

# Exhibit 64

## Preston, Judy (CRT)

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**From:** Preston, Judy (CRT)  
**Sent:** Monday, August 23, 2010 7:43 PM  
**To:** Driscoll, Robert; Saucedo, Luis E (CRT)  
**Cc:** Sierra, Laura; Frey, Brian  
**Subject:** RE: Meeting

Bob,

We have never asserted in this investigation that Title VI entitles DOJ to information unrelated to national origin discrimination. Title VI regulations and assurance agreements entitle us, however, to access any information and facilities as DOJ may determine are pertinent to assess MCSOs compliance with Title VI and the implementing regulations. There is no requirement in the statute, regulations, or any DOJ policy that a Title VI investigation be conducted pursuant only to specific complaints. Nor does the Title VI Investigation Procedures Manual (Manual) mandate a specific process for conducting investigations. As the Manual notes:

The decision as to the best manner in which to approach a complaint will be based upon the specific allegations and issues raised in the complaint, whether it is an individual problem or one of general policy that will affect others in addition to the complainant, and whether you are dealing with a cooperative recipient."

Manual at 8.

Moreover, this investigation is in fact based in part on numerous credible and specific allegations of national origin discrimination related to jail operations and police practices, including, inter alia, stops, searches, uses of force, detention, arrests, and other police practices. At this stage in an investigation involving allegations of discriminatory policing, it has never been a requirement of Title VI or the policy of DOJ to be more specific regarding individual complainants than we have been. The information we have already shared regarding the scope of our investigation certainly enables you to make a determination that our requests are pertinent to ascertaining compliance with Title VI in MCSO's police practices and jail operations.

We'd like to finally move this process along, Bob. Again, we believe that our 51 requests, including Request 16 which you know goes to police behavior during vehicular and pedestrian stops, will help us determine if MCSO is compliant with Title VI. To make tomorrow's meeting useful for all sides it was our desire to move to a discussion of the specific requests which you believe to not implicate Title VI. Hopefully this response to your "broader concern" gets us closer.

We look forward to seeing you tomorrow.

Judy

-----Original Message-----

**From:** Driscoll, Robert [mailto:Bob.Driscoll@alston.com]  
**Sent:** Monday, August 23, 2010 4:20 PM  
**To:** Preston, Judy (CRT); Saucedo, Luis E (CRT)  
**Cc:** Sierra, Laura; Frey, Brian  
**Subject:** RE: Meeting

Judy:

I'm back from my vacation and working on digging out from last week. As such, I wanted to offer a quick thought regarding your email below in advance of our meeting tomorrow.

In my view, there is a key broader issue that needs to be discussed to inform a request-by-request discussion of what DOJ is seeking. To date, DOJ has not provided any specific information about a complaint or complaints of national origin discrimination in the context of police practices that could define the issues and scope of the Title VI police practices investigation of MCSO. I assume such allegations exist and were in fact the basis for DOJ opening this investigation. In the Title VI context, it is both normal practice and consistent with the Title VI investigations manual that subjects of Title VI investigations are provided with a description of the complaint or complaints that are being investigated. In fact, the description of the complaint in the LEP context is one of the reasons we have distinguished the police practices and LEP investigations as being undertaken pursuant to 42 U.S.C. Section 14141 and Title VI, respectively. It is these complaints that would define the proper scope of a Title VI inquiry. For example, as the Title VI manual itself recognizes, information relating to gender would be irrelevant to the investigation of a complaint relating to race discrimination. As such, in order to discuss the appropriate scope of DOJ's document requests under Title VI, we need to know what allegations are being investigated. Your email indicates that none of DOJ's requests are beyond the scope of Title VI, but some of the information requested does not appear to relate to national origin discrimination at all, much less to any specific complaints of national origin discrimination. See, e.g., Request # 16 (requesting "all policies, procedures and manuals . . ." including policies on brandishing of firearms, detentions, and many other policies of general applicability). If DOJ is truly of the view that, without identifying a specific complaint or complaints or linking a request to a particular issue being investigated, Title VI entitles DOJ to any documents or policies of general applicability, even if unrelated to national origin discrimination, we hope you will clarify this position in the meeting.

