

EXHIBIT 9



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June 18, 2009

Shanetta Y. Cutlar
Special Litigation Section
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Clarification of legal issues related to the Department's investigation of
the Maricopa County Sheriff's Office

Dear Ms. Cutlar:

As you may be aware, our firm represents the Maricopa County Sheriff's Office ("MCSO") in the investigation commenced on March 10, 2009 by the Department of Justice ("DOJ" or "Department") Civil Rights Division's Special Litigation Section pursuant to, among other things, the pattern or practice provisions of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"). We are contacting you in the hopes of clarifying certain legal issues related to this ongoing investigation. Specifically, we hope to clarify (1) the specific policies or procedures that are the subject of DOJ's ongoing investigation of MCSO pursuant to Section 14141 and (2) the specific officers involved in or the specific incidences involving allegedly unconstitutional conduct that may have given rise to DOJ's inquiry about whether a pattern or practice of misconduct exists within MCSO.

I. MCSO Policies or Procedures at Issue

While we do not concede that Section 14141 itself is constitutional, one of the only plausible claims of constitutionality of the Section was articulated in *United States v. City of Columbus*.¹ In the *Columbus* court's Report & Recommendation ("R&R"), it found that Section 14141 does not permit the government to pursue an action against an organization based solely on the alleged misconduct of individual officers or employees. Rather, the *Columbus* R&R recognized that the government may only bring an action under Section 14141 to remedy improper policies or procedures of a governmental entity

¹ 2000 WL 1133166, *8-9 (S.D. Ohio 2000)

or to cure inadequate supervision by such entity.² Thus, the *Columbus* R&R rejected any contention that Section 14141 allows a governmental entity to be held vicariously liable in *respondeat superior* for the actions of individual officers.³

This reading of Section 14141 comports with DOJ's historical practices in applying Section 14141. The consent decrees entered into by DOJ in Section 14141 matters have historically focused on allegations that an entity instituted unconstitutional policies and procedures, provided unconstitutional or inadequate training, managed misconduct investigations unconstitutionally, or otherwise provided unconstitutional supervision of officers.⁴ Thus, rather than seeking to sanction departments for the misconduct of individual officers, DOJ's consent decrees have focused on improving the policies and procedures of the entity at issue to eliminate any alleged pattern and practice of misconduct.⁵

Given that *respondeat superior* liability is not a proper basis for instituting a Section 14141 action, any ongoing Section 14141 investigation by DOJ into MCSO that is related to immigration enforcement issues must obviously be focused on whether MCSO's policies and procedures related to immigration enforcement are in some way improper. It is significant to note, however, that the policies and procedures that currently govern MCSO's immigration enforcement practices were established by the Department of Homeland Security's ("DHS") Office of Immigration and Customs Enforcement ("ICE") under a program established pursuant Section 287(g) of the Immigration and Nationality Act ("the 287(g) Program").⁶ Indeed, a Memorandum of Agreement ("MOA") between MCSO and ICE establishing the 287(g) Program specifically indicates that MCSO officers involved in the enforcement of federal immigration laws are to be trained by ICE, are to operate under the federally approved policies and procedures of ICE, and are to be supervised by ICE officers.⁷

² *Id.*

³ *Id.*

⁴ See, e.g., Consent Decree Between the United States Department of Justice and the City of Pittsburgh *et al.*, available at <http://www.usdoj.gov/crt/split/documents/pittssa.php>; Consent Decree Between the United States Department of Justice and Prince George's County, Maryland and the Prince George's County Police Department, available at http://www.usdoj.gov/crt/split/documents/pgpd/pg_consent_decree.pdf; Consent Decree Between the United States Department of Justice and The Territory of the Virgin Islands and the Virgin Islands Police Department, available at http://www.usdoj.gov/crt/split/documents/VIPD_CD_03-23-09.pdf.

⁵ See, e.g., Consent Decree Between the United States Department of Justice and the City of Pittsburgh *et al.*, available at <http://www.usdoj.gov/crt/split/documents/pittssa.php>; Consent Decree Between the United States Department of Justice and Prince George's County, Maryland and the Prince George's County Police Department, available at http://www.usdoj.gov/crt/split/documents/pgpd/pg_consent_decree.pdf; Consent Decree Between the United States Department of Justice and The Territory of the Virgin Islands and the Virgin Islands Police Department, available at http://www.usdoj.gov/crt/split/documents/VIPD_CD_03-23-09.pdf

⁶ Codified at 8 U.S.C. § 1357(g)

⁷ See Appendix A

Thus, given that MCSO's policies and procedures in enforcing federal immigration laws under the 287(g) Program have been mandated by the federal government, and given ICE's supervisory responsibility for MCSO officers acting pursuant to the 287(g) program, MCSO would obviously not be a proper party to a Section 14141 action based on DOJ's desire to change such policies, procedures, or supervision. Therefore, we ask that you confirm that MCSO's policy and procedures dictated by ICE are not the subject of this investigation and identify which, if any, MCSO policies and procedures, besides those that are mandated by ICE under the 287(g) Program,⁸ form the basis of DOJ's Section 14141 investigation of MCSO.

