to cross into the United States from Mexico at the San Luis Port of Entry over 100 times this year alone. The following day, another UDA using someone else's identification was again taken off an express shuttle. While still a clear violation of law, the facts of these three cases do not meet the new threshold for prosecution set forth by the AUSA and therefore, these individuals would have been released without being charged for their offense. At this point, Yuma County stepped in to enforce state law, charging these criminals with Taking the Identity of Another, a class 4 felony.

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It is our position, much like other border Sheriffs, that without 100% prosecution of all UDAs, this Administration will continue to see a border that is porous and open to the criminal element entering the United States to prey on this country. The new guidance for Operation Streamline set forth by the AUSA will have a huge impact on our mission and collaborative efforts to stop these crimes in our community, and in turn impact the quality of life that the citizens of Yuma County currently enjoy. Furthermore, this new guidance can't help but have a negative and detrimental impact on the morale of the men and women on the front line who are tasked with protecting our nation's borders and enforcing our laws. Moreover, this new guidance will cause these brave men and women, who are sworn to uphold the Constitution of the United States and to defend this nation against all enemies, foreign and domestic, to feel betrayed by the very government that they serve.

As a U.S. Senator for the State of Arizona, you have pledged to be a voice for the citizens of this state. At this time, I am asking that you be that voice and do everything in your power to bring this urgent matter to the attention of the Administration in order to rectify this situation.

In closing, I would like to thank you for your time and consideration of my request. If you have any questions or need further information, please feel free to contact me at (928) 539-7830.

Sincerely,



Leon N. Wilmot
Sheriff, Yuma County

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