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EXECUTIVE DIRECTOR

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PRESIDENT



November 20, 2015

Dear Governor Ducey,

The American Civil Liberties Union (ACLU) of Arizona writes to voice concerns about the recently created “Arizona Border Strike Force.” According to news reports, the “strike force,” which will operate through the Department of Public Safety (DPS) is intended to work with state, local and federal agencies on “border-related crime” in order to “make it too risky and too expensive for...criminal organizations to operate” in Arizona. The *Arizona Republic* [reported](#) that the program was “quietly” launched in September and that your office will be seeking new funding from the state Legislature to fund about 180 troopers, analysts, pilots and county personnel, who would mostly operate in southern and central Arizona along with National Guard troops. Though you are quoted as calling for “tens of millions of dollars” in taxpayer funds and federal grants to support the project, the full scope, timeline, and potential price tag of the “strike force” are still unknown.

The ACLU is concerned about the state’s decision to activate such an extensive and costly plan without providing the public any details or opportunity to comment. We also have serious concerns that this plan will further militarize our communities and entangle Arizona law enforcement in U.S. border policies. These concerns are particularly acute given the extensive harm Arizona’s SB 1070 and similar anti-immigrant initiatives have already inflicted on the state and its residents—including discriminatory police practices that result from involving local law enforcement in border enforcement. We also question the need for such a program at a time when unauthorized border crossings are at historic lows and border communities are statistically among the safest in the country. The ACLU is not alone in this view—Arizona county sheriffs [have argued](#) that DPS should instead focus on patrolling the highways and running its crime lab. For these reasons, and given the dubious record of similar policies in other states—including exorbitant costs to taxpayers—Arizonans have ample grounds to question the soundness of this plan.

Arizona does not have far to look to find a cautionary tale: the proposed “strike force” is all too reminiscent of Governor Rick Perry’s “Operation Strong Safety,” which has sent Texas DPS officers and National Guard troops to the Rio Grande Valley to “enforce the border.” Years later, [bipartisan critics](#) have called for the program to audited and/or abandoned, while [independent sources](#) have been unable to discern any enforcement benefits. To the contrary, there is ample evidence the

operation has made other parts of the state *less* safe, while inadvertently [hindering border enforcement efforts](#). The *Houston Chronicle* has [characterized](#) the operation as “a monumental waste” with the cost to state taxpayers [pegged](#) at \$950 million over the past decade. If Arizona pursues a similarly misguided policy, we can expect similar results.

That is to say nothing of the devastating impact—and potential legal liability—that would result from inundating our communities with state law enforcement charged with enforcing “border-related” laws. Even if Arizona’s plan ultimately differs from that of Texas, one predictable consequence of such a policy is likely to repeat itself—namely, a rise in discriminatory policing. For example, under “Operation Strong Safety,” between 2012 and 2014 traffic tickets issued by state troopers in one south Texas county increased 233 percent, with residents describing frequent stops for minor infractions such as broken tail lights and tinted windows, the result of biased policing. “It almost feels like an invasion,” [one south Texas resident told NPR](#).

The ACLU continues to receive reports from Arizona residents of pretextual, discriminatory stops such as those described in south Texas. Ten years ago, biased policing by Arizona DPS resulted in an [ACLU lawsuit](#) and the consequences of police involvement in immigration enforcement are still playing out in the ACLU’s racial profiling lawsuit against Maricopa County Sheriff Arpaio. The DPS “strike force” may be a recipe for further abuse. We also urge you to consider the devastating impact these kinds of operations could have on border and immigrant communities’ relationships with law enforcement. As a growing number of [studies](#) and law enforcement experts have recognized, when immigrant communities fear the police, they are less likely to report crime, which in turn makes our communities less safe – the exact opposite of the DPS operation’s apparent goals.

Considering the [demonstrated failures](#) of United States’ decades-long “war on drugs,” it is unlikely any state program can realistically fulfill the operation’s reported goal of “mak[ing] it too risky and too expensive” for international cartels to operate, and there is little evidence the money would not be better spent in other ways (including directing the funding to drug abuse prevention and treatment programs to address the demand that fuels the drug trade). Since 1998, Arizona cities within 30 miles of the Mexican border have among [the lowest crime rates in the state](#). Border communities are some of the [safest](#) in the nation, as Arizona border county sheriffs and even border “hawks” have conceded. Meanwhile, in 2014, the number of immigrants [apprehended](#) in the Border Patrol’s Tucson Sector dropped to a 22-year low, while Yuma Sector’s have plummeted to 50-year lows.¹

¹ What has not diminished is the epidemic of border crossing-related deaths. From 1998 to 2013, [more than 2,700 bodies](#) of men, women, and children were discovered in the Arizona desert, more than anywhere else in the country. Our response to the humanitarian crisis in our midst has been far from adequate, including the [failure of](#)

For all of the reasons stated herein, we urge you to abandon a policy that would further entangle Arizona law enforcement in U.S. border policy and make our communities more militarized and less safe. At a minimum, we urge you to promptly and publicly disclose and share on an ongoing basis additional key information about the “strike force”—including the projected cost, timeline, and measurable outcomes—so that Arizonans can assess for themselves the programs their tax dollars are funding.

Sincerely,



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[Arizona counties](#) to provide adequate responses to migrant distress calls. If Arizona is going to devote resources to the border, it should be in response to this real crisis.