

INDEX TO EXHIBITS

1. 03/10/09 Letter from Loretta King to Sheriff Joseph Arpaio
2. 03/25/09 Letter from Merrily Friedlander to Clarice McCormick
3. First Request for Documents and Information
4. 08/03/10 Letter from Thomas Perez to Alexandra Gill and Robert Driscoll
5. 06/14/10 MCSO Position Paper
6. 08/05/10 Letter from Robert Driscoll to Thomas Perez
7. 08/13/10 Letter from Robert Driscoll to David Smith
8. 05/29/09 Letter from Robert Driscoll to Eric Holder and Janet Napolitano
9. 06/18/09 Letter from Robert Driscoll to Shanetta Cutlar
10. 08/27/10 Letter from Robert Driscoll to Judy Preston
11. 02/12/09 Letter from U.S. House of Representatives to Eric Holder and Janet Napolitano
12. 02/13/09 Press Release
13. 03/16/09 Article from CNSNEWS.com
14. 07/07/09 Article from KTAR.com
15. 05/12/09 Letter from Clarisse McCormick to Je Yon Jung
16. 08/25/09 Letter from Robert Driscoll to Richard Reback
17. 09/16/09 Letter from Laura Sierra to Richard Reback
18. 08/27/10 Letter from Robert Driscoll to Judy Preston
19. Affidavit of Robert Driscoll
20. Affidavit of Interim Chief Deputy Gerard Sheridan
21. Affidavit of Lieutenant Ernest Alcala
22. Affidavit of Sergeant James Seibert

EXHIBIT 1



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 10 2009

VIA FIRST CLASS MAIL

Sheriff Joseph Arpaio
Maricopa County Sheriff's Office
100 West Washington
Suite 1900
Phoenix, AZ 85003

RE: Investigation of the Maricopa County Sheriff's Office

Dear Sheriff Arpaio:

This is to inform you that the United States Department of Justice is commencing an 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 ("Section 14141") and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and pursuant to the prohibitions against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 ("Title VI") and the Safe Streets Act, 42 U.S.C. § 3789d(c). Our investigation will focus on alleged patterns or practices of discriminatory police practices and unconstitutional searches and seizures conducted by the MCSO, and on allegations of national origin discrimination, including failure to provide meaningful access to MCSO services for limited English proficient (LEP) individuals.

In conducting the investigation, we will seek to determine whether there are violations of the above laws by the MCSO. We have not reached any conclusions about the subject matter of the investigation. We believe that you and other MCSO officials want to operate the MCSO consistent with the requirements of the Constitution and federal law. During the course of our investigation, we will consider all relevant information, particularly the efforts the MCSO has undertaken to ensure compliance with federal law. We also will offer to provide recommendations on ways to improve practices and procedures, as appropriate. Provided that the MCSO cooperates fully with our investigation, if we conclude that there are not systemic violations of constitutional or other federal rights, we will notify you that we are closing the

investigation. If, on the other hand, we conclude there are such violations, we will inform you of the findings and attempt to work with the MCSO to remedy any such violations. In addition, we will identify any financial, technical, or other assistance the United States may be able to provide to assist the MCSO in correcting the identified deficiencies.

Our enforcement of the Violent Crime Control and Law Enforcement Act of 1994 has involved a variety of state and local law enforcement agencies, both large and small, in jurisdictions such as New York, California, New Jersey, Georgia, the District of Columbia, and Ohio. In nearly fifteen years of enforcing this statute, the good faith efforts of state and local jurisdictions working with us have enabled us routinely to resolve our claims without resorting to contested litigation. We have had similar success addressing claims of national origin discrimination under Title VI and the Safe Streets Act. We encourage the MCSO to cooperate with our investigation and can assure you that we will seek to minimize any potential disruption our efforts may have on the operations of the MCSO. Our Special Litigation Section will be handling the investigation in cooperation with the Coordination and Review Section and will contact your office to discuss the next steps. The Chief of the Special Litigation Section, Shanetta Y. Cutlar, may be reached at (202) 514-6255.