II. MCSO Officers or Specific Incidents Under Investigation

Even though *respondeat superior* liability is not a valid basis for a Section 14141 action, proof of underlying constitutional violations sufficient to establish a pattern and practice of misconduct are a necessary predicate to instituting a Section 14141 action.⁹ MCSO is not aware of any successful Section 1983 actions against MCSO officers that allege racial profiling, race discrimination, or discrimination on the basis of national origin in a context where the complainant is a member of the public that would satisfy this predicate. As such, we ask that you please identify any MCSO officers or any specific incidents that are the subject of investigations for possible constitutional violations pursuant to Section 14141's requirements.

Identifying these officers or incidents to MCSO is essential because any officers who are the subject of investigation related to their conduct as a part of MCSO's immigration enforcement practices under the 287(g) Program may be entitled to DOJ-provided representation. Indeed, MCSO's MOA with ICE specifically notes that MCSO officers who are named as defendants in litigation arising from their conduct under the 287(g) Program are entitled to request representation by DOJ.¹⁰ While individual officers obviously cannot be named as defendants in a Section 14141 case, given the potential collateral estoppel effect of a DOJ finding of individual misconduct by an MCSO officer in establishing a pattern and practice of misconduct as part of a Section 14141 case, such officers may well wish to consider whether individual representation is necessary or appropriate.

In addition, by making MCSO aware of any officers or incidents that are under investigation, DOJ will give MCSO the opportunity to determine whether appropriate disciplinary actions have been taken. To the extent that such actions have not been taken, MCSO will then have the opportunity to take such actions without undue delay. This opportunity to swiftly and appropriately handle any alleged misconduct is essential for

⁸ We assume that ICE and/or DHS is responsible for determining whether MCSO is in compliance with its MOA.

⁹ See Section 14141 (requiring a showing of a "pattern and practice" of unconstitutional or illegal conduct in order to establish a Section 14141 violation); see also *City of Columbus*, 2000 WL at *8-9.

¹⁰ See Appendix A.

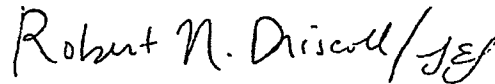
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the public safety and welfare if any instances of improper conduct by MCSO officers exist. Furthermore, providing MCSO with the names and details of specific officers allegedly involved in and instances allegedly involving unconstitutional conduct will allow for cooperative and coordinated measures to ensure that MCSO's high standards of practice and operation continue to be met.

III. Conclusion

If DOJ disagrees with any of the legal analysis above, please articulate the legal theory under which the DOJ is proceeding and provide appropriate assurances that DOJ (1) will not seek to bring claims based on conduct pursuant to the 287(g) Program given that the program is run pursuant to federal policies and procedures and is supervised by ICE and (2) will not seek to establish individual constitutional violations by MCSO officers without first providing such officers with proper notice and an opportunity to seek representation. Should you have any questions or wish to discuss these matters further, please do not hesitate to contact me.

Sincerely,



Robert N. Driscoll

cc: Ian Gershengorn
Deputy Assistant Attorney General for Federal Programs Branch
United States Department of Justice

Richard L. Skinner
Inspector General
United States Department of Homeland Security

Katrina S. Kane
Field Office Director
United States Immigration and Customs Enforcement

APPENDIX A

MEMORANDUM OF AGREEMENT C-50-07-058-2-00

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and Maricopa County, a political subdivision of the State of Arizona, pursuant to which ICE authorizes up to a maximum of 160 nominated, trained, and certified personnel of the Maricopa County Sheriff's Office (hereinafter interchangeably referred to as MCSO or the "Law Enforcement Agency" (LEA)), to perform certain immigration enforcement functions as specified herein. The MCSO represents Maricopa County in the implementation and administration of this MOA. It is the intent of the parties that these delegated authorities will enable the LEA to identify and process immigration violators in Maricopa County consistent with the terms of this MOA. The ICE and LEA points of contact for purposes of this MOA are identified in Appendix A.

I. PURPOSE

The purpose of this MOA is to set forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and thereafter perform certain functions of an immigration officer within the LEA. This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority granted under this MOA to participating LEA personnel shall occur only as provided in this MOA. This MOA also describes the complaint procedures available to members of the public regarding immigration enforcement actions taken by participating LEA personnel pursuant to this agreement.

II. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of ICE, to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

III. POLICY

This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating MCSO personnel to perform. It sets forth with specificity the duration of the authority conveyed and the specific lines of authority, including the requirement that participating MCSO personnel are subject to ICE supervision while performing immigration-related duties pursuant to this MOA. For the purposes of this MOA, ICE officers will provide supervision for participating MCSO personnel only as to immigration enforcement functions. MCSO retains supervision of all other aspects of the employment and performance of duties of participating MCSO personnel.

IV. ASSIGNMENTS

Before participating LEA personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete mandatory 5 week (4 week for LEA personnel functioning solely in a correctional facility or ICE detention facility) training in the enforcement of federal immigration laws and policies as provided by ICE instructors and thereafter pass examinations equivalent to those given to ICE officers. Only participating LEA personnel who are selected, trained, authorized, and supervised, as set out herein, have authority pursuant to this MOA to conduct the immigration officer functions enumerated in this MOA.

Participating LEA personnel performing immigration-related duties pursuant to this MOA will be LEA officers assigned to the Violent Fugitive Apprehension Squad (VFAS), Criminal Investigations Section (CIS), Anti-Gang Unit, Drug Enforcement Unit and Community Action Teams (CAT). Participating LEA personnel will be exercising their immigration-related authorities during the course of criminal investigations involving aliens encountered within Maricopa County. Any combination of these officers or others may be assigned and/or co-located as task force officers to assist ICE agents with criminal investigations.

The mission of these various LEA assignments are summarized as follows:

Violent Fugitive Apprehension Squad (VFAS): The LEA personnel assigned to the VFAS unit are charged with the responsibility of identifying high-risk felons who are wanted for crimes or offenses that represent a significant threat to public safety.

Criminal Investigation Section (CIS): The LEA personnel assigned to CIS by statute are charged with the responsibility of identifying criminal enterprises and other forms of organized criminal activities.

Anti-Gang Unit: The LEA personnel assigned to the anti-gang unit engage in law enforcement actions that are targeted against gang activity.

Drug Enforcement Unit: The LEA personnel assigned to these various drug enforcement units are involved with illegal trafficking in narcotics investigations, quite often they encounter individuals who may be in the country illegally.

Community Action Teams (CAT): The LEA personnel assigned to the Community Action Teams are officers who have been assigned to these special units and charged with the responsibility of assisting local authorities in urban areas who have requested assistance due to pervasive criminal activity occurring in hot spots within their communities.

V. DESIGNATION OF AUTHORIZED FUNCTIONS

For the purposes of this MOA, participating LEA personnel will be authorized to perform the following functions pursuant to the stated authorities, subject to the limitations contained in this MOA:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who are convicted of State or Federal felony offenses;
- The power to arrest without warrant any alien entering or attempting to unlawfully enter the United States, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. 287.5(c)(1).
- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens. INA § 287(a)(4) and 8 C.F.R. § 287(c)(2).
- The power to serve warrants of arrest for immigration violations under 8 C.F.R. § 287.5(e)(3).
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required criminal alien processing, to include fingerprinting, photographing, and interviewing, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;
- The power and authority to prepare charging documents (INA Section 239, 8 C.F.R. 239.1; INA Section 238, 8 C.F.R. 238.1; INA Section 241(a)(5), 8 C.F.R. 241.8; INA Section 235(b)(1), 8 C.F.R. 235.3) including the preparation of the Notice to Appear (NTA) application or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors;
- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and
- The power and authority to detain and transport (8 C.F.R. § 287.5(c)(6)) arrested aliens to ICE-approved detention facilities.

VI. DETENTION ISSUES

The LEA is expected to pursue to completion prosecution of the state or local charges that caused the individual to be taken into custody. ICE will assume custody of individuals who have been convicted of a State or local offense only after such individuals have concluded service of any sentence of incarceration. ICE will also assume custody of aliens with prior criminal convictions and when immigration detention is required by statute. The ICE Detention and Removal Field Office Director or designee will assess on a case-by-case basis the appropriate removal vehicle to be employed and/or whether to assume custody of individuals that do not meet the above criteria based on special interests or other extenuating circumstances after processing by the LEA. The immigration laws provide ICE Detention and Removal Operations (DRO) with the discretion to manage limited DHS detention resources, and ICE Field Office Directors may exercise this discretion by declining to detain aliens whose detention is not mandated by federal statute.

If ICE determines that it is necessary, the LEA will enter into an Inter-Governmental Service Agreement (IGSA) with ICE pursuant to which, the LEA will provide, for a reimbursable fee, detention of incarcerated aliens in LEA facilities, upon the completion of their sentences. The LEA facility will be expected to meet the ICE detention standards for either a less than 72-hour or over 72-hour facility as determined by ICE, and consistent with the anticipated detention period.

