



## Fact Sheet: Operation Stonegarden

### What is “Operation Stonegarden”?

Operation Stonegarden is a federal grant program administered by the Federal Emergency Management Agency (FEMA), a component of the Department of Homeland Security (DHS), as part of the State Homeland Security Grant Program. Operation Stonegarden provides funding to state, local, and tribal law enforcement agencies to enhance their capabilities to “support joint efforts to secure the United States’ borders.”<sup>1</sup> Funds are to be used for additional law enforcement personnel, overtime pay, general purpose equipment, and travel and lodging for the deployment of state and local personnel – among other applicable activities – to “improve overall border security.”<sup>2</sup>

In fiscal year (FY) 2020, Congress appropriated \$90 million for Operation Stonegarden, the same amount that was appropriated in FY 2019 and a 64% increase from FY 2015, when the grant’s budget was only \$55 million.<sup>3</sup> To be eligible for Operation Stonegarden, entities must be state, local, and tribal law enforcement agencies that are located along or near the U.S. border. These include counties and federally-recognized tribal governments in states bordering Canada, Mexico, and states and territories with international water borders.<sup>4</sup> In FY 2019, more than 70% of all grant funding went to states along the U.S.-Mexico border.<sup>5</sup>

### How does the Operation Stonegarden grant process work?

Under Operation Stonegarden, FEMA distributes grant funding to states, which then make subgrants to local law enforcement agencies. To obtain funding, State Administrative Agencies (SAA) in eligible states review and submit applications to FEMA on behalf of local and tribal law enforcement agencies in their state or territory. FEMA reviews these applications and confers with U.S. Customs and Border Protection (CBP) regarding which applicants should receive Operation Stonegarden funding. Funds are distributed based on the current “risk to the security of the border and the effectiveness of the proposed projects.”

FEMA’s risk assessment includes considerations of the potential risk that certain threats pose to border security in each area and the expected impact of successful projects. The risk assessment also considers the potential for an adverse outcome as a result of threats, vulnerabilities associated with each locality, and potential consequences of these risks.<sup>6</sup> FEMA is required to monitor each SAA’s management of the program at the state level at least once every 24 months.

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<sup>1</sup> “Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2020 Homeland Security Grant Program (HSGP),” Department of Homeland Security (DHS) (March 20, 2020), 2, <https://www.fema.gov/media-library/assets/documents/185911>.

<sup>2</sup> *Id.* at 2, 28-31.

<sup>3</sup> *Id.* at 7; “Fiscal Year 2017 Homeland Security Grant Program,” Department of Homeland Security (DHS) (2017), 2, [https://www.fema.gov/media-library-data/1496327128641-40d3a338eaaa2ba7679f020410ce9847/FY\\_2017\\_HSGP\\_Fact\\_Sheet\\_FINAL\\_508.pdf](https://www.fema.gov/media-library-data/1496327128641-40d3a338eaaa2ba7679f020410ce9847/FY_2017_HSGP_Fact_Sheet_FINAL_508.pdf).

<sup>4</sup> “DHS Announces Funding Opportunity for Fiscal Year (FY) 2018 Preparedness Grants,” Department of Homeland Security (DHS) (May 21, 2018), <https://www.dhs.gov/news/2018/05/21/dhs-announces-funding-opportunity-fiscal-year-fy-2018-preparedness-grants-0>.

<sup>5</sup> “Final Allocation and Award Announcement Fiscal Year (FY) 2019 State and Local Preparedness Grant Programs,” Department of Homeland Security (DHS) (August 2, 2019), [https://cuellar.house.gov/uploadedfiles/dhs\\_fy19-allocation-announcement.pdf](https://cuellar.house.gov/uploadedfiles/dhs_fy19-allocation-announcement.pdf).

<sup>6</sup> “Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2020 Homeland Security Grant Program (HSGP),” 10-12, [https://www.fema.gov/media-library-data/1583442273016-07cbcf9445f9fda3cdc5bf8439ec72c9/FY\\_2020\\_HSGP\\_NOFO\\_FINAL\\_508ML4.pdf](https://www.fema.gov/media-library-data/1583442273016-07cbcf9445f9fda3cdc5bf8439ec72c9/FY_2020_HSGP_NOFO_FINAL_508ML4.pdf).

