

# Exhibit 10

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

United States of America,  
Plaintiff,

No. 2:10-cv-01878-LOA

v.

Maricopa County, Arizona; Maricopa  
County Sheriff's Office; and Joseph M.  
Arpaio, in his official capacity as Sheriff  
of Maricopa County, Arizona,  
Defendants.

**DECLARATION OF ALICE WALLER DERY**

Pursuant to 28 U.S.C. § 1746, I, Alice Waller Dery, declare and state as follows:

1. I am Acting Deputy Chief and Special Counsel in the United States Department of Justice, Criminal Division, Asset Forfeiture and Money Laundering Section (AFMLS). I have held this position since August 2008. I have been employed by AFMLS since 1990, and am competent to testify to the matters herein.

2. My responsibilities as Acting Deputy Chief and Special Counsel include management of the Equitable Sharing Program. In that capacity, I have access to and am familiar with the official recordkeeping system for equitable sharing applications, disbursements, and other related documents.

3. AFMLS administers the Department of Justice ("DOJ") Equitable Sharing Program. Through the Equitable Sharing Program, the Attorney General transfers a share of forfeited property and proceeds to State and local law enforcement agencies that

directly participate in an investigation or prosecution that results in federal forfeiture. In order to participate in the Equitable Sharing Program, law enforcement agencies must annually submit an Equitable Sharing Agreement and Certification form, and a signed affidavit. The signed affidavit is submitted to DOJ by facsimile from the certifying law enforcement agency.

4. Exhibit 11 is a true and correct copy of the Federal Annual Certification Report submitted to DOJ by the Maricopa County Sheriff's Office ("MCSO"), a form replaced in August 2008 by the Equitable Sharing Agreement and Certification form. Exhibit 11 shows that, in Fiscal Year 2006-2007, MCSO maintained an equitable sharing account for receipt of funds through the DOJ Equitable Sharing Program administered by AFMLS. Exhibit 11 further shows that MCSO received funds into its equitable sharing account in Fiscal Year 2006-2007. This document is kept in the regular course of business.

5. Exhibit 14 is a true and correct copy of a report generated by AFMLS listing the equitable sharing funds disbursed to MCSO from DOJ through the Equitable Sharing Program. Exhibit 14 reflects all distributions of federal funds into the MCSO equitable sharing account from July 1, 2006 to June 30, 2007. This document is kept in the regular course of business.

6. Exhibit 12 is a true and correct copy of an Equitable Sharing Agreement and Certification form between DOJ and MCSO. Exhibit 12 shows that, in Fiscal Year 2007-2008, MCSO maintained an equitable sharing account for receipt of funds through

the DOJ Equitable Sharing Program administered by AFMLS. Exhibit 12 further shows that MCSO received funds into its equitable sharing account in Fiscal Year 2007-2008.

This document is kept in the regular course of business.

7. Exhibit 15 is a true and correct copy of a report generated by AFMLS listing the equitable sharing funds disbursed to MCSO from DOJ through the Equitable Sharing Program. Exhibit 15 reflects all distributions of federal funds into the MCSO equitable sharing account from July 1, 2007 to June 30, 2008. This document is kept in the regular course of business.

8. Exhibit 13 is a true and correct copy of an Equitable Sharing Agreement and Certification form between DOJ and the Maricopa County Sheriff's Office ("MCSO"). Exhibit 13 shows that, in Fiscal Year 2008-2009, MCSO maintained an equitable sharing account for receipt of funds through the DOJ Equitable Sharing Program administered by AFMLS. Exhibit 13 further shows that MCSO received funds into its equitable sharing account in Fiscal Year 2008-2009. This document is kept in the regular course of business.

9. Exhibit 16 is a true and correct copy of a report generated by AFMLS listing the equitable sharing funds disbursed to MCSO from DOJ through the Equitable Sharing Program. Exhibit 16 reflects all distributions of federal funds into the MCSO equitable sharing account from July 1, 2008 to June 30, 2009. This document is kept in the regular course of business.

10. Exhibit 17 is a true and correct copy of a report generated by AFMLS listing the equitable sharing funds disbursed to MCSO from DOJ through the Equitable Sharing Program. Exhibit 17 reflects all distributions of federal funds into the MCSO equitable sharing account from July 1, 2009 to June 30, 2010. This document is kept in the regular course of business.

11. Exhibit 18 is a true and correct copy of a report generated by AFMLS listing the equitable sharing funds disbursed to MCSO from DOJ through the Equitable Sharing Program. Exhibit 18 reflects all distributions of federal funds into the MCSO equitable sharing account from July 1, 2010 to August 31, 2010. This document is kept in the regular course of business.

12. Exhibit 25 is a true and correct copy of a combined Equitable Sharing Agreement and affidavit signed by authorized representatives of MCSO and Maricopa County. Exhibit 25 is a form that law enforcement agencies participating in the Equitable Sharing Program were required to sign until approximately August 2008. The signature is part of the process by which a law enforcement agency is certified or recertified by DOJ to participate in the DOJ Equitable Sharing Program.

13. The signed copy of the affidavit must be sent by facsimile from the certifying law enforcement agency to DOJ. The affidavit signed by MCSO and Maricopa County, of which Exhibit 25 is a true and correct copy, was accepted as a signed affidavit by DOJ on July 25, 2006, and is applicable through September 30, 2008. This document is kept in the regular course of business.

14. Exhibit 26 is a true and correct copy of an instruction page that accompanied the Equitable Sharing Agreement, of which Exhibit 25 is a true and correct copy. This document is kept in the regular course of business.

15. Exhibit 27 is a true and correct copy of an affidavit signed by authorized representatives of MCSO and Maricopa County following the conclusion of Fiscal Year 2007-2008 and covering Fiscal Year 2008-2009. Exhibit 27 is a form that must be signed on a yearly basis by law enforcement agencies that have an equitable sharing account for receipt of funds through the DOJ Equitable Sharing Program administered by AFMLS. The signed copy of the affidavit must be sent by facsimile from the certifying law enforcement agency to DOJ. The signature is part of the process by which a law enforcement agency is certified or recertified by DOJ to participate in the DOJ Equitable Sharing Program.

16. Exhibit 28 is a true and correct copy of an affidavit signed by authorized representatives of MCSO and Maricopa County following the conclusion of Fiscal Year 2008-2009 and covering Fiscal Year 2009-2010. Exhibit 28 is a form that must be signed on a yearly basis by law enforcement agencies that have an equitable sharing account for receipt of funds through the DOJ Equitable Sharing Program administered by AFMLS. The signed copy of the affidavit must be sent by facsimile from the certifying law enforcement agency to DOJ. The signature is part of the process by which a law enforcement agency is certified or recertified by DOJ to participate in the DOJ Equitable Sharing Program.

17. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Sept 10, 2010  
Washington, DC

Alice Waller Dery  
Alice Waller Dery