Sincerely,

Loretta King

Loretta King
Acting Assistant Attorney General

cc: Andrew Thomas
County Attorney
Maricopa County

Max Wilson
Chairman, Board of County Supervisors
Maricopa County

The Honorable Diane J. Humetewa
United States Attorney
District of Arizona

EXHIBIT 2



U.S. Department of Justice
Civil Rights Division

*Coordination and Review Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

MAR 25 2009

VIA ELECTRONIC AND U.S. MAIL

Clarice McCormick, Esq.
Maricopa County Attorney's Office
222 North Central Avenue
Suite 1100
Phoenix, AZ 85004

Re: Complaint No. 171-08-21
Maricopa County (AZ) Sheriff's Office

Dear Ms. McCormick:

As we notified you by letter addressed to Sheriff Joseph Arpaio, dated March 10, 2009, from Acting Assistant Attorney General Loretta King, the Coordination and Review Section (COR), Civil Rights Division, U.S. Department of Justice (DOJ), is initiating an investigation of a complaint alleging discrimination on the basis of national origin (Hispanic) by the Maricopa County Sheriff's Office (MCSO) in the operation of its jail facilities. This investigation is being conducted in cooperation with the Special Litigation Section of the Civil Rights Division. Please note that our decision to initiate an investigation does not reflect any determination as to the merits of the complaint. Our goal is to investigate this matter in a fair and impartial manner, and to work with you to reach a productive and amicable resolution.

The complaint alleges that the MCSO lacks a language assistance policy for limited English proficient (LEP) inmates as set forth in DOJ's LEP Recipient Guidance Document (enclosed) and also has an English-only policy in its jails that discriminates against LEP inmates. The complaint alleges that detention officers, even those who are bilingual in Spanish, are required to speak to inmates in English at all times, except in case of an emergency, thereby impeding language access for inmates. Further, the complaint alleges that because of the English-only policy in the jails, LEP inmates are at risk for inadequate medical care due to the language barrier (e.g., potential misdiagnosis, incorrect administration of medications). The complaint also states that mandatory classes on government, criminal justice, and other topics discriminate against LEP inmates because they are conducted in English. The complaint notes that the MCSO provides an English language class, but asserts that the two-week course is not sufficient to remedy the problems posed by the English-only policy. Furthermore, the complaint

alleges that the MCSO schedules LEP inmates to meet with their attorneys and court-appointed interpreters at times when interpreters are often unavailable due to their regular courtroom duties, thereby impeding LEP inmates from meeting with their attorneys. In addition, the complaint asserts that the MCSO website, which contains descriptions of inmate programs, FAQs, and visitation information geared to the public, is in English only, thereby impeding LEP inmate and visitor access to important information.

The complaint further alleges that the MCSO jail visitation policy discriminates on the basis of national origin and limited English proficiency. The complaint asserts that the policy requires visitors to present identification and fill out a visitation request form with detailed questions about citizenship status and that a citizenship check is required of every visitor. The complaint alleges that this policy is implemented in a manner that is discriminatory toward Hispanic and limited English proficient visitors. In particular, the complaint claims that, in practice, Hispanic visitors are required to submit the forms, whereas others are not, and the forms are not available in languages other than English.

COR is responsible for investigating complaints against recipients of federal financial assistance from DOJ under Title VI of the Civil Rights Act of 1964 ("Title VI"), as amended, 42 U.S.C. § 2000d *et seq.*, and the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968 ("Safe Streets Act"), as amended, 42 U.S.C. § 3789d(c). Together, these statutes prohibit discrimination on the basis of race, color, national origin, sex, or religion by recipients of DOJ assistance, including grants provided through DOJ's Office of Justice Programs and the Office of Community Oriented Policing Services. Shared assets from the Criminal Division's Asset Forfeiture and Money Laundering Section also constitute federal financial assistance from DOJ. The Department's recipients include police and sheriffs' departments, state departments of corrections, and other entities. The MCSO is a recipient of federal financial assistance from DOJ and, therefore, we have jurisdiction to conduct an investigation of the issues raised in this complaint.