I certainly don't raise this issue to foreclose any possible outcomes, particularly insofar as we have not heard from your team directly yet, but I do feel that that addressing this central issue early in tomorrow's meeting provides the best chance for an amicable resolution.

Bob

P.S. Brian Frey (an associate at A&B) will also need to be on the list at DOJ. Also, please let me know if you need social security numbers or any other information for Brian, Laura, or me. Thanks.

-----Original Message-----

From: Preston, Judy (CRT) [mailto:Judy.Preston@usdoj.gov]  
Sent: Friday, August 20, 2010 2:33 PM  
To: Driscoll, Robert; Saucedo, Luis E (CRT)  
Cc: Sierra, Laura  
Subject: RE: Meeting

Ok, great.

-----Original Message-----

From: Driscoll, Robert [mailto:Bob.Driscoll@alston.com]  
Sent: Friday, August 20, 2010 2:31 PM  
To: Preston, Judy (CRT); Saucedo, Luis E (CRT)  
Cc: Sierra, Laura  
Subject: RE: Meeting

Judy, I will be back in the office monday and will try to get you responses then. Laura and I will need to be put on the list. Some others may want to call in, but I' ll try to work out whether that is necessary over the weekend.

Robert N. Driscoll  
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-----Original message-----

From: "Preston, Judy (CRT)" <Judy.Preston@usdoj.gov>  
To: "Driscoll, Robert" <Bob.Driscoll@alston.com>, "Saucedo, Luis E (CRT)" <Luis.E.Saucedo@usdoj.gov>  
Cc: "Sierra, Laura" <Laura.Sierra@alston.com>  
Sent: Fri, Aug 20, 2010 18:23:39 GMT+00:00  
Subject: RE: Meeting

Bob,

In order to make Tuesday's meeting as efficient as possible, we would like to know which of our requests you do not believe to be authorized by Title VI and which of our requests were already provided, in their entirety, to the plaintiffs in the Melendres case. Of the 51 requests made in our First Request for Production, we believe that the Melendres plaintiffs' requests fully cover just 5 of our requests (6, 8, 12, 14, 29). We would like you to verify at our Tuesday meeting that you have provided all of the documents responsive to these 5 requests to the Melendres plaintiffs. The documents that you provided with your June 14, 2010 letter to FCS (formerly COR) appear fully to satisfy our requests 46 and 48. In addition to some questions that we still have about the completeness of your production to the Melendres plaintiffs, it is our belief that MCSO still needs to fully comply with the remaining 44 requests. We also intend to receive your agreement when we meet that the Division's attorneys, investigators, and consultants will be permitted to access MCSO's staff and facilities, which were identified on pages 3-4 of MCSO's June 14 letter (as well as the Self-Surrender facility). We look forward to discussing this with you further on Tuesday.

Please also email me about who will be attending with you so that we can get you all through security.

Judy

-----Original Message-----

From: Driscoll, Robert [mailto:Bob.Driscoll@alston.com]  
Sent: Tuesday, August 17, 2010 4:57 PM  
To: Preston, Judy (CRT); Saucedo, Luis E (CRT)  
Cc: Sierra, Laura  
Subject: Re: Meeting

According to the az republic, that time works.

Robert N. Driscoll  
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-----Original message-----

From: "Driscoll, Robert" <Bob.Driscoll@alston.com>

To: "Preston, Judy (CRT)" <Judy.Preston@usdoj.gov>, "Saucedo, Luis E (CRT)" <Luis.E.Saucedo@usdoj.gov>  
Cc: "Sierra, Laura" <Laura.Sierra@alston.com>  
Sent: Tue, Aug 17, 2010 10:26:00 GMT+00:00  
Subject: Meeting

How's Tuesday at 10AM?

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