



MEMORANDUM

Date: November 6, 2018

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

From: C.H. Huckelberry
County Administrator 

Re: **Operation Stonegarden Facts and Recommended Future Funding Conditions for Consideration**

There continues to be some dialog regarding Operation Stonegarden (OPSG) and its benefits associated with public safety or risks associated with discontinuation of the OPSG grant. The Sheriff has indicated in an October 16, 2018 letter to the Board that he intends to apply for an OPSG grant for the coming Federal Fiscal Year. Hence, it is important to understand the data previously gathered regarding past OPSG grants in Pima County.

As you will recall, this data was difficult to obtain. Some of the data had to be obtained through a public records request. Other data was simply never provided to the County (Department of Public Safety information through US Customs and Border Protection). The Sheriff, to his credit, provided the information immediately.

Enclosed are a series of facts related to OPSG, specifically our responsibilities as Pima County regarding this matter as well as the statistical data relating to OPSG law enforcement activities.

The data suggests the primary beneficiary of OPSG is the Arizona Department of Public Safety as the activities of our law enforcement personnel, Sheriff's deputies, are confined almost exclusively to State highways. These highways are the legal responsibility of the State, not the County. By providing primary law enforcement functions on State highways, the County is subsidizing the State. This is another example of a State cost transfer to local governments. We would welcome increased Department of Public Safety patrols on State highways within Pima County.

It has also been suggested by others that our law enforcement cannot respond to local responsibilities when operating under OPSG since the grant requires them to be under the direction of the US Customs and Border Patrol. A simple way to resolve this problem would be to ask the US Customs and Border Patrol to employ our Sheriff's deputies as off-duty employees, rather than employ them as overtime employees. Off-duty employment removes any conflict deputies may have in responding to local law enforcement issues. As off-duty employees under the US Border Patrol's direction, deputies can be under the direct and complete supervision of the US Border Patrol. Therefore, I suggest if there is an interest in continuing the use of our law enforcement personnel for OPSG, County law enforcement

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personnel be employed as off-duty which would also require full reimbursement for the use of our equipment or vehicles.

If the Sheriff applies for an OPSG grant for the upcoming federal fiscal year, and the Border Patrol chooses not to employ County law enforcement personnel as off-duty, I suggest the following criteria be utilized to judge the appropriateness of an OPSG grant and to be also used by the newly re-formed Community Law Enforcement Partnership Commission (CLEPC) evaluation of the Sheriff's request for OPSG funds. The evaluation criteria are as follows:

1. The County, must be reimbursed for all expenses associated with OPSG, including the cost of vehicle utilization. In the past, OPSG vehicle utilization costs were only reimbursed at half of the expense.
2. It should be clear County law enforcement personnel are not under the direct supervision of a Border Patrol Agent when conducting OPSG activities and they are free to discontinue OPSG in the pursuit of their County law enforcement responsibilities.
3. For any vehicle stop of a possible civil traffic violation, if a citation is not issued, the reason for initiating a civil traffic stop shall be fully documented.
4. For any equipment purchases that occur as a result of OPSG, the purchase shall require the Federal government to fully authorize the use of the equipment by County law enforcement personnel during non-OPSG operations.
5. County law enforcement personnel shall not be posted at or near established US Border Patrol Checkpoints.
6. At least 25 percent of the traffic stops and civil traffic issued citations must occur on a public street or highway under the exclusive jurisdiction of the County. This would at least provide some direct local benefit of funding Operation Stonegarden.

These criterion should be used not only by the Sheriff in applying for an OPSG grant, but also should be used by the CLEPC when considering whether to recommend a new OPSG grant to the Board of Supervisors.

CHH/anc

Attachments

c: The Honorable Mark Napier, Pima County Sheriff
Julie Castañeda, Clerk of the Board of Supervisors
Chair and Members, Community Law Enforcement Partnership Commission

Operation Stonegarden Facts

1. Sheriff's responsibility along the Pima/Mexico border is extremely limited
 Pima County shares 123 miles of border with Mexico, but 96 percent of those miles are through National Parks, Forests and Wildlife refuges, as well as the Tohono O'odham Nation. The Sheriff is only responsible for 4 percent of the shared border miles that run through privately-owned land and State Trust land. See Table 1 and map titled Land Ownership in Pima county and Proximity to Mexico Border.

