

1. When was the Criminal Consequence initiative started? When did it end, and why?
 - o Criminal Consequence Initiative (CCI) started on May 1, 2017, in the U.S. Attorney's Office for the District of Arizona and on May 8, 2017, in the U.S. Attorney's Office for the Southern District of California. The initiative was implemented in the Yuma and Tucson Sectors. The USBP Yuma and Tucson Sectors are located within these two USAOs jurisdictions. There was never formal termination of the program. However, CCI ceased being a USBP prosecution initiative on March 14, 2020, when federal courts issued General Order 20-15 restricting the presentation of misdemeanor cases.
2. When did Operation Streamline start, when did it end, and why?
 - o Operation Streamline (OSL) was a framework that was applied in multiple Sectors by U.S. Border Patrol between 2005 and 2014. OSL was established in the USBP's Del Rio Sector in December 2005 and expanded to the Yuma Sector in December 2006, Laredo Sector in October 2007, Tucson Sector in January 2008, and Rio Grande Valley Sector in June 2008. OSL in Yuma began on December 4, 2006, and ended on July 31, 2014. Cessation of OSL coincided with increased operational control of Yuma Sector's border which resulted in reduction in amenable apprehensions referred to DOJ for OSL. A decision was eventually made by the United States Attorney's Office in Yuma and the Federal Judiciary regarding utilization of the program. Specific dates and reasons for its cessation should be deferred to the Department of Justice.
3. How did the Criminal Consequence initiative differ from Operation Streamline?
 - o CCI was conceptualized and implemented to have the same fundamentals as OSL, as both applied to first time entry aliens who were amenable to prosecution under 8 USC § 1325. OSL did not apply to adults accompanied by minor children, whereas CCI did not apply to the primary accompanying family member of a family unit. Neither OSL nor CCI applied to juveniles. Prior to June 26, 2018, one of the adults in a family unit consisting of two adults and accompanying a minor(s), could be referred for prosecution under CCI, if the adult was amenable to such prosecution. When considering whether to refer one of the parents in such two-parent family units for prosecution under CCI, Sectors considered the relevant criminal/immigration histories, along with the initiative to deliver a consequence, on a case-by-case basis.
4. How many families were separated under CCI? What were the reasons?
 - o Prior to April 2018, the (b)(7)(E) did not contain data recording capabilities for capturing whether a family was separated, nor were there any published procedures that prescribed documentation requirements for tracking adults presented for prosecution under CCI. During the period of time between April 2018 and the end of CCI in March 2020, a total of 424 individuals were separated from family units under the Criminal Consequence Initiative (CCI). On June 27, 2018 guidance was issued to the field implementing the preliminary injunction in *Ms. L v ICE*. The data cannot be categorically broken down further without individual case review of each file.
5. Were any families separated under CCI, Operation Streamline or other local prosecution initiatives, that would not have otherwise been separated?

- OSL did not apply to juveniles or adults accompanied by minor children as part of a family unit.
 - CCI resulted in the separation of some adults from family units, however, as previously stated, CCI did not apply to the “primary accompanying family member.” If two adults were accompanying a minor(s), one of the adults could be separated from the family unit and presented for prosecution under CCI, if the adult was amenable for such prosecution. On June 26, 2018, in *Ms. L v ICE* the court in the Central District of California enjoined CBP from separating parents and legal guardians who are detained in DHS custody from their children in certain circumstances.
6. Was CCI or other local prosecution initiatives active in other sectors in 2017? If so, which sectors?
- CCI was only implemented in the Yuma and Tucson Sector. the U.S. Attorney’s Office for the District of Arizona and the U.S. Attorney’s Office for the Southern District of California did not implement CCI in any other California or Arizona USBP sector. Local prosecution initiatives are implemented based on local policy and arrangements with their local U.S. Attorney’s Office. CBP defers additional questions to the Department of Justice Executive Office for United States Attorneys.
7. Who approved CCI for Yuma at the DOJ and DHS levels?
- The CCI program was approved by Acting U.S. Attorney Betsy Strange in District of Arizona, Acting U.S. Attorney Alana Robinson for the Southern District of California, and Chief Patrol Agent Anthony Porvaznik.
8. Please provide copies of any guidance issued for the Criminal Consequence Initiative.
- Publicly available information related to both Operations Streamline and the Criminal Consequence Initiative are listed below and are attached:
 - DHS Office of Inspector General report titled, “Streamline: Measuring Its Effect on Illegal Border Crossing.” (OIG-15-95)
 - GAO report titled, “Immigration-Related Prosecutions Increased from 2017 to 2018 in Response to U.S. Attorney General’s Direction.” (GAO-20-172).
 - Congressional Research Service report titled, “Border Security: Immigration Enforcement Between Ports of Entry.” (R42138).
 - GAO report titled, “BORDER PATROL Actions Needed to Improve Oversight of Post Apprehension” (GAO-17-66).
 - Written testimony of CBP U.S. Border Patrol Acting Chief Ronald Vitiello for a Senate Committee on the Judiciary, Subcommittee on Immigration and the National Interest hearing titled “Declining Deportations and Increasing Criminal Alien Releases – The Lawless Immigration Policies of the Obama Administration” May 19, 2016.
 - Testimony of Michael J. Fisher, Chief, U.S. Border Patrol, U.S. Customs and Border Protection, before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security: "Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?" October 4, 2011.