



MEMORANDUM

Date: March 21, 2018

To: The Honorable Ramón Valadez, Vice Chair
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Compliance with Your Five Conditions Associated With Approval of the Reconsideration and Authorization of the Stonegarden Grant to the Sheriff**

The following is an update on the attached five conditions stated at the Board of Supervisors meeting of February 20, 2018, Addendum Item Number 5, Request for Consideration, regarding the Operation Stonegarden Grant approval:

1. *Direct the Finance Department and Sheriff's Department to analyze the precise employee related expenses (ERE) related to Stonegarden overtime over the course of the last three years, or more if possible, to determine whether the county has been appropriately reimbursed for expenses.*

These analyses are being conducted by the Finance Department and the Sheriff's Department. The precise ERE will be applied to Stonegarden overtime funding for previous fiscal years, if it is determined that an inappropriate and/or incorrect ERE has been established. This is primarily an accounting issue and is ongoing, and should be resolved within the next 60 days.

2. *Develop a grant coordination process to support the Sheriff's Department and County Attorney's Office for federal or state grants not directly administered by existing County grant staff, so these grants are monitored by a centralized County grant staff under the County Administrator.*

As a result, of concerns stated I have created a number of organizational design changes for implementation this coming fiscal year. Specifically, a Grants Management and Innovation Office is being created and one of their primary tasks is to develop a more comprehensive review and implementation strategy regarding all federal and state grants received by the County, regardless of agency, elected official, or court. Previously, most grants were monitored for fiscal compliance through Finance, with the exception of certain elected official grants. In the case of elected official or court grants, Finance was asked to overlook the financial component of a grant upon audit by a federal agency. This has resulted in the County using the

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General Fund to reimburse certain federal grants, primarily for County Attorney's Office and Juvenile Court grants.

The purpose of creating this new Grants Management and Innovation Office is to eliminate the problems that have been associated with independent grant compliance. More importantly, we need to fully understand grant policy objectives before applying for specific grants and whether those grants are in the best interest of the County. The innovation component of this department will drive policy objectives regarding grant pursuit and acceptance.

3. *Ensure there is a process in place for collecting appropriate data and information that 1) confirms the benefits of receiving a specific grant and 2) establishes a data and reporting system to track and disclose any unexpected costs of implementing such a grant that impacts to other criminal justice systems.*

This process is ongoing and assigned to our Criminal Justice Reform Unit. Through public records requests we are obtaining daily activity reports. Once these reports are received we will have a better understanding of activities associated with local arrests by local law enforcement related to Stonegarden operations and the cost of those arrests on the entire criminal justice system, including prosecution, defense and the courts. I anticipate this effort will take some time due to the requirement to obtain data and information through public records requests.

4. *Assure the Sheriff's Department develops and provides written standards to the Board of Supervisors that guides how, when, and under what circumstances County law enforcement agents will interact with federal immigration agents including border patrol, and customs & immigration officers.*

The Sheriff has provided a draft policy that has been included in compilation of other policies of other law enforcement agencies within Pima County when providing Operation Stonegarden support.

5. *Create a Board of Supervisors committee with two members from each Board Member to oversee the issue of potential racial profiling in this and other instances.*

As you know, we now have five appointed members of a 10-member commission. The Sheriff has indicated he will sit as the ex-officio of the Sheriff's Department. Hence, the commission requires at least one additional appointment to become active and have a quorum when conducting meetings, in compliance with Arizona Open Meeting laws.

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An updated report about the roles and responsibilities of the commission will be provided to the Board of Supervisors in the near future.

I hope this is a helpful update regarding our compliance-taking place related to the Operation Stonegarden approval.

CHH/anc

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable Mark Napier, Pima County Sheriff
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement
Terrance Cheung, Program Manager, Criminal Justice Reform Unit
Spencer Graves, Program Coordinator, Criminal Justice Reform Unit

Board of Supervisors' Meeting of February 20, 2018
Relating to the following item:
Addendum Item No. 5, Request for Reconsideration:

Supervisor Valadez: I move the condition -- the conditional approval of these two items on five conditions.

1) The E.R.E., employee related expenses, for this grant be modified to reflect the analysis of the Finance and Sheriff's department to jointly determine correct E.R.E. to be used by the Sheriff's department. Furthermore, I ask that the Sheriff and the finance staff review the last three years or more, if possible of Stonegarden grants to determine if the County applied the current E.R.E. and was appropriately reimbursed for its expenses, if the amount was less then we request reimbursement for the actual expenditure.

2) I would direct the County Administrator to develop a grant coordination process for the Sheriff and the County Attorney, for federal or state grants, not directly administered by existing county grant staff, so that these grants are monitored by a centralized county grant staff under the direction of the County Administrator.

3) Direct the County Administrator to ensure a process exists for collecting appropriate data, and information that both confirms a specific benefit of a criminal justice grant such as Stonegarden, but also establishes a data and information reporting system such that the cost of accepting such a grant on other elements of the county funded criminal justice system as prosecution defense and adjudication through the County May be fully and transparently disclosed. This is inclusive, obviously, of the information we talked about, who is being stopped and why.

4) That the Sheriff develop a written policy that is to be provided to this Board, that indicates specifically how, when and under what circumstances county law enforcement agents will interact with Federal immigration officials including the border patrol, customs, and immigration officials, including at the border patrol stations stops, and

5) That we put together and compose and populate a Board of Supervisors committee to report to both the Board of Supervisors and the Sheriff's Department with two members from each Board member to oversee the issue of potential racial profiling in this and other instances.

Supervisor Bronson: Would you be amenable to amending that to include in addition to what you said, direct the Sheriff to establish training and transparency measures. If we look at what's happened in Maricopa County recently, and I'm -- it's the Melendres vs. Penzone and this was a consent decree. I think that we can look to that reporting and transparency requirement that was spelled out in that consent decree.