In the course of investigating administrative complaints against recipients of DOJ's assistance, COR seeks to determine whether alternative dispute resolution (ADR) is appropriate. The goal of ADR is to enter into a voluntary compliance agreement that resolves the concerns raised without making a formal determination concerning the merits of the complaint. If the recipient does not wish to engage in ADR or if it is not possible to achieve a voluntary resolution in this matter early in the investigation, COR may conduct a full investigation of the issues raised. (At any time during this investigation, however, ADR remains a possibility if the recipient should decide it is interested in pursuing a voluntary resolution of the matter.)

Generally, when an administrative investigation is completed, the formal results of the investigation are conveyed to the recipient and the complainant in a findings letter. If COR believes that its investigation demonstrates unlawful discrimination, however, attempts are made to resolve the matter before issuing such a letter. If an agreement cannot be reached on a remedy, an enforcement action may be initiated. This may take the form of an administrative hearing to terminate DOJ's financial assistance to the programs and activities of the recipient agency, or

may involve other means of enforcement authorized by law, including referral to a DOJ litigating section for court enforcement.

As an initial step in our investigation of this complaint, we request that the MCSO provide us with a position statement responding to the allegations of discrimination, as summarized above. In addition, please provide the information requested in ¶¶ 43-51 of the enclosed "First Request for Documents and Information." Please also feel free to send any additional information that the MCSO would like the DOJ to consider in making a determination in this case.

We are obligated to inform you that no one may intimidate, threaten, coerce, or engage in other discriminatory or retaliatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights laws we enforce. Any individual alleging such harassment or intimidation may file a complaint with the Department of Justice. We would investigate such a complaint if the situation warrants.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please contact Ms. Luz Lopez-Ortiz, the COR attorney assigned to this case, at (202) 616-5571. Questions about other allegations and submissions in response to the "First Request for Documents and Information" should be directed to the Special Litigation Section, as described in the attached cover letter. We very much appreciate your cooperation in this investigation.

Sincerely,

Merrily A. Friedlander

Merrily A. Friedlander

Chief

Coordination and Review Section
Civil Rights Division

Enclosure

EXHIBIT 3



U.S. Department of Justice
Civil Rights Division

SYC:DHW:AA:NA:pjc
DJ 207-8-8

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

March 25, 2009

VIA ELECTRONIC AND U.S. MAIL

Clarice McCormick, Esq.
Maricopa County Attorney's Office
222 North Central Avenue
Suite 1100
Phoenix, AZ 85004

RE: Investigation of the Maricopa County Sheriff's Office

Dear Ms. McCormick:

We appreciate the Maricopa County Sheriff's Office's (MCSO) pledge to cooperate with our investigation, and we renew our commitment to conduct the investigation in a fair, objective and efficient manner. As we discussed, enclosed please find our "First Request for Documents and Information." Also enclosed is a separate letter from Merrily Friedlander, Chief of the Coordination and Review Section, which provides additional details regarding those aspects of our investigation related to the prohibitions against national origin discrimination.

We request that you produce all requested documents and materials by May 1, 2009. As we discussed, please advise if any of our requests is unclear. Please also include any related additional material we may not have requested, but you wish us to consider. Materials sent electronically should be delivered to Amin.Aminfar@usdoj.gov. Materials being sent by hard copy should be delivered to us at the following address:

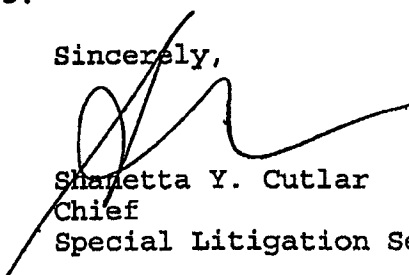
Amin Aminfar
Trial Attorney
Special Litigation Section
Civil Rights Division
601 D Street, NW
Washington, DC 20004

We reiterate our offer to meet with you and MCSO officials to discuss our investigation. Please let us know if you would like to schedule a meeting. Thank you in advance for your

- 2 -

continued cooperation. If you or MCSO staff have any questions or concerns regarding the foregoing, please do not hesitate to contact us. You may reach Deputy Chief Daniel Weiss at (202) 616-6594, or me at (202) 514-6255.

