

FFY 2016-2017 Operation Stonegarden Grant Program Notes – (PCSD/USCBP)
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CPUSA

The terms of the FFY 2016-2017 Operation Stonegarden Grant Program require a high level of daily involvement, coordination & information sharing between the Pima County Sheriff's Department and the US Border Patrol. Indeed, the grant specifically requires that the Border Patrol maintain operational control over PCSD deployments and that all actions taken by the PCSD during deployments be in furtherance of the Border Patrol's mission.

Given the core differences in authority and missions between the two agencies, the nature of the control/influence being exercised by the Border Patrol over the decisions and actions of local law enforcement personnel under the terms of the Stonegarden agreement raise several disturbing questions regarding the legality of the operations in general and the effect on the civil rights of individuals stopped by sheriff deputies in particular.

Terms and language used in the Stonegarden grant award that are especially troubling & indicate the PCSD is being used as nothing more than a tool to expand the Border Patrol's enforcement reach into areas traditionally outside it's legal authority follow:

- The grant language refers to the agreement as a joint mission where pairing of authority between the PCSD and USBP is authorized
- The grant requires the PCSD to pre-coordinate all deployments with the Border Patrol
- The grant requires the PCSD to conduct 'zero tolerance' traffic patrols for the specific purpose of increasing the number of contacts with members of the traveling public: Stonegarden enforcement action between 2012-2017 show a 'citation to stop' ratio of around ~13.4%, a number that falls well below the ~60% average for other local law enforcement agencies operating in Southern/central Arizona. This in turn is a strong indicator that many stops by the PCSD are being conducted absent reasonable suspicion or probable cause. Note, unlike Border Patrol agents, county deputies have no inherent authority to stop vehicles based on reasonable suspicion that the occupants may be in the country in violation of federal law.
- The grant prohibits any enforcement action during deployments that don't specifically support the Border Patrol's border security mission.
- The grant requires sharing of intelligence information between the two agencies
- The grant requires daily activity reports be filed with the Border Patrol after each deployment
- The grant allows PCSD to target specific individuals and/or organizations at the request of the Border Patrol
- The grant instructs the PCSD that it must use its own resources for any legal representation that may be necessary during the time period the grant is in effect. Note, the Stonegarden grant program is not related to any federal 287(g) program and deputies are not granted authority under Stonegarden to enforce federal immigration law.

Specific quotes from the grant program supporting the above points follow:

1.) P1 – FFY 2016 Operation Stonegarden Grant Program Award:

*“All overtime deployments **must be pre-coordinated with the Border Patrol** in order for your agency to be eligible for reimbursement”*

2.) P7 - Mission:

*“The primary objective of this operation is to deny the use of routes of egress along the Arizona/Mexico border and support the primary mission of anti-terrorism, detection, arrest prosecution and deterrence of all cross-border illicit trafficking. Strict and aggressive enforcement along roadways and other routes used by these criminals will close corridors that serve as potential entry avenues for terrorists and other risks to national security. In carrying out this enforcement, the **Pima County Sheriff Dept. will work closely with the U.S. Border Patrol, Tucson and Nogales Sectors, US Customs and Border Protection Intelligence & Situational Awareness Office of Intel & Ops Coordination, USCBP ACTT and DHS Field Reports Office.**”*

3.) P8 – Execution, Management/Supervisor Intent:

*“Officers deployed to the target areas will conduct '**zero tolerance**' traffic contacts. This aggressive deployment will result in increased contacts with people and vehicles traveling these roadways and pathways used by criminal/terrorists for illegal entry into the United States.”*

4.) P8 – General Concept:

*“OPSG provides funding to designated localities to enhance cooperation and coordination between federal, state, local, tribal, and territorial law enforcement agencies in a **joint mission** to secure the United States Borders along routes of ingress from international borders....”*

5.) P9 – Specific Responsibilities:

*“**All Stonegarden funds allocated within Arizona must support CBP's border security mission. All Stonegarden deployments must be pre-coordinated, approved and directed as part of the block schedule, named CBP operation or pre-coordinated ad hoc operation.**”*

6.) P9: Border Patrol Responsibilities:

*“Operational Control: **Border Patrol management at the Sector and Station level will closely coordinate with participating agencies and ensure that deployments are in alignment with station and sector objectives.**”*

7.) P9 – Border Patrol Responsibilities:

*“In the absence of specific named operations, **stations will pre-coordinate ad hoc OPSG deployments or create and provide bi-weekly block schedules to participating agencies (dates, times, and locations).**”*

8.) P9 – Border Patrol Responsibilities:

*“**Border Patrol will identify a sector and/or station point of contact that will:**”*

- * **Coordinate and approve every OPSG deployment**
- * **Review Daily Activity Reports**
- * **Create and provide block schedules”**

9.) P9 – Border Patrol Responsibilities:

“Station personnel are required to provide OPSG participants with actionable intelligence”

10.) P9 – Participating Agency Responsibilities:

“Participating deputies/officers will advise Border Patrol dispatch and/or the duty Field Operations Supervisor (shift commander) when beginning and ending their shift”

11.) P10 - Participating Agency Responsibilities:

“Participating agencies will provide Border Patrol Stations with a Daily Activity Report within two days after each deployment”

12.) P10 – Participating Agency Responsibilities:

“Participating deputies/officers will provide Border Patrol Stations with intelligence gathered during deployments”

13.) P10 – Stonegarden Deployments:

“Pairing of Authority: SLT Officers/Deputies may ride in the same vehicle as Border Patrol Agents and conduct joint enforcement operations”

14.) P10 – Stonegarden Deployments:

“Targeted Enforcement: SLT Officers/Deputies may support Sector targeting of specific people, organizations, terrain, etc.”

15.) P10 – Stonegarden Deployments: “

Pre-coordinated ad hoc OPSG Operations: SLT Officers/Deputies may conduct ad hoc operations which are not part of a named operation or are not part of the block schedule if pre-coordination has taken place with the appropriate Border Patrol Station or identified Border Patrol Point of Contact. NOTE: per Grant guidelines, supplanting normal activities is not allowed and will not be reimbursed. As with all OPSG deployments, a direct nexus to supporting the border security efforts must be illustrated.”

16.) P17 – Legal Review:

“Each individual SLT agency that submitted an Operations Order and Budget to participate in the operation is responsible for their own agencies protocols and legal representation as directed by their charter.”