The parties understand that the LEA will not continue to detain an alien after that alien is eligible for release from the LEA's custody in accordance with applicable law and LEA policy, except for a period of up to 48-hours, excluding Saturday, Sunday, and any holiday, pursuant to an ICE detainer issued in accordance with 8 C.F.R. § 287.7, absent an IGSA in place as described above.

Upon completion of processing and release from MCSO detention facilities of an individual who participating MCSO personnel have determined to be a removable alien, the alien will be transported by MCSO on the same day to the ICE detention office located at 2035 N. Central Ave., Phoenix, Arizona 85004 or another ICE designated office or facility, after notification to and coordination with the ICE supervisory officer, so that no further detention costs will be incurred by ICE.

VII. NOMINATION OF PERSONNEL

The Sheriff of Maricopa County will nominate candidates for initial training and certification under this MOA. For each candidate, ICE may request any information necessary for a background check and to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. All candidates must be United States citizens. All candidates must have at least two years of LEA work experience. All candidates must be approved by ICE and must be able to qualify for appropriate federal security clearances.

Should a candidate not be approved, a substitute candidate may be submitted if time permits such substitution to occur without delaying the start of training. Any future expansion in the number of participating LEA personnel or scheduling of additional training classes may be based on an oral agreement of the parties, but will be subject to all the requirements of this MOA.

VIII. TRAINING OF PERSONNEL

ICE will provide participating LEA personnel with the mandatory 4 and 5 week training tailored to the immigration functions to be performed. Training will take place at a mutually designated site in Maricopa County, utilizing ICE-designed curriculum and competency testing.

Training will include, among other things: (i) discussion of the terms and limitations of this MOA; (ii) the scope of immigration officer authority; (iii) relevant immigration law; (iv) the ICE Use of Force Policy; (v) Civil Rights laws; (vi) the U.S. Department of Justice "Guidance Regarding the Use Of Race By Federal Law Enforcement Agencies" dated June 2003; (vii) public outreach and complaint procedures; (viii) liability issues; (ix) cross-cultural issues; and (x) the obligations under federal law and the Vienna Convention on Consular Relations to make proper notification upon the arrest or detention of a foreign national.

Approximately one year after the participating LEA personnel are trained and certified, ICE may provide additional updated training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions, unless either party terminates this MOA pursuant to Section XX below. Local training on relevant issues will be provided on an ongoing basis by ICE supervisors or a designated team leader.

IX. CERTIFICATION AND AUTHORIZATION

The ICE Training Division will certify in writing to the ICE Special Agent in Charge and the ICE Field Office Director in Phoenix the names of those LEA personnel who successfully complete training and pass all required testing. Upon receipt of Training Division certification, the ICE Special Agent in Charge and the ICE Field Office Director in Phoenix will provide the participating LEA personnel with a signed authorization to perform specified functions of an immigration officer for an initial period of one year from the date of the authorization. ICE will also provide a copy of the authorization to the LEA. The ICE supervisory officer, or designated team leader, will evaluate the activities of all personnel certified under this MOA.

Authorization of participating LEA personnel to act pursuant to this MOA may be revoked at any time by ICE or the LEA. Such revocation will require immediate notification to the other party to this MOA. The Maricopa County Sheriff and the ICE Special Agent in Charge and ICE Field Office Director in Phoenix will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA, pursuant to Section XX below, shall constitute revocation of all immigration enforcement authorizations delegated hereunder.

X. COSTS AND EXPENDITURES

Participating LEA personnel will carry out designated functions at the LEA's expense, including salaries and benefits, local transportation, and official issue material.

ICE will provide the instructors and training materials. The LEA is responsible for the salaries and benefits, including overtime, for all of its personnel being trained or performing duties under this MOA, and for those personnel performing the regular functions of the participating LEA personnel while they are receiving training. LEA will cover the costs of all LEA candidates' travel, housing, and per diem affiliated with the training required for participation in this agreement. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines that it is necessary, the LEA will enter into an Inter-Governmental Service Agreement (IGSA) with ICE pursuant to which the LEA will provide, for a reimbursable fee, transportation for all incarcerated aliens in the LEA's facilities, upon the completion of their sentences, or upon completion of processing in those circumstances in which state or local prosecution is not available, to a facility or location designated by ICE. If ICE determines that it is necessary, the LEA will provide ICE, at not cost, with an office within each participating LEA facility for ICE supervisory employees to work.