Sincerely,



Shanetta Y. Cutlar
Chief
Special Litigation Section

Enclosures

INVESTIGATION OF THE
MARICOPA COUNTY SHERIFF'S OFFICE

FIRST REQUEST FOR DOCUMENTS AND INFORMATION

Please provide copies of all of the documents and materials listed below, from January 1, 2008, to the date of production, unless otherwise stated. For information maintained in electronic format, we request that you provide the information in the same format and identify the software program and version required to read the file, and also provide any explanatory information necessary to understand the structure of the file (in the case of databases, for example). For materials not maintained electronically, please provide hard copies. If you believe that any documents or information that are not identified below would assist our review of relevant issues, as set forth below, please do not hesitate to provide such documents and information.

Please feel free to contact us to discuss any questions or concerns regarding this request. If responsive documents or information do not exist, we ask that you affirmatively inform us of the same or provide us with documents that contain substantially similar information.

ORGANIZATIONAL STRUCTURE AND GENERAL INFORMATION

1. ~~A current organizational chart, delineating all components~~ within the Maricopa County Sheriff's Office ("MCSO"), including operational sub-divisions, such as regions, areas, districts, or precincts (or comparable sectors). Please indicate MCSO's reporting relationship to the rest of the Maricopa County ("County") governmental structure.
2. For each unit or component within the MCSO organizational structure, including but not limited to specialized units that are not assigned to a specific station or precinct (e.g., SWAT, vice units, and rapid response teams), include a description of:
 - a. The function of each unit;
 - b. The location of each unit;
 - c. The area where each unit is deployed;
 - d. The protocol for activating each unit;
 - e. The number of officers, by rank, in each unit; and
 - f. The written criteria used to select personnel for assignment to these duties.

3. Identify and describe the function and reporting authority \ of all MCSO components or government entities (internal or external) that investigate or review allegations of misconduct, including unconstitutional searches and seizures and discriminatory policing.
4. The current number of sworn and unsworn MCSO personnel, broken down by precincts, districts (or comparable sectors), delineating title, including recruits, patrol officers, agents, investigators, sergeants, lieutenants, captains, inspectors, commanders, colonels, auxiliary superintendents, and any other "command staff."
5. The current number of all members of the voluntary group(s) known as the MCSO "posse," or other similar groups, broken down by precincts, districts (or comparable sectors), as well as by specialized assignment groupings and authorization to carry firearms. Please provide the policies and procedures, or otherwise identify, the selection criteria and training for members of such voluntary groups.
6. The current number and names of all MCSO personnel certified under the Memorandum of Agreement ("MOA") between the County and United States Immigration and Customs Enforcement ("ICE"), including a listing of personnel assigned to:
 - a. Violent Fugitive Apprehension Squad
 - b. Criminal Investigation Section
 - c. Anti-Gang Unit
 - d. Drug Enforcement Unit
 - e. Community Action Teams
7. The number and names of all MCSO personnel that have had their certification under the MOA revoked pursuant to Section IX, whether by MCSO or by ICE. Include any documentation related to such revocation.
8. All minutes of meetings of the Steering Committee convened under Section XVI of the MOA.
9. All collective bargaining agreements currently covering MCSO police personnel, including command staff.
10. Any reports or summaries related to MCSO's accreditation by the Commission on Accreditation for Law Enforcement Agencies

("CALEA"), and any other accreditation sought by the MCSO in the last five years, whether or not MCSO ultimately received such accreditation.