Table 1

Jurisdiction	Miles of Mexico Border	Percent
Tohono O'Odham Nation	62	50%
Organ Pipe Cactus National Monument	30	24%
Cabeza Prieta National Wildlife Refuge	16	13%
Coronado National Forest	6	5%
Bueno Aires National Wildlife Refuge	5	4%
State of Arizona	2	1%
Private	4	3%
Total	123	100%

2. Sheriff's area of responsibility throughout Pima County is also limited
 Pima County totals 9,187 square miles, 72 percent of which is Federal or Native American land, and 28 percent is private, County-owned or State Trust land. The Sheriff is only responsible for the portion of the private, county-owned or State Trust land that is located outside of incorporated cities and towns, which is 24 percent the total area of Pima County. See Table 2 and map titled Land Ownership in Pima county and Proximity to Mexico Border.

Table 2

Ownership	Square Miles	Percent
Bureau of Land Management	585	6%
Bureau of Reclamation	9	0%
Arizona Game and Fish	2	0%
Coronado National Forest	526	6%
Organ Pipe Cactus National Monument	514	6%
Saguaro National Park	138	2%
Buenos Aires National Wildlife Refuge	174	2%
Cabeza Prieta National Wildlife Refuge	626	7%
Barry Goldwater Air Force Range	90	1%
Davis Monthan Air Force Base	17	0%
Pascua Yaqui Reservation	1	0%
San Xavier Indian Reservation	111	1%

Tohono O'odham Nation	3759	41%
Private land	1125	12%
County land	187	2%
State Trust land	1323	14%
Total	9187	100%

3. Majority of Operation Stonegarden citations and traffic stops by Sheriff's Department are on State Highways

Sheriff law enforcement deputies are used almost exclusively on State Highways. Analysis of a number of Operation Stonegarden (OPSG) operations using Sheriff personnel indicates that a vast majority of vehicle stops (93 percent) and citations issued (97 percent) occurred on State routes or highways (State Routes 83, 85, 86 and 286 and Interstates 10 and 19). Vehicle stops on State highways are primarily the responsibility of the Arizona Department of Public Safety. See Table 3 and maps showing location of citations.

Table 3
Pima County Sheriff's Department OPSG FFY2016

Location	# of Operations	# of Vehicle Stops	# of Citations Issued	# of Misdemeanor Arrests	# of Felony Arrests
Ajo Subtotal	137	770	238	40	19
AZ 85 / AZ 86	88	642	213	35	15
AZ 85 / Mp 33-80	8	25	16	1	2
Lukeville Port of Entry	12	50	5	4	1
Ajo Desert	8	10	2		
Ajo Area of Responsibility	15	2	1		1
Organ Pipe National Monument	6	41	1		
Tucson Subtotal	214	4,240	569	301	141
AZ 86 / AZ 286	87	2,281	363	148	18
Nogales Hwy Mp 58-51	12	391	90	24	3
I-10 / Avra Valley	39	504	41	53	45
I-10 / Silverbell	26	346	27	32	17
I-19 / Arivaca	24	310	18	16	35
SR 83 / I-10	13	174	14	17	23
Arivaca	6	69	12	5	
Three Points	2	22	2	1	
Nogales Port of Entry	4	111	1	2	
Old Nogales / Valencia	1	32	1	3	
Total	351	5,010	807	341	160

4. Operation Stonegarden is a minor source of revenue for the Sheriff

The OPSG Grant provides for overtime payment to deputies. The overtime payment is \$1.1 million, this compares with a total of personnel services budget for the Sheriff

of \$131 million. Hence, OPSG provides less than one percent of the personnel service funding for the Sheriff.