Law enforcement agencies receiving grants may use Operation Stonegarden funding for personnel-related costs, including overtime, travel, and per diem costs associated with deployment of personnel to border areas, as well as vehicle rentals, mileage and fuel costs, and other equipment. Relevant metrics for the program include the number of arrests (including immigration-related arrests) and the value of drug seizures arising from Operation Stonegarden contacts.<sup>7</sup>

### **Criticisms of Operation Stonegarden**

Critics have expressed concern that increasing coordination between local law enforcement and federal authorities undermines trust between immigrant communities and law enforcement, while draining resources from more urgent public safety priorities.<sup>8</sup> Operation Stonegarden's performance metrics, some law enforcement leaders argue, are increasingly in tension with crime reduction and other priorities.<sup>9</sup> While Operation Stonegarden's grant primarily tracks efforts such as miles driven, hours worked, number of traffic stops, immigration-related contacts and numbers of arrests, it omits metrics relating to longer-term public safety efforts, including community engagement, problem solving and crime prevention.

In addition, critics have expressed concerns that Operation Stonegarden lacks oversight, which undermines program effectiveness. The DHS Office of Inspector General (OIG) found in a November 13, 2017 report that FEMA and CBP did not meet their responsibilities to conduct oversight over Operation Stonegarden grantees, while also failing to provide adequate guidance.<sup>10</sup> The report found shortcomings in FEMA's data collection and performance metrics, while finding its financial monitoring review process – which only examined 4 out of 79 FY 2011 to FY 2014 grantees – inadequate. The report uncovered fundamental shortcomings in the grant approval process, with FEMA and CBP signing off on more than \$14.6 million in funding to cover overtime costs that included work that law enforcement agencies would have performed even without Operation Stonegarden grants.<sup>11</sup>

### **Potential Improvements to Operation Stonegarden**

Better oversight and transparency is essential to improve Operation Stonegarden. FEMA and CBP should provide periodic reports to both DHS headquarters and to an independent monitoring board, detailing activities and statistics to track potential patterns of funding misuse at both the state and local level. FEMA and CBP also should improve grant monitoring to ensure that Operation Stonegarden funds are used for legitimate border safety efforts, with jurisdictions found to be misusing or abusing funds suspended from the program.

In addition, the program would benefit by decreasing its focus on immigration. Apprehensions of undocumented immigrants by state or local law enforcement can undermine trust between immigrant communities and law enforcement. DHS should sever immigration enforcement from terrorism and crime prevention, focusing instead on stopping illicit drug and smuggling activities along the border.

Relatedly, DHS should modify the grant metrics of Operation Stonegarden to include a broader view of public safety in border communities, including community engagement, problem solving and crime prevention. Law enforcement agencies in border communities dealing with an influx of migrants should be able to apply Operation Stonegarden funds with costs associated with the influx.

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<sup>7</sup> *Id.* at 7.

<sup>8</sup> See Kathleen Kunz, "County Supes Reject Stonegarden Grant on Another 3-2 Vote," Tucson Weekly, Feb. 4, 2020, <https://www.tucsonweekly.com/TheRange/archives/2020/02/04/county-supes-reject-stonegarden-grant-on-another-3-2-vote>; Allison Arthur, "Border Patrol Criticism Emerges: Sheriff Brasfield Declines Funding," Port Townsend Leader, Feb. 7, 2009.

<sup>9</sup> See "Tucson police withdraws from federal border-security grant," Associated Press, Jan. 18, 2020, <https://apnews.com/3e508c12ec315124ecfc1e184b1f77e3>.

<sup>10</sup> "FEMA and CBP Oversight of Operation Stonegarden Program Needs Improvement," Office of Inspector General, Department of Homeland Security (DHS) (November 9, 2017): <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-18-13-Nov17.pdf>.

<sup>11</sup> *Id.*