11. All reports, plans, and other documents proposing reforms, organizational restructuring, operational enhancements, or other performance improvement initiatives that are currently under consideration, including their expected date of implementation, relating to: searches and seizures; equal protection; citizen and internal complaints; officer recruitment and selection; internal investigations; administrative action or disciplinary systems for officers or other MCSO employees; supervision; training; and accountability.
12. All studies, analyses, audits, inspections, memoranda, minutes of meetings, reports, or other documents from all review or investigative components or entities, internal and/or external to the MCSO, relating to searches and seizures and equal protection, including those relating to the MCSO 287(g) program and accompanying MOA. Include any County and/or MCSO response to such documents.
13. If applicable, all Inter-Governmental Services Agreements with ICE.
14. If applicable, a description of all technological purchases made by ICE pursuant to Section X of the MOA, including the ~~rationale given for the purchased technology~~, the current location of the purchased technology, and all uses of the purchased technology.

POLICIES, PROCEDURES, AND RELATED MATERIALS

15. A description of MCSO's document retention policies and, where different and applicable, the document retention policies of the County.
16. All policies, procedures and manuals, including but not limited to general orders, standard operating procedures, orders, teletypes, bulletins, legal updates, and internal correspondence, including, but not limited to: searches and seizures; stops; frisks; arrests (including those for disorderly conduct, public intoxication, obstruction of justice, assault on a police officer, resisting arrest, and summary offenses); detention; transport of prisoners; physical restraints; brandishing of firearms; seizure and

handling of evidence; handling of informal and formal complaints against police officers, whether filed by civilians or MCSO personnel; investigations misconduct complaints; administrative discipline and/or corrective action; community relations; and equal protection.

17. Sample copies of all forms used by the MCSO to document its law enforcement activities, including but not limited to control of persons reports, force reporting forms, incident reports, arrest reports, field incident reports, patrol logs, radio logs, call logs, arrest logs, seizure reports and logs, jail logs, desk sergeant logs and reports, and evidence logs. If any of the foregoing forms do not exist, please so state.
18. All policies and procedures regarding the selection/nomination of MCSO personnel for training by ICE pursuant to the MOA.
19. All policies and procedures related to the enforcement, prioritization, or execution of the authorized functions designated in Section V of the MOA.
20. All policies or procedures related to notifying ICE of immigration enforcement activity authorized under the MOA, as described in Section XI.
21. All policies and procedures related to MCSO's transportation of individuals detained for any reason at MCSO facilities to ICE detention facilities.
22. All policies, procedures and manuals governing intake, investigation, classification, and disposition of citizen complaints (informal or formal). Provide a copy or other exemplar of forms, reports, and other documentation designed for use in the intake, investigation, disposition, and review of citizen complaints, including by not limited to the MCSO's citizen complaint form. Include all policies and procedures related to the complaint process outlined in Appendix B of the MOA, including the coordination of complaint handling between ICE and the MCSO.
23. All policies and procedures related to the MCSO's provision of interpreters, telephonic or otherwise, to persons that it has detained, seized, arrested, or otherwise restrained in movement.

24. All written materials or resources available or given to members of the public that explain the MCSO's citizen complaint process.
25. Provide all documents or other information relating to management of the risk of police misconduct, including all written guidance provided to all MCSO supervisors, managers, or executives. Explain how MCSO supervisors monitor the risk of on- or off-duty misconduct or policy violation, including tortious or unconstitutional behavior, excessive force, discriminatory law enforcement, corruption, dishonesty, moral turpitude, or conduct unbecoming an officer by MCSO officers, including managers and supervisors.

TRAINING

26. A current schedule of training for new recruits or in-service training for existing MCSO personnel, from July 1, 2008 through June 30, 2009, including the training topics to be covered, and the date, time, and location of the training.
27. A current schedule of training for volunteer members of "posses" or similar volunteer groups.
28. All current training curricula for new recruits and current officers (i.e., in-service training), including roll-call training.
29. All training materials, including initial and updated training materials, relating to the MOA with ICE. In addition, include materials related to local training, as described in Section VII of the MOA.
30. Information indicating MCSO's officer annual compliance rate for required in-service training from January 1, 2008 until the present.
31. The Field Training Officer ("FTO") manual and all other documents pertaining to the criteria for the FTO program, including but not limited to: the selection of FTOs, the training of FTOs, and sample documents relating to the reporting, recording, management and accountability for the FTO program.
32. The current number of FTOs, broken down by precinct (or

comparable sector).

