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**Congress of the United States**  
**House of Representatives**  
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August 28, 2014

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
Nebraska Avenue Center, NW  
Washington, DC 20528

The Honorable John S. Leonardo  
United States Attorney, District of Arizona  
Two Renaissance Square  
40 N Central Avenue, Suite 1200  
Phoenix, AZ 85004

Dear Attorney General Holder, Secretary Johnson, and Mr. Leonardo,

I write you today regarding reported alterations that have been made to the prosecution guidelines related to Operation Streamline. Yuma County Sheriff Leon Wilmot wrote me to inform me that during the course of a recent Customs and Border Patrol briefing, his department was told that the U.S. Attorney's office would no longer be prosecuting undocumented aliens (UDAs) under Title 8, United States Code, §1325. I have enclosed Sheriff Wilmot's letter for your reference.

A change of this nature to these prosecution guidelines constitutes a major shift in practice, and certainly undermines the "zero tolerance" policy established by Operation Streamline. I am greatly concerned that such a shift also flies in the face of years of work conducted by federal, state, and local law enforcement to secure our communities, secure our borders, and, more broadly, enforce the rule of law.

I have outlined some questions for you below, and I respectfully ask for a timely response so that I may share your answers with relevant stakeholders and concerned constituents.

1. Is this shift in prosecution guidelines (shift) something that came from the Department of Justice and/or Department of Homeland Security in Washington? If so, from whom or which office exactly did it originate?
2. Is this shift specific to Arizona, or is it being applied nationwide?
3. What law enforcement purpose does this shift serve?
4. On what date exactly did the shift occur, and approximately how many UDAs have avoided prosecution in Arizona under 8 USC §1325? Approximately how many nationwide?

5. What exactly are the final guidelines being followed after the shift? Please provide me with a copy of those guidelines.
6. Do you anticipate future shifts in the prosecution guidelines which would lead to further erosion in prosecution numbers under 8 USC §1325? If so, please elaborate.

I support Operation Streamline and do not appreciate it being undermined by executive fiat. Again, such actions compromise the safety of our citizens, not to mention our national security.

Thank you for your attention to this important matter. As always, I ask that this matter be handled in strict accordance with the existing agency rules, regulations, and ethical guidelines. If you have any questions or concerns, please feel free to contact my office.

Sincerely,



Paul A. Gosar  
Member of Congress  
Arizona's Fourth District

Enclosure



# Yuma County Sheriff's Office

August 19, 2014

Leon N. Wilmot  
Sheriff

The Honorable Paul Gosar  
U.S. House of Representatives  
504 Cannon HOB  
Washington, DC 20515

Matthew Catron  
Chief Administrative Officer

RE: Operation Streamline

Capt. Mark Martinez  
Detention Bureau

Dear Representative Gosar:

Capt. Eben Bratcher  
Patrol Bureau

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. Representative 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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