ICE agrees to be responsible for the purchase, installation, and maintenance of technology (computer/LAFIS/Photo and similar hardware/software) necessary to support the investigative functions of participating LEA personnel at each LEA facility with an active 287(g) program. The use of this equipment is to be limited to the performance of responsibilities authorized by this MOA under section 287(g) of the INA by participating LEA personnel. ICE also agrees to provide the necessary technological support and software updates for use by participating LEA personnel to accomplish the delegated functions. Such hardware, software, and other technology purchased or provided by ICE, shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, or when deemed necessary by the ICE Special Agent in Charge and the ICE Field Office Director in Phoenix.

XI. ICE SUPERVISION

Immigration enforcement activities conducted by the participating LEA personnel will be supervised and directed by ICE supervisory officers or the designated team leader in Phoenix. Participating LEA personnel are not authorized to perform immigration officer functions, except when working under the supervision of an ICE officer. Participating LEA personnel shall give timely notice to the ICE supervisory officer within 24 hours or any detainer issued under the authorities set forth in this MOA.

In the correction setting, participating MCSO personnel shall give notice to the ICE supervisory officer as soon as practicable after, and in all cases within 24 hours of, any detainer issued under the authorities set forth in this MOA. In the field setting, participating MCSO deputies will contact an ICE duty officer at the time of exercising the authority in this MOA for guidance. The actions of participating MCSO personnel will be reviewed by the ICE supervisory officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for additional training or guidance for that specific individual.

For purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only as to immigration enforcement functions. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these authorities shall be DHS and ICE policies and procedures, including the ICB Use of Force Policy. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE supervisory officer and LEA rules, standards, or policies, the conflict shall be promptly reported to the ICE Special Agent in Charge and ICE Field Office Director in Phoenix, or designees, and the Sheriff of Maricopa County, or designee, when circumstances safely allow the concern to be raised. The Special Agent in Charge, the ICE Field Office Director in Phoenix, and the Sheriff of Maricopa County shall attempt to resolve the conflict.

Whenever possible, MCSO will deconflict all addresses, telephone numbers, and known or suspected identities of violators of the INA with ICE's Office of Investigations (OI) or ICE's Office of Detention and Removal (DRO) prior to taking any enforcement action. This deconfliction will, at a minimum, include wants/warrants, criminal history, and a person, address, and vehicle check through TECS II.

MCSO participating personnel authorized pursuant to this MOA may be assigned and/or co-located with ICE as task force officers to assist ICE agents with criminal investigations.

XII. REPORTING REQUIREMENTS

The LEA will be responsible for tracking and maintaining accurate data and statistical information for their 287(g) program, including any specific tracking data requested by ICE. Upon ICE's request, such data and information shall be provided to ICE for comparison and verification with ICE's own data and statistical information, as well as for ICE's statistical reporting requirements and to assess the progress and success of the LEA's 287(g) program.

XIII. LIABILITY AND RESPONSIBILITY

If any participating LEA personnel are the subjects of a complaint of any sort that may result in that individual receiving employer discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall, to the extent allowed by state law, immediately notify ICE of the existence and nature of the complaint. The resolution of the complaint shall also be promptly reported to ICE. Complaints regarding the exercise of immigration enforcement authority by participating LEA personnel shall be handled as described below.

Except as otherwise noted in this MOA or allowed by federal law, the LEA will be responsible and bear the costs of participating LEA personnel with regard to their property or personnel expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will only be treated as federal employees for purposes of the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function as authorized by this MOA. 8 U.S.C. § 1357(g)(7). It is the understanding of the parties to this MOA that participating LEA personnel will enjoy the same defenses and immunities available to ICE officers from personal liability arising from tort lawsuits based on actions conducted in compliance with this MOA. 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. Such requests must be made in writing directed to the Attorney General of the United States, and will be handled in coordination with the ICE Special Agent in Charge and/or the ICE Field Office Director in Phoenix. Requests for representation must be presented to the ICE Office of the Chief Counsel at 2035 N. Central Avenue, Phoenix, AZ 85004. Any request for representation and related correspondence must be clearly marked "Subject to Attorney-Client Privilege." The Office of the Chief Counsel will forward the individual's request, together with a memorandum outlining the factual basis underlying the event(s) at issue in the lawsuit, to the ICE Office of the Principal Legal Advisor, which will forward the request, the factual memorandum, and an advisory statement opining whether such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Torts Staff, Civil Division, Department of Justice. ICE will not be liable for defending or indemnifying acts of intentional misconduct on the part of participating LEA personnel.

The LEA agrees to cooperate with any federal investigation related to this MOA to the full extent of its available powers. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with Garrity v. New Jersey, 385 U.S. 493 (1967).