33. A copy of evaluation forms used to evaluate MCSO personnel, from probationary officers through supervisory staff. Production of forms should be accompanied by clear explanation of frequency of evaluation (annual, semi-annual) as well as how, and by whom, form is reviewed and endorsed by command personnel other than the direct supervisor (evaluator).

INCIDENT REPORTS, COMPLAINTS, AND INVESTIGATIONS

34. Provide all documents relating to MCSO officer arrests, including, but not limited to, arrest reports, blotter entries, incident reports, arrest warrants and supporting materials, booking logs, patrol logs, radio logs, videotapes, and any other documents related to arrests by MCSO officer from January 1, 2008 to the present.
35. All complaints and accompanying documentation, including resolution, if any, related to unlawful search and seizure or discriminatory policing, including any complaints or accompanying documentation submitted or generated pursuant to Appendix B of the MOA.

ACCOUNTABILITY

36. Describe disciplinary and appeal processes for MCSO officers.
37. Identify those personnel or entities authorized to review recommend and/or impose disciplinary or corrective action related to searches and seizures and equal protection practices by MCSO personnel.
38. A list of all incidents in which conflicts have arisen between MCSO rules, standards, and policies and the order or direction of a supervisory ICE officer, as described in Section XI of the MOA. Include a description of the nature of the conflict, the specific parties and directives involved, and the resolution of the conflict, if any.
39. A list of all filed (whether dismissed, pending, or resolved) civil and criminal cases, indictments or arrests, of or against the County and/or the MCSO and/or any sworn officers related to searches and seizures or equal protection from January 1, 2008 until the present. Include

the case number of the alleged incident and complaint, indictment, or arrest, the names of the officers specified in the complaint, indictment, or arrest, and the outcome. Also include any data in the possession of the MCSO that captures the number of prosecutions dismissed as a result of a judicial or prosecutorial finding of officer misconduct related to effectuating searches or seizures and equal protection practices.

40. Description of MCSO's system for monitoring or auditing the practices of individual MCSO officers, groups of officers and volunteer members of "posses" or similar groups, with respect to searches and seizures or equal protection practices (e.g., an "early warning," "early identification," or "red-flagging" system) and the protocols, if any, established for dealing with "at-risk" officers. Identify the personnel and/or unit responsible for inputting data into the system; for preparing any reports identifying "at-risk" officers; and for reviewing information, management and discipline/corrective action related to these reports.
41. A list of all current or former MCSO personnel recommended for termination/discipline or corrective action, the reason for the recommended discipline or corrective action, whether discipline or corrective action was imposed, and the nature and duration of any discipline or corrective action imposed from January 1, 2008 to the present.
42. All data and statistical information gathered and/or maintained by the MCSO pursuant to maintaining compliance with the MOA. Include any requests made by ICE for specific tracking data.

LIMITED ENGLISH PROFICIENCY

Please provide the following information and, with respect to any policy, plan, procedure or data requested, provide copies of any versions in effect for the time period January 1, 2007 to the present, unless otherwise stated:

43. The breakdown of the number of inmates/detainees held in each of the MCSO jails, including the tent city, by race and national origin. Indicate how many, within each race and national origin, are LEP. Identify the primary languages spoken by the LEP persons and the total number within each

language group. Please provide this information for January 1 and March 15, 2009, and January 1, April 1, July 1, and October 1, 2008.

