

# EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

<b>STATE OF TEXAS, et al.,</b>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:14-cv-00254
	)	
<b>UNITED STATES OF AMERICA, et al.,</b>	)	
	)	
Defendants	)	

**DECLARATION OF DAVID G. BAKER**

My name is David G. Baker and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Deputy Director of Law Enforcement Operations at the Texas Department of Public Safety (“DPS”). In this capacity, I oversee DPS’s law enforcement divisions, including coordination of DPS’s border security operations.

2. I was appointed to serve as Deputy Director in September 2011. Immediately prior to my current position, I served as Assistant Director/Chief of the Texas Highway Patrol.

3. Along with other local, state, and federal law enforcement agencies, DPS personnel conduct security operations along the border between Texas and Mexico.

4. In furtherance of its border security function, DPS participated in a multi-agency law enforcement surge operation from September 15, 2013 through October 4, 2013 (hereinafter referred to as "Operation Strong Safety I"). Operation Strong Safety I temporarily increased the patrol presence in the State's Rio Grande Valley area in an effort to combat criminal activity in the area. Leading up to the implementation of this operation, there had been a substantial increase in the number of U.S. Border Patrol apprehensions of undocumented individuals from countries other than Mexico (including El Salvador and Guatemala) and unaccompanied children in the Rio Grande Valley. Resources from around the State were deployed to the Rio Grande Valley to support Operation Strong Safety I by conducting around-the-clock patrols on, above, and along the Rio Grande River.

5. DPS estimates that it incurred approximately \$3.4 million in expenditures attributable to Operation Strong Safety I. These expenditures reflect costs associated with employee overtime, travel, aviation, and other expenses that DPS would not have incurred but for this emergency operation.

6. On June 18, 2014, Governor Rick Perry, Lieutenant Governor David Dewhurst, and Speaker of the House Joe Straus directed DPS to plan and implement another surge operation of increased law enforcement in Texas border counties (hereinafter referred to as "Operation Strong Safety II"). Operation Strong Safety II, which began on June 23, 2014, was intended to address the criminal activity associated with the growing humanitarian crisis in and around the border. U.S. Border Patrol apprehensions of individuals crossing the Texas-Mexico border

were occurring at historic levels, totaling over 40,000 per month for the three months before Operation Strong Safety II, with much of this increase centered in the Rio Grande Valley area. The influx of unaccompanied children and other undocumented immigrants crossing the border presented a substantial threat of increased drug trafficking, human smuggling, and other violent crime. The State's directive authorized DPS to utilize all existing appropriated funds in support of Operation Strong Safety II.

7. Operation Strong Safety II remains ongoing to this day. During the operation, DPS has worked in coordination with its local, state, and federal law enforcement partners to conduct around-the-clock, ground, air, and marine saturation patrols on the Texas-Mexico border.

8. DPS estimates that it incurred approximately \$23.49 million in expenditures attributable to Operation Strong Safety II from the beginning of the initiative through November 2014. These expenditures reflect costs associated with employee overtime, travel, aviation, and other expenses that DPS would not have incurred but for this emergency operation.

9. DPS projects that from December 2014 through August 2015, it will incur approximately \$1.3 million per week, or a total of \$49.4 million, in additional expenditures associated with Operation Strong Safety II. These projected expenditures reflect costs that DPS would not have to incur but for this emergency operation.

10. Attached as Exhibit 1 to this declaration is a true and correct copy of a DPS Budget/Organization Activity Report, generated on December 2, 2014, detailing certain estimated DPS border security expenditures from September 2012 through November 2014 and projected DPS border security expenditures from December 2014 through August 2015, including expenditures attributable to Operation Strong Safety I and Operation Strong Safety II. This record is kept by DPS in the course of its regularly conducted activity, and it was DPS's regular practice for an employee or representative of DPS, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion, or diagnosis.

11. Based on my experience with DPS, including my first-hand knowledge and oversight of Operation Strong Safety I and Operation Strong Safety II, I anticipate that the need for additional law enforcement resources along the Texas-Mexico border will continue. It also is my belief that any increase in the incentives for individuals to come to the United States will lead to a greater need for additional law enforcement resources along the border.

12. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of January, 2015.

A handwritten signature in blue ink, appearing to read "David G. Baker", written over a horizontal line.

