



A LETTER TO THE BOARD OF SUPERVISORS ON OPERATION STONEGARDEN FUNDING

from Sheriff Mark D. Napier

August 8, 2018

Honorable Supervisors,

On August 7, the Board reviewed and again delayed the approval of Operation Stonegarden, and the Sheriff's Department involvement in the program. Though completely unrelated, the HIDTA Grant has now become intertwined in this discussion.

These are difficult times for our country. The rhetoric, policies, and practices coming from our nation's capital with respect to immigration are troubling. There is understandable and justified concern when it appears any county sanctioned activity remotely touches on this area. The misconception is that a link exists between the current discord about immigration, and our participation in a critical public safety program in Pima County. There exists no such link now any more than there was the many years Stonegarden was quickly approved by this Board. The supposition of the establishment of a link now, and the peril it brings to the future of this program, is a matter of significant concern. The purpose of this communication is to address some of the issues surrounding my department's participation in Operation Stonegarden, and to strongly urge the Board to accept the funding as requested.

Things have undoubtedly changed in Washington, D.C. Never before have issues surrounding immigration been so divisive, or polarizing. Have those factors changed the Sheriff's Department participation in Stonegarden? My first inclination is to say no. However, that is not true. We have in fact, and in tangible ways, changed for the better. We now have policies where none previously existed. Those policies have been developed in collaboration with stakeholders customarily thought of as adversaries. These policies are living, rather than static, in nature. We explore revising them in answer to concerns of stakeholders.

We have forged excellent working relationships with many who are concerned about our participation in Stonegarden. These are solid relationships, where none existed before. No prior Sheriff had met with, and sought to, develop a strong collaborative relationship with the ACLU. We have established a community group whose mandate is to provide advice and oversight to the department on these sensitive issues. No such community group existed before. We now track data on our interaction with our federal partners both in the field, and in our detention center. We can now quantify and evaluate the nature and frequency of this interaction. No such system existed previously. I have agreed (publicly) to revisit the placement of ICE representatives in our detention facility.

Have the changes in the nation's capital changed us? Yes, for the better. We are not linked to the troubling activities in Washington, D.C.; we are in fact pulling in the opposite direction. This is community engagement and activism at its best. Now all parties are talking with civility and moving us forward. I have been crystal clear in my opposition to the Sheriff's Department engaging in proactive immigration enforcement. I have denounced the practice of crosscertification of department personnel as immigration agents (287G Program). We are more closely aligned than recent turmoil and emotion might lead the public to believe.

Over the past few months, we have had many examples of the excellent service, professionalism, and heroism of Sheriff's Department staff. They have been recipients of local and national awards. We are actively involved in the community on many levels and many different venues. We are members of local and national professional groups and organizations that guide the future of law enforcement. Withdrawal



from Stonegarden seems to indicate the plight of the undocumented would somehow be better served if these professionals were not present. I reject this completely. Pima County should be proud of our law enforcement officers and the service they provide us. They embrace the constitutional protections of all people. Stonegarden provides for a significantly enhanced presence of our personnel into traditionally underserved areas. This presence provides better public safety for all. The suggestion that less presence is in some way desirable to anyone treads on being offensive. I have more confidence and respect for the brave men and women who serve us than to ascribe to that notion, as we all should.

We may think that rejecting Stonegarden funds sends a message of our collective displeasure with Washington policies and practices. Such a statement may even be appealing to some. However, it is misplaced and without substance. Rejection of Stonegarden will do nothing to ameliorate or change Washington policies and practices. There is an adage that if you are not at the table, you are on the menu. In this case, we will have left the head of the table, and retired to another room. There are 31 border counties in the United States. Pima County is the largest of these. We are currently viewed locally, and nationally, as a leader on border issues. If we leave the table, we lose our voice. Our voice is currently strong because we are at the table. We are participating. This afternoon I will be on a conference call with Secretary Nielsen (Homeland Security) to make the case for additional supplemental funding for our county, and a bifurcation of the issue of immigration and transnational crime. When we remove ourselves from participation and retire from the table, there is no longer any reason to listen to us. Thirty other Sheriffs, many of whom may be far more inclined than I to accept blindly our current national immigration policies, will then guide policy and practice. Washington DC will no longer hear the voice of the largest border county whose elected Sheriff's voice is responsive to the concerns of all our citizens. Activism and community engagement is about having a voice, not retiring from the field in obstinate opposition and effectively silencing it.