44. Copies of all MCSO jail policies and procedures regarding LEP inmates and visitors, including any English-only rules. Include any policies and procedures related to the allegations described in the third paragraph of the letter from Merrily Friedlander (attached) and those related to interacting with LEP persons over the phone, in person, through the MCSO web site, the translation of vital documents, and any other relevant media. Include a copy of MCSO's Language Access Plan, if one exists, and the date it went into effect. Please also explain how MCSO staff are made aware of the provisions of the plan. If the policies or procedures differ between any of the MCSO jails, please provide a copy of this information for each jail.
45. Copies of all MCSO policies and procedures regarding the visitation forms mentioned in the description of allegations in the third paragraph of the letter from Merrily Friedlander (attached). In addition, state the purpose for the forms, when the MCSO began using the forms, and whether the forms are given to all visitors. Also, please provide copies of all forms that visitors submitted at each of MCSO jails, including the tent city, for the year prior to the date of this request.
46. ~~An explanation of how and when attorney visits with LEP inmates/detainees are scheduled to allow for the presence of an interpreter.~~
47. Copies of all complaints against MCSO received during the two years prior to the date of this request, relating in any way to any of the allegations described in the letter from Merrily Friedlander (attached). Please include the steps taken to address each complaint, a copy of the findings of any investigations, the current status of each complaint, and copies of any information gathered in connection with the complaint.
48. A copy of MCSO's policies and procedures for handling complaints, including those alleging discrimination or failure to provide services to persons who are LEP. If the procedures and/or complaint forms have been translated into any language other than English, please provide a copy of those translations.

49. A copy, if applicable, of MCSO's service agreement with a telephonic interpreter service, as well as data showing number of calls conducted through the telephonic service and the languages utilized.
50. Copies of training materials and records of training sessions provided to MCSO staff on the use of the telephonic interpretation service, and on handling encounters with LEP persons, as well as attendee lists and encounter statistics, if available.
51. Data on language capabilities of all MCSO jail staff listed by facility, hiring plans and practices, including incentives given for bilingual skills used on the job, and any procedures relating to assignment of bilingual staff.

EXHIBIT 4



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D C 20530

AUG - 3 2010

Alexandra J. Gill
Ogletree Deakins
2415 E. Camelback Rd., Suite 800
Phoenix, AZ 85016

Robert N. Driscoll
Alston & Bird LLP
950 F Street, NW
Washington, DC 20004

Re Notice of noncompliance with the obligation to cooperate with the Department of Justice investigation pursuant to Title VI of the Civil Rights Act of 1964

Dear Counsel:

This is to notify you that the Maricopa County Sheriff's Office (MCSO) is not in compliance with its obligations under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, to cooperate in the investigation of alleged national origin discrimination undertaken by the Department of Justice Civil Rights Division (the Division). Absent MCSO's voluntary cooperation with this investigation within two weeks – by August 17, 2010 – the Department will file a Title VI civil action to compel access to the requested documents, facilities, and personnel. The legal and factual bases for this Title VI determination follow.

MCSO's Response to the Requests for Information. On March 10, 2009, the Division notified MCSO that it was investigating alleged violations of Title VI, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141. The Division's investigation pertains to allegations of unlawful searches and seizures, discriminatory police conduct, and failure to provide basic services to individuals with limited English proficiency. On March 25, 2009, the Division supplied MCSO with its First Request for Documents and Information (First Request), detailing the document and information requests necessary to carry out its investigation. On several subsequent occasions, both in writing and by telephone, the Division also requested access to MCSO facilities and personnel necessary to investigate the claims of national origin discrimination.

On May 12, 2009, MCSO provided the Division with eleven pages of documents that it deemed partially responsive to three of the fifty-one requests in the First Request. MCSO advised the Division that "MCSO will further respond to the DOJ's First Request once MCSO has completed installation and training on [its litigation support] system."

On May 29, 2009, however, counsel informed DOJ in writing that MCSO would "not respond to any document requests from DOJ . . . until appropriate assurances are made" that DOJ was not improperly coordinating its investigation with the Department of Homeland Security (DHS).¹ In a subsequent telephone conversation on June 22, 2009, counsel for MCSO reiterated that MCSO would not produce any documents or provide access to MCSO personnel. And on July 7, 2009, MCSO held a press conference at which MCSO Sheriff Joe Arpaio and counsel stated that MCSO would not cooperate with the Division's investigation, would not produce additional documents, and would not provide any access to MCSO facilities or personnel. Subsequent communications from counsel reiterated MCSO's position.

