

Exhibit 49



U.S. Department of Justice

Civil Rights Division

SYC:DW:JYJ:AA:SL:ES:NA
DJ: 207-8-8

*Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

August 6, 2009

Via Electronic and First Class Mail

Robert N. Driscoll, Esquire
Alston & Bird LLP
The Atlantic Building
950 F Street, N.W.
Washington, D.C. 20004-1404

Dear Mr. Driscoll:

This responds to your June 18, 2009, letter regarding the Department's ongoing investigation of the Maricopa County Sheriff's Office ("MCSO") pursuant to the pattern or practice provisions of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d; and pursuant to the prohibitions against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7.

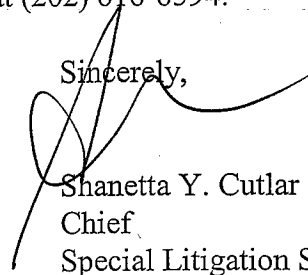
As you know, we initiated our investigation of MCSO on March 10, 2009. As we stated to you then and reiterate now, we have not reached any conclusions about the subject matter of our investigation. As we have also told you, our investigation focuses on patterns or practices of discriminatory police practices and unconstitutional searches and seizures conducted by MCSO and on allegations of national origin discrimination. It is unfortunate MCSO has elected to not cooperate with our investigation.

Your letter requests information that would prejudice the conclusion of our investigation. First, you request information about the specific policies and procedures that are the subject of DOJ's investigation. That request is based on a restrictive view of the constitutionality and construction of Section 14141 that we do not share. In any event, our investigation includes a review of MCSO's police practices generally, including, but not limited to, searches and seizures. Until we conclude our investigation of MCSO's police practices, we cannot identify the specific MCSO policies and practices, if any, that may be relevant to whatever we may find. Moreover, because MCSO has chosen not to cooperate with our investigation, we will identify MCSO policies and practices and their relevance to our investigation based on other information that is available to us. Thus, because of your client's position, we will not have the benefit of MCSO's participation and disclosure of relevant information and documents related to our investigation. Again, we encourage your client to reconsider its position to not cooperate with our investigation.

Second, your letter requests the identification of specific officers involved in or the specific incidences of allegedly unconstitutional conduct that may have given rise to DOJ's investigation. As you know, the evidentiary basis for the Department of Justice's initiation of an investigation—and for filing a subsequent lawsuit, if any—is protected from disclosure by the deliberative process privilege. *E.g.*, *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975). Moreover, as we stated above and from the outset of our investigation, we have not made any conclusions about unconstitutional conduct by any MCSO officers or with respect to any specific incidents.

If you have any other questions or concerns, please do not hesitate to contact me at (202) 514-6255 or Deputy Chief Daniel Weiss at (202) 616-6594.

Sincerely,



Shanetta Y. Cutlar
Chief
Special Litigation Section

cc: Merrily Friedlander
Chief, Coordination and Review Section