

# United States Senate

WASHINGTON, DC 20510

September 8, 2014

The Honorable Eric J. Holder, Jr.  
United States Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder,

We write regarding recent reports of new guidance related to prosecutions under Operation Streamline in Yuma County, Arizona.

As you are aware, the Border Patrol's Yuma Sector has long grappled with the crossing of undocumented aliens and has seen illegal traffic decline precipitously from the early 2000s to the present. It has been reported that apprehensions approached 140,000 in Fiscal Year 2005 and that community residents have witnessed the decline of apprehensions by more than 95 percent. Last fiscal year there were slightly more than 6,000. In fact, the Yuma Sun recently noted that "the Yuma Sector's border with Mexico has gone from being one of the busiest and most dangerous in the nation to one of the most secure" and cited it as a model border security.

Achieving these gains in border security is no doubt a result of a combination of factors including increased manpower, technology implementation, and appropriate consequences. A key part has been the implementation of Operation Streamline, the program seeking to reduce recidivism by expeditiously prosecuting those entering or reentering illegally under a "zero tolerance" approach. The Yuma County Sheriff's Office cites 100 percent prosecution as a shared goal of a partnership including federal, state, and local law enforcement agencies and cites Operation Streamline as an element in the recent success in reducing illegal crossings.

However, the Sheriff's Office recently related that they had been informed that the United States Attorney's Office for the District of Arizona will cease prosecuting those apprehended crossing the border illegally for the first time. In addition, it was suggested that only those undocumented aliens with adverse immigration histories or criminal convictions as well as those apprehended while involved with criminal activity or presenting a danger to the public will be prosecuted.

The recent conditions in the Yuma Sector represent one of the few instances approaching a success with respect to border security. Congress has yet to take up border-related legislation aimed at tackling the long-standing issues with controlling the southwestern border. In addition, with Central American family units and unaccompanied minors presenting a multi-agency challenge, it would appear an inopportune time to potentially be removing tools from the border security toolbox. Has guidance been issued that would prevent prosecutions of first time illegal crossers under Operation Streamline in the Yuma Sector? In addition, in considering revisions to

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prosecutorial guidance in southern Arizona, were current border security impacts considered as well as impacts to future illegal traffic levels and issues faced border-wide?

We appreciate your prompt attention to this matter, in strict accordance with all existing rules, regulations, and ethical guidelines.

Sincerely,



JEFF FLAKE  
United States Senator



JOHN McCAIN  
United States Senator

Cc: The Honorable Jeh Johnson, Secretary, Department of Homeland Security