Since these communications, MCSO has continued its unwarranted refusal to cooperate with DOJ in this investigation. On June 14, 2010, fifteen months after the Division's request, MCSO provided for the first time a position statement regarding the operation of its jail facilities. But this position statement falls far short of complying with MCSO's obligation to cooperate with the Division's investigation: it addresses only the allegations regarding jail services while saying nothing at all about the allegations of discriminatory police practices; it does not include any agreement to provide access to MCSO facilities and personnel; and the limited production of accompanying documents fails to respond to the First Request.²

MCSO's Denial of Access Violates Title VI. Title VI prohibits discrimination in federally-assisted programs on the ground of race, color, or national origin. 42 U.S.C. § 2000d. DOJ's Title VI implementing regulations require, among other obligations, that recipients of federal financial assistance permit access by DOJ to sources of information and facilities as may be pertinent to ascertain compliance with Title VI and the implementing regulations 28 C.F.R. §§ 42.106 and 42.108. The Title VI implementing regulations also require that every application for federal financial assistance be accompanied by an assurance that the program will be conducted in compliance with all requirements imposed by Title VI and the implementing regulations 28 C.F.R. § 42.105(a)(1). Pursuant to this requirement, MCSO signed contractual assurances agreeing to permit DOJ to examine relevant records. MCSO is also bound by the contractual assurances signed by any recipient, such as Maricopa County, through which MCSO is a subrecipient.

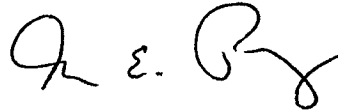
¹ In the same letter, counsel requested that the DOJ Office of Professional Responsibility (OPR) investigate alleged attorney misconduct in connection with the Division's investigation of MCSO. MCSO's unfounded allegations are not a basis for MCSO's refusal to comply with its obligation to cooperate with the Division's investigation. In any event, as explained in OPR's June 16, 2010, letter to MCSO, OPR conducted an investigation of MCSO's claims and concluded that no Division attorney committed professional misconduct or exercised poor judgment in connection with the Division's investigation of MCSO.

² MCSO included approximately 800 pages of documents as exhibits to its position statement, but those documents are not – and do not purport to be – a complete response to the First Request.

MCSO's refusal to cooperate with the Division's investigation is a violation of Title VI, the Title VI implementing regulations, and related assurance agreements. The Division accordingly notifies you that absent MCSO's voluntary compliance to correct these violations within two weeks, the United States will conclude that compliance has not been achieved by voluntary means and will initiate civil litigation under Title VI to compel compliance. *See* 28 C.F.R. § 42.108(d). In the interest of seeking, to the fullest extent practicable, to assist MCSO in complying voluntarily with its obligations, the Division remains open to MCSO's cooperation with our request for information. In order to avoid litigation, please provide a complete response to the First Request and an agreement to permit access to all pertinent MCSO facilities and personnel no later than August 17, 2010.

MCSO's refusal to cooperate fully with the Division's investigation makes it an extreme outlier when compared with other recipients of federal financial assistance, which have uniformly recognized their obligation to cooperate with the Division's investigations of alleged discrimination. Although we would prefer voluntary compliance in this case as well, we will not hesitate to commence litigation after August 17, 2010, if MCSO continues to take the position that it need not cooperate with the Division's investigation. If you have any questions, please contact Judy Preston, Acting Chief of the Special Litigation Section, at 202-514-6258.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. E. Perez', with a stylized flourish at the end.

Thomas E. Perez
Assistant Attorney General

cc: Clarisse McCormick
Maricopa County Attorney's Office

The Honorable Dennis K. Burke
United States Attorney
District of Arizona