We may think rejection of Stonegarden will in some way improve the conditions for the undocumented. How could removing the personnel and leaders we exercise control over make conditions better? The void of our personnel will be filled with either additional federal resources, state DPS personnel, or both. We cannot exercise any meaningful control over either of those entities. Currently, as the Pima County Sheriff, I can provide oversight and direction to outside personnel. Because we are an active strategic partner and have developed excellent working relationships, this oversight has some force and effect. We do not want to surrender our influence over these activities of others. This will not make our county safer, or benefit any constituency.

Our rejection of Stonegarden funds does not make those funds go away; it will only redirect them to others. Again, that is of no benefit to anyone in Pima County.

There is a clear public safety nexus to our involvement in Stonegarden. If there were not, I would not advocate for it. The lack of security on our southern border makes us vulnerable to drug and human trafficking and all nature of transnational crime. We know the opioid crisis largely originates from our exposure to the porous border. Less discussed is the significant increase in methamphetamine and associated overdoses. The influx of drugs coming across our southern border is a clear public safety and public health crisis. Human and sex trafficking are also legitimate public safety concerns in the remote areas of our county.

We know bandits and coyotes prey on the undocumented. The level of victimization is significantly under-reported. The environmental conditions along the border also present a clear safety danger to undocumented crossers. We recover approximately 200 bodies a year in the remote areas of our county. The danger is real and unfortunately fatal to far too many. Stonegarden allows us to deploy more resources to these areas. While we can quantify what we catch, it is impossible to quantify what we prevent. We know that we save dozens of undocumented persons each month who are desperate and call or contact us for



assistance. Public safety is better served for everyone with our increased presence. To attempt to suggest otherwise is intellectually disingenuous.

We discuss the cost of our involvement with various public safety programs and initiatives. It is right that we do so. We have brought new business acumen to the Sheriff's Department over the past eighteen months, bringing projected budget deficits into real budget surpluses. However, this can be carried to an illogical extreme. Everything a public safety department engages in has an easy to quantify cost. What is impossible to quantify is the cost of not engaging in that activity.

We could stop issuing traffic citations tomorrow. The cost savings with respect to administration and adjudication of traffic violations would be real and measurable. The cost associated with the degradation of traffic safety would be harder to quantify. If we arrest someone with 15 pills of fentanyl, can we say that we prevented a specific number of overdoses? We cannot. However, it is reasonable to assume it would. Social science, where the discipline of criminal justice resides, is a soft science, meaning that unlike the boiling temperature of water (hard science), not everything can be proven. We know that the presence of law enforcement contributes to public safety and it does have an associated cost. However, equally true is that presence has associated benefits with respect to quality of life and community safety. We expend large sums of money on social justice programs in the mere hope of quantifying a positive outcome. Stonegarden has some associated costs to the county. However, I believe the costs of non-participation would be even greater.

As the elected Sheriff of our county, I am tasked with providing public safety to our citizens. I was elected by a strong majority of all citizens of this county. I am both a practitioner and an academic. I have been in the law enforcement field for three decades. I have a graduate degree in criminal justice from one of the top universities in the nation, and I have been teaching for that institution for more than 13 years. I serve on several local and national committees and have hundreds of hours of advanced training and education. I have a mandate from the people of our county to provide public safety. In the dispensation of that role, I draw upon decades of experience and education. With that mandate and drawing upon all the resources at my disposal personally and professionally, I believe I am best positioned to judge the efficacy of Stonegarden funding and continuation of my department's participation in that program. I am not motivated by politics or ideology. Public safety guides my direction. It is not a partisan issue or ideologically driven pursuit and should not be.

I strongly urge the Board to approve Operation Stonegarden funding. We need to cease moving the goal post and being politically driven. Let us continue to move ahead. Let us not silence our voice. Let us not relinquish control over funds and activities to others. Finally, let us demonstrate to the brave men and women of the Sheriff's Department that we trust their professionalism and ability to participate in this program as we have in many prior years. That we send to no one the message that public safety is better served by removing our personnel from participation in this program. In fact, public safety is in every manner, form and to every constituency enhanced by our participation.

Respectively,

A handwritten signature in black ink, appearing to read "Mark D. Napier".

Mark D. Napier
Pima County Sheriff