As the activities of participating LEA personnel under this MOA are undertaken under federal authority, the participating LEA personnel will comply with federal standards and guidelines relating to the Supreme Court's decision in Giglio v. United States, 405 U.S. 150 (1972), and its progeny, which relates to the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

XIV. COMPLAINT PROCEDURES

The complaint reporting and resolution procedure for allegations of misconduct by participating LEA personnel, with regard to activities undertaken under the authority of this MOA, is included at Appendix B.

XV. CIVIL RIGHTS STANDARDS

Participating LEA personnel who perform certain federal immigration enforcement functions are bound by all federal civil rights statutes and regulations, including the U.S. Department of Justice "Guidance Regarding The Use Of Race By Federal Law Enforcement Agencies" dated June 2003.

Participating LEA personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA as needed.

XVI. STEERING COMMITTEE

The ICE Special Agent in Charge, the ICE Field Office Director, and the Sheriff of Maricopa County shall establish a steering committee that will meet periodically to review and assess the immigration enforcement activities conducted by the participating LEA personnel and to ensure compliance with the terms of this MOA. The steering committee will meet periodically in Maricopa County at locations to be agreed upon by the parties, or via teleconference. Steering committee participants will be supplied with specific information on case reviews, individual participants' evaluations, complaints filed, media coverage, and, to the extent practicable, statistical information on increased immigration enforcement activity in Maricopa County. An initial review meeting will be held no later than nine months after certification of the initial class of participating LEA personnel under Section IX, above.

XVII. COMMUNITY OUTREACH

The LEA may, at its discretion, engage in community outreach with individuals and organizations expressing an interest in this MOA. ICE may participate in such outreach upon the LEA's request.

XVIII. RELATIONS WITH THE NEWS MEDIA

LEA may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. This MOA also describes the complaint procedures available to members of the public regarding actions taken by participating LEA personnel pursuant to this agreement.

The LEA hereby agrees to coordinate with ICE before releasing information to the media regarding actions taken under this MOA. The points of contact for ICE and MCSO for this purpose are identified in Appendix C.

XIX. MODIFICATION OF THIS MOA

Modifications to this MOA must be proposed in writing and approved by the signatories.

XX. DURATION AND TERMINATION OF THIS MOA

This MOA will be in effect from the date of signing until it is terminated by either party. Either party, upon written notice to the other party, may terminate the MOA at any time. A termination notice shall be delivered personally or by certified or registered mail and termination shall take effect immediately upon receipt of such notice.

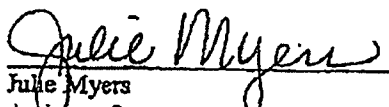
Either party, upon written or oral notice to the other party, may temporarily suspend activities under this MOA when resource constraints or competing priorities necessitate. Notice of termination or suspension by ICE shall be given to the Sheriff of Maricopa County. Notice of termination or suspension by MCSO shall be given to the ICE Special Agent in Charge and the ICE Field Office Director in Phoenix.

Except for the provisions contained in Section XIII, this MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create, any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, and accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

Date: 2/24/07

Date: _____


Julie Myers
Assistant Secretary
Immigration and Customs Enforcement
Office of Homeland Security

(See attached page 10A)

Maricopa County
Board of Supervisors

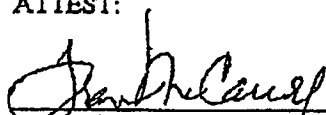
Date: Jan 19, 2007


Joe Arpaio
Sheriff
Maricopa County


Maricopa County Board of Supervisors

 2-7-07
Acting Chairman of the Board Date

ATTEST:

 2-7-07
Clerk of the Board Date

APPROVED AS TO FORM AND WITHIN THE POWERS AND AUTHORITY
GANTED UNDER THE LAWS OF THE STATE OF ARIZONA TO MARICOPA
COUNTY

 1-25-07
Deputy County Attorney

This signature page is added and made part of
The Memorandum of Agreement (MOA) between
United States Immigration and Customs Enforcement (ICE)
and Maricopa County

APPENDIX A

POINTS OF CONTACT

The ICE and MCSO points of contact for purposes of implementation of this MOA are:

For MCSO: David A. Hendershott
Chief Deputy, Maricopa County Sheriff's Office
100 W. Washington Street, Suite 1900
Phoenix, AZ 85003
(602) 876-1824

For ICE DRO: Jon Gurule
Assistant Field Office Director
Detention and Removal Operations
2035 N. Central Avenue
Phoenix, AZ 85004 (602)379-6696

For ICE OI: Troy Henley
Deputy Special Agent in Charge
400 N. 5th Street, 11th Floor
Phoenix, AZ 85004
(602) 514-7392

