

**U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Concept of Operations Report for:**

DEL RIO SECTOR PROSECUTIONS

Con Op Number: (b) (7)(E)
Report Date: 05/05/2018
Author: (b) (6), (b) (7)(C)
Last Updated: 5/5/2018 10:15 AM

I. SITUATION

Since the implementation of Operation Streamline to encompass all of Del Rio Sector (DRT) in June 2006, DRT has referred all adults amenable to prosecution under 8 USC 1325. Exemptions to the DRT referral procedure have been humanitarian in nature: subject's age, health issues (including pregnancy), mental competency and language/communication barriers, with a very small percentage of individuals falling within one of the above exceptions. Another exception has been to prosecution has been Family Unit Aliens (FMUA), absent aggravating factors. Hundreds of individuals arrested by DRT have used children to avoid prosecution and circumvent the immigration laws. For Fiscal Year (FY) 2017, DRT apprehended 2,475 individuals classified as FMUA (adults/minors totals) and for FY18 YTD DRT has apprehended 1412 FMUA individuals. These individuals have been processed administratively and turned over to Enforcement and Removal Operations for custody redetermination.

*FMUA Statistics Source: e3 Processing

II. MISSION

Effective immediately, Del Rio Sector will refer all illegal entrants amenable for 8 USC 1325 prosecution consistent with the prosecution priorities including adults who are accompanying children. This guidance will remain in effect until otherwise changed by the Chief Patrol Agent.

III. EXECUTION

A. HQ Intent:

It is the Del Rio Sector Chief Patrol Agent's intent to consistently deliver the most effective consequence to illegal entrants to deter additional entries by that person or others.

B. Concept of Operation:

Del Rio Sector will evaluate each case encountered involving adults and refer for prosecution as appropriate to include FMUA's absent aggravating factors or

humanitarian reasons.

(b) (7)(E)

(b) (7)(E)

For children that are separated from their adult parent, they will be processed as Unaccompanied Alien Children and turned over to Enforcement and Removal Operations for placement with Office of Refugee Resettlement within established timeline. All current policies and guidelines for treatment of minors will be followed for compliance.

DRT station supervisors who encounter individuals who committed the offense (illegal entry) in a different district will refer the individuals to that district for case acceptance. This will be accomplished by following existing procedures and presenting all relevant facts to that district in writing (via email). If other districts decline prosecution, DRT prosecutions will review individual's immigration and criminal history and apply appropriate charges within the Western District if applicable (ex. 1326). DRT will track all out of district apprehensions and report accordingly.

DRT Prosecutions Department continues to work closely with Laredo Sector Prosecutions, Western District Assistant United States Attorney's Office (AUSAO) and Southern District AUSAO to address avenues to consistently and effectively prosecute all illegal entrants who exploit the district jurisdictional boundaries and avoid criminal prosecution.

Stations will report daily to DRT Data Integrity Management Team (DIME) all apprehensions and final disposition. DRT DIME will ensure data is accurate and consolidate for weekly report to HQ.

DRT will maintain communication with strategic partners (ex. AUSA, USMS, ERO) to ensure DRT referrals don't hinder their operations which in turn could affect DRT referrals.

DRT has disseminated detailed guidance to all stations regarding the new Southwest Border Prosecutions guidance and will continue to update stations as information is received from HQ.

IV. LOCATIONS

The following is a list of the locations where this Con Op is to be implemented.

Sector (ID)	Station (ID)
Del Rio Sector (DRT)	(b) (7)(E)

(b) (7)(E)