



MEMORANDUM

Date: April 18, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Sheriff Policies and Procedures Related to Operation Stonegarden**

On April 17, 2018, at Call to the Audience, the Board of Supervisors heard from Mr. Billy Peard, an attorney representing the American Civil Liberties Union regarding development of Sheriff policies and procedures related to Operation Stonegarden. Attached is an April 5, 2018 second draft prepared by the Sheriff on this subject for your information. It is likely this draft will undergo further review and analysis before final approval by the Sheriff.

CHH/anc

Attachment

c: The Honorable Mark Napier, Pima County Sheriff

Department Rules and Regulations
Chapter 10: Arrest, Detention, and Transportation Procedures

XII. International Border Related Issues

Pima County shares approximately 125 miles of border with Mexico which allows trans-national traffic to pass, including illegal drug and human trafficking. The Department will act to detect, deter, and investigate state and local crimes related to cross-border traffic while also cooperating with federal authorities.

A. Definitions

1. Racial or bias-based profiling- An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

2. Federal immigration authorities- Law enforcement officers authorized by the federal government under 8 USC § 1357 to verify or ascertain immigration status including Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Border Patrol (USBP).

B. Department members shall not proactively pursue investigations regarding federal immigration law.

1. Department members shall not inquire as to how a person entered this country unless it is a valid element of a criminal investigation

2. Department members shall not inquire about immigration status while on the grounds of a public or private educational institution unless such inquiry is a valid part of a criminal investigation.

C. Department members shall not engage in racial or bias-based profiling.

1. Department members may consider factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

2. No single factor is sufficient to develop reasonable suspicion that a person is in this country without proper documentation and would give rise to a request for federal immigration authorities.

D. Where reasonable suspicion exists a person is unlawfully present in the United States, a reasonable attempt shall be made to determine the immigration status of the person.

1. Department members shall not inquire of victims and witnesses about immigration status unless the crime involved includes an element related to immigration status.

2. Such efforts should not be made if determination of immigration status may hinder or obstruct an investigation.

3. Attempts to determine the immigration status of a person should not prolong the time it takes to complete the original investigation or other enforcement action.
4. Persons determined to be unlawfully in the United States by federal immigration authorities shall be turned over to their custody.
5. Persons booked into the adult detention center shall have immigration status determined before the person is released.

E. Verification

1. Immigration status shall be verified with federal immigration authorities.
2. A person is presumed to be lawfully present in the United States if the person provides any of the following:
 - a. A valid Arizona driver license;
 - b. A valid Arizona non-operating identification license;
 - c. A valid tribal enrollment card or other form of tribal identification;
 - d. Any other valid United States federal, state or local government issued identification, if such entity requires proof of legal presence before issuance.

F. Interaction with Federal Immigration Authorities

1. Department members shall cooperate with federal immigration authorities.
2. Department members shall not participate in immigration checkpoints except when requested to respond to enforce a specific state or local statute.
3. Department members may participate in border security missions when approved by a bureau chief.
4. Department members shall comply with all federal and department reporting requirements.

G. Requests for assistance from federal immigration authorities shall be made via communications personnel

1. Communications shall track Department requests for federal immigration authority assistance or response.
2. The Communication Section commander shall complete a monthly synopsis of this data.
3. Unless absolutely necessary requests for federal immigration authorities shall not be made by personal or department issued cell phones.