APPENDIX B

COMPLAINT PROCEDURE

This MOA is an agreement between DHS/ICE and the Maricopa County Sheriff's Office, hereinafter referred to as the "Law Enforcement Agency" (LEA), in which selected LEA personnel are authorized to perform immigration enforcement duties in specific situations under Federal authority. As such, the training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for individuals' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through these complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

The MOA sets forth the process for designation, training, and certification of certain LEA personnel to perform certain immigration enforcement functions specified herein. Complaints filed against those personnel in the course of their non-immigration duties will remain the domain of the LEA and be handled in accordance with the LEA Manual of Policy and Procedures. The LEA will also handle complaints filed against personnel who may exercise immigration authority, but who are not designated and certified under this MOA. The number and type of the latter complaints will be monitored by the Steering Committee established under Section XVI of the MOA.

In order to simplify the process for the public, complaints against participating LEA personnel relating to their immigration enforcement can be reported in a number of ways. The ICE Headquarters Office of Professional Responsibility (OPR) and the LEA's Internal Affairs Division will coordinate complaint receipt and investigation.

The ICE OPR will forward complaints to the Department of Homeland Security's Office of Inspector General (DHS OIG) as appropriate for review, and ensure notification as necessary to the U.S. Department of Justice Civil Rights Division (DOJ CRD). The ICE OPR will coordinate complaints related to participating personnel with the LEA Internal Affairs Division as detailed below. Should circumstances warrant investigation of a complaint by the DHS OIG or the DOJ CRD, this will not preclude the DHS OIG, DOJ CRD, or ICE OPR from conducting the investigation in coordination with the LEA's Internal Affairs Division, when appropriate.

The ICE OPR will adhere to established procedures relating to reporting and resolving allegations of employee misconduct, and the LEA's Internal Affairs Division will follow applicable LEA policies and procedures, personnel rules, Arizona statutes, and collective bargaining agreement requirements.

1. Complaint Reporting Procedures

Complaint reporting procedures shall be disseminated as appropriate by the LEA within facilities under its jurisdiction (in English and other languages as appropriate) in order to ensure that individuals are aware of the availability of such procedures.

Complaints will be accepted from any source (e.g.: ICE, LEA, participating LEA personnel, inmates, and the public).

Complaints can be reported to federal authorities as follows:

- A. Telephonically to the ICE OPR at the Joint Intake Center (JIC) in Washington, D.C. at the toll-free number 1-877-246-8253; or
- B. Telephonically to the Resident Agent in Charge of the ICE OPR office in Tucson, AZ at (520) 407-2200; or
- C. Via mail as follows:

U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
425 I Street, NW
Room 3260
Washington, D.C. 20536

Complaints can also be referred to and accepted by any of the following LEA entities:

- A. The LEA Internal Affairs Division; or
- B. The supervisor of any participating LEA personnel; or
- C. The LEA Internal Affairs Division as follows:
 - Commander
 - Internal Affairs Division.
 - Maricopa County Sheriff's Office
 - 100 W. Washington Street, Suite 1900
 - Phoenix, AZ 85003

2. Review of Complaints

All complaints (written or oral) reported to the LEA directly, which involve activities connected to immigration enforcement activities authorized under this MOA, will be reported to the ICE OPR. The ICE OPR will verify participating personnel status under the MOA with the assistance of the ICE Special Agent in Charge and the ICE Field Office Director in Phoenix. Complaints received by any ICE entity will be reported directly to the ICE OPR as per existing ICE policies and procedures.

In all instances, the ICE OPR, as appropriate, will make an initial determination regarding DHS investigative jurisdiction and refer the complaint to the appropriate office for action as soon as possible, given the nature of the complaint.

Complaints reported directly to the ICE OPR will be shared with the LEA's Internal Affairs Division when the complaint involves LEA personnel. Both offices will then coordinate appropriate investigative jurisdiction, which may include initiation of a joint investigation to resolve the issue(s).

3. Complaint Resolution Procedures

Upon receipt of any complaint, the ICE OPR will undertake a complete review of each complaint in accordance with existing ICE allegation criteria and reporting requirements. As stated above, the ICE OPR will adhere to existing ICE reporting requirements as they relate to the DHS OIG and/or the DOJ CRD. Complaints will be resolved using the existing procedures, supplemented as follows:

A. Referral of Complaints to LEA Internal Affairs Division.

The ICE OPR will refer complaints, as appropriate, involving LEA personnel to the LEA's Internal Affairs Division for resolution. The Internal Affairs Division Commander will inform ICE OPR of the disposition and resolution of any complaints referred by ICE OPR.