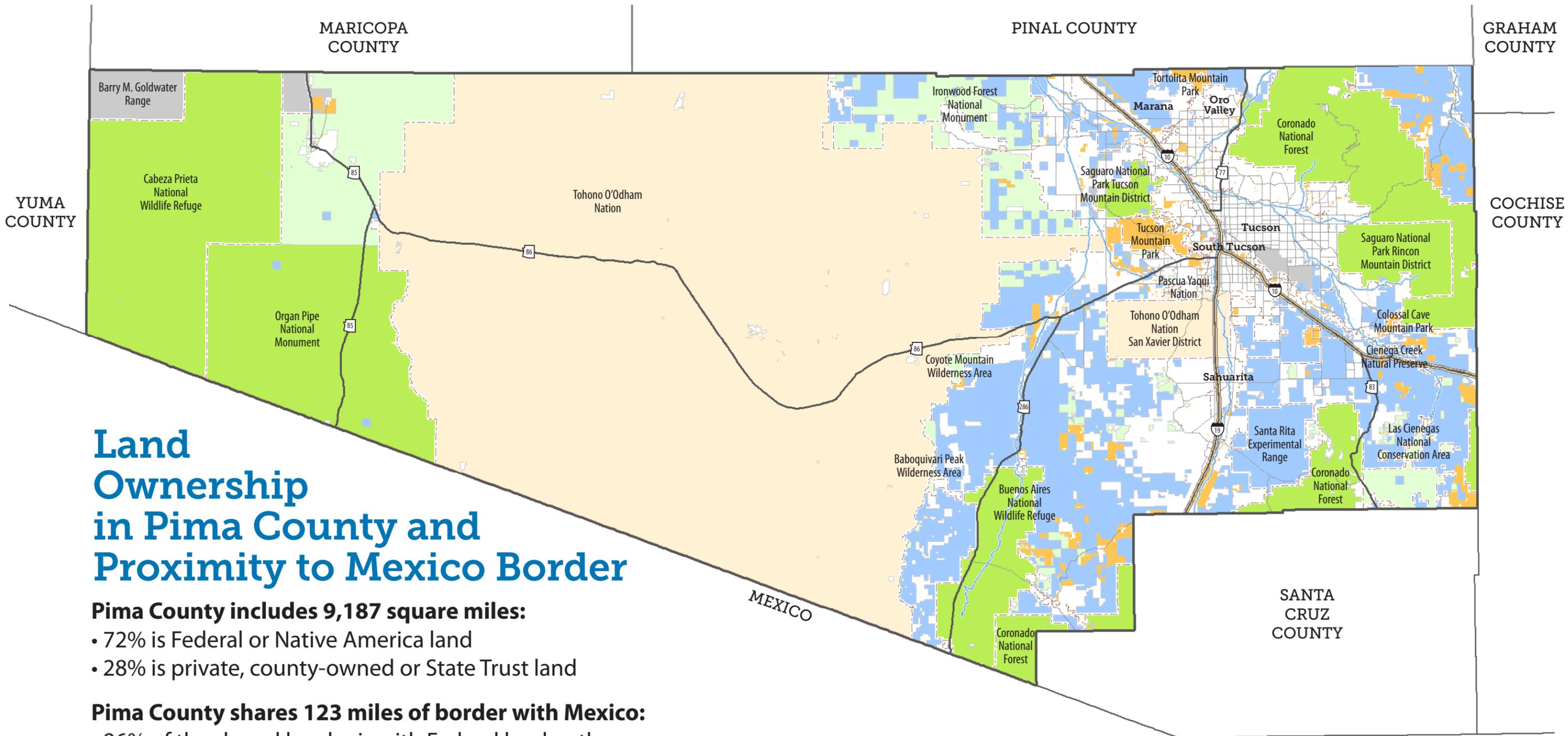
5. Public Safety in the Rural Areas

OPSG Mission operations are controlled by the U.S. Customs and Border Patrol. A Sheriff's law enforcement deputy is employed as a supplement to their defined mission.

6. Enhanced Rural Law Enforcement – If the Sheriff was concerned about enhancing rural law enforcement. Funds spent on OPSG can instead be used to hire nearly 11 deputies and pay for their salary, benefits and other costs associated.

7. Arrests and Bookings into the Pima County Adult Detention Complex Related to OPSG
– Based on data starting in April 2018, there have been 72 arrests related to OPSG leading to an individual being booked into the Pima County Adult Detention Complex (PCADC). To put this into perspective, during the same time period, the PCADC had 12,796 bookings; therefore, these 72 OPSG arrests account for 0.56 percent of the total bookings into the PCADC.

As of September 6, 2018, there were six inmates in custody as a result of OPSG enforcement; three of the six individuals were non-citizens. Therefore, there were only three non-citizen individuals in the PCADC in September 2018 out of a daily population of 1,900 or more.



Land Ownership in Pima County and Proximity to Mexico Border

Pima County includes 9,187 square miles:

- 72% is Federal or Native America land
- 28% is private, county-owned or State Trust land

Pima County shares 123 miles of border with Mexico:

- 96% of the shared border is with Federal land or the Tohono O’odham Nation
- 4% of the shared border is with private or State Trust land

Private	State Parks	Military
City Parks	State Trust	Bureau of Land Management
Pima County	Indian Nation	National Parks, Forest, Wildlife Refuge