DAVID G. BAKER

Exhibit 1 to  
Declaration of David G. Baker

## Texas Department of Public Safety

Date Run: 12/02/2014 12:14 pm

USAS HX Database

### Budget/Organization Activity

	Y-T-D Expenditures			AY 2013 to AY 15 (Nov 2014)	Projected AY 2015	Total Expenditures and Projected
	AY 2013 Sept 2012	AY 2014	AY 2015			
3040 - 1-1-4 LOCAL BORDER SECURITY	\$ 21,338,153.15	\$ 23,275,660.23	\$ 5,673,303.22	\$ 50,287,116.60	\$ 18,290,842.78	\$ 68,577,959.38
3043 - 1-1-3 BORDER SECURITY	12,558,459.99	11,798,224.34	2,740,778.28	27,097,462.61	18,526,825.72	45,624,288.33
<b>Total</b>	<b>33,896,613.14</b>	<b>35,073,884.57</b>	<b>8,414,081.50</b>	<b>77,384,579.21</b>	<b>36,817,668.50</b>	<b>114,202,247.71</b>
<b>FTEs</b>	<b>180.7</b>	<b>192.4</b>	<b>198.0</b>			
1001 - SALARIES AND WAGES	13,829,761.03	21,021,593.78	7,282,171.87	42,133,526.68	11,268,790.13	53,402,316.81
1002 - OTHER PERSONNEL COSTS	490,273.21	528,424.77	126,443.91	1,145,141.89	359,409.09	1,504,550.98
2001 - PROFESSIONAL FEES AND SER	354,476.05	331,628.87	54,977.94	741,082.86	2,835,070.06	3,576,152.92
2002 - FUELS AND LUBRICANTS	1,969,905.83	2,849,062.14	387,302.39	5,206,270.36	2,804,069.61	8,010,339.97
2003 - CONSUMABLE SUPPLIES	182,893.85	184,630.38	2,312.79	369,837.02	206,702.21	576,539.23
2004 - UTILITIES	128,321.51	153,367.18	10,818.34	292,507.03	46,508.66	339,015.69
2005 - TRAVEL	855,928.76	912,556.88	36,723.08	1,805,208.72	1,239,438.92	3,044,647.64
2006 - RENT - BUILDING	87,514.51	14,027.78	52,657.16	154,199.45	92,393.84	246,593.29
2007 - RENT - MACHINE AND OTHER	20,903.50	127.83	0.00	21,031.33	11,867.00	32,898.33
2009 - OTHER OPERATING EXPENSE	6,042,392.96	4,974,471.21	62,678.77	11,079,542.94	8,206,385.23	19,285,928.17
4000 - GRANTS	4,243,818.96	2,349,106.37	0.00	6,592,925.33	4,792,277.00	11,385,202.33
5000 - CAPITAL EXPENDITURES	5,690,422.97	1,754,887.38	397,995.25	7,843,305.60	4,954,756.75	12,798,062.35
<b>Total</b>	<b>33,896,613.14</b>	<b>35,073,884.57</b>	<b>8,414,081.50</b>	<b>77,384,579.21</b>	<b>36,817,668.50</b>	<b>114,202,247.71</b>
State Funds	33,850,990.49	32,493,634.85	8,373,644.35	74,718,269.69	36,508,105.65	111,226,375.34
Federal Funds	27,133.74	911,850.06	40,437.15	979,420.95	309,562.85	1,288,983.80
Interagency Contracts	18,488.91	1,668,399.66		1,686,888.57		1,686,888.57
	<b>33,896,613.14</b>	<b>35,073,884.57</b>	<b>8,414,081.50</b>	<b>77,384,579.21</b>	<b>36,817,668.50</b>	<b>114,202,247.71</b>
Estimated Expenditures:						
Operations Strong Safety I	\$ 3,400,000.00			\$ 3,400,000.00		\$ 3,400,000.00
Operations Strong Safety II:					\$1.3M per week	
Overtime (*does not include expanded 10 hour workday)		\$ 7,490,260.09	\$ 8,815,768.78	\$ 16,306,028.87	\$ 34,200,000.00	\$ 50,506,028.87
Travel		1,876,855.14	2,982,311.94	4,859,167.08	10,260,000.00	15,119,167.08
Aviation		1,272,561.70	878,049.09	2,150,610.79	4,560,000.00	6,710,610.79
Other-Supplies, Repairs		69,392.71	107,538.89	176,931.60	380,000.00	556,931.60
Total Operations Strong Safety II		\$ 10,709,069.64	\$ 12,783,668.70	\$ 23,492,738.34	\$ 49,400,000.00	\$ 72,892,738.34
		10 weeks	14 weeks		38 Weeks	
DPS Budget Execution, December 1, 2014						\$ 64,900,000.00
						<b>\$ 255,394,986.05</b>