



# ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

P.O. Box 41213  
Phoenix, AZ 85080-1213  
Phone: 480.812.1700 • Fax: 480.812.1736  
Email: defense@aacj.org • Web: www.aacj.org

## ADDENDUM MATERIAL

ITEM NO. ADD5

DATE 2/20/18

February 19, 2018

February 19, 2018  
Supervisor Ally Miller, District 1  
Supervisor Ramón Valadez, District 2  
Supervisor Sharon Bronson, District 3  
Supervisor Steve Christy, District 4  
Supervisor Richard Elias, District 5  
130 W. Congress St. 11th Fl.  
Tucson, AZ 85701

Dear Pima County Board of Supervisors:

Arizona Attorney for Criminal Justice (AACJ) is writing to you with regard to the proposed renewal of the federal Operation Stonegarden grant. AACJ is a statewide not-for-profit membership organization of criminal defense lawyers and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public awareness of citizens' rights, the criminal justice system and the role of the defense lawyer.

We strongly support the Board's recent vote of February 6, 2018 rejecting the federal Operation Stonegarden grant. While there are legitimate policy and enforcement objectives that can be achieved through federal and state law enforcement cooperation, Operation Stonegarden violates the constitutional rights of the residents of Pima County. It does this by unlawfully expanding the proper law enforcement roles of both Border Patrol and the Pima County Sheriff's Department.

Our ability to travel freely and go about our business without the State unreasonably intruding is a cornerstone of the concept liberty in this country. Operation Stonegarden has eroded this freedom by, among other things, transforming limited-scope immigration checkpoints into illegal roadblocks. The Constitution limits the scope of law enforcement's ability to use checkpoints or roadblocks as an investigative tool. While local police are permitted to set up a sobriety checkpoints and Border Patrol has been granted the constitutional authority to set up limited immigration checkpoints near the border, roadblocks to detect ordinary wrongdoing are unquestionably illegal. *City of Indianapolis v. Edmond*, 531 U.S. 32 (2000).

Under Operation Stonegarden, Pima County Sheriff's Department deputies, who work under a Border Patrol "watch commander", are

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frequently stationed at immigration checkpoints (particularly the one on SR 86) and investigate general state crimes as vehicles pass through and are stopped. We have seen numerous cases at checkpoints where a brief investigative detention pursuant to federal law is transformed into a state law investigation and arrest. The Constitution clearly forbids this type of law enforcement behavior at roadblocks.

For these reasons, Operation Stonegarden threatens the rights and liberties of the residents of Pima County. We urge the Board to reject further federal funding of local law enforcement collaboration with Border Patrol.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Wade', with a long horizontal flourish extending to the right.

Nathan Wade, Pima County Board Member  
Arizona Attorneys for Criminal Justice