B. Interim Action Pending Complaint Resolution

Whenever any participating LEA personnel are under investigation and subject to interrogation by the LEA for any reason that could lead to disciplinary action, demotion, or dismissal, the policy requirements of the Maricopa County Sheriff's Office shall be honored. If appropriate, an individual may be removed from participation in the activities covered under the MOA pending resolution of an inquiry.

C. Time Parameters for Resolution of Complaints

It is expected that any complaint received will be resolved within 90 days. However, this will depend upon the nature and complexity of the substance of the complaint itself.

D. Notification of Resolution of a Complaint

ICE OPR will coordinate with the LEA's Internal Affairs Division to ensure notification as appropriate to the subject(s) of a complaint regarding the resolution of the complaint.

APPENDIX C

PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section XVIII of this MOA, the signatories agree to coordinate any release of information to the media regarding actions taken under this MOA. The points of contact for coordinating such activities are:

For MCSO:

Lt. Paul Chagoya
Public Information Office
Maricopa County Sheriff's Office
100 W. Washington Street, Suite 1900
Phoenix, AZ 85003
(602) 525-6239

For ICE:

Virginia Kice
Western Regional Communications Director/Spokesperson
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Western Region Public Affairs
24000 Avila Road
Laguna Niguel, CA 92677
(949) 360-3096

EXHIBIT 10

ALSTON & BIRD LLP

The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

202-756-3300
Fax 202-756-3333
www.alston.com

Robert N. Driscoll

Direct Dial: 202-756-3470

E-mail: bob.driscoll@alston.com

August 27, 2010

VIA EMAIL (judy.preston@usdoj.gov)

Judy Preston
Deputy Chief
Special Litigation Section
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20535

Re: MCSO's Cooperation with DOJ's Title VI National Origin Discrimination
Investigation

Dear Judy:

This letter is in response to our meeting of August 24, 2010 regarding the U.S. Department of Justice's ("DOJ") Title VI investigation of the Maricopa County Sheriff's Office ("MCSO") and your letter of August 25, 2010. As discussed in our meeting, MCSO has sought clarity from DOJ with regard to the scope and nature of the investigation. Our meeting of this week was a first step toward providing some clarity regarding the focus of DOJ's investigation, and I found the point-by-point discussion of DOJ's Request for Documents and Information (the "Request") informative. As such, on behalf of MCSO, I want to clearly state that MCSO is committed to cooperating with DOJ's Title VI investigation into national origin discrimination. In this regard, MCSO will identify the numerous responsive documents already in DOJ's possession and will take reasonable steps to search for and produce additional relevant, responsive documents to the extent DOJ does not have them. Furthermore, to the extent that no responsive documents exist for a given request, MCSO will so state. Based upon my understanding of DOJ's investigative focus as articulated during our meeting, MCSO will initially focus its use of resources on identifying and producing responsive documents that could be relevant to allegations of racial profiling, discriminatory policing in traffic stops, and employer sanctions investigations, which are topics that I understand to be of principle concern for DOJ.

I am glad we met on Tuesday and thought we made good progress on the issues. Despite our differences in our respective views of the scope of DOJ's authority under Title VI, my hope is that we can move forward cooperatively. One of the benefits of meeting face to face is to avoid posturing and the exchange of "lawyer's letters" where

one side purports to "confirm" that the other agrees with its legal positions and statements. Unfortunately, your letter of Wednesday evening seems a step backwards in that process. Given that it was sent however, I will summarize MCSO's position on the matter generally and then move on to the document production issues.

Putting aside the issue of DOJ's Title VI investigation into Limited English Proficiency ("LEP") issues in MCSO jails, only recently has DOJ taken the position that its police practices investigation of MCSO was also undertaken pursuant to Title VI. At our meeting, for the first time, DOJ identified for MCSO that its investigation was focused on alleged discrimination in police practices against people of Hispanic origin. While the police practices investigation had not previously been identified as a Title VI investigation, I acknowledged that, if characterized as such, the DOJ could, pursuant to Title VI, undertake a police practices investigation to the extent that the investigation focused on alleged national origin discrimination. Specifically, I acknowledged that allegations of "racial profiling" or other discrimination based on national origin would be appropriate under Title VI, but that policing issues unrelated to national origin discrimination (e.g., use of force, firearms training, overtime policies) would not be proper subjects of a Title VI investigation. Thus, from my (and MCSO's) perspective, many of the documents sought are unrelated to any allegations of national origin discrimination,¹ and, therefore, the scope of the DOJ's requests are overbroad in the context of a Title VI investigation. Moreover, in my view, to the extent DOJ is investigating "racial profiling" allegations, the thousands of documents it already has, including years of data on MCSO traffic stops, volumes of training materials squarely addressing MCSO training on the issues of racial profiling, cultural sensitivity, and detention and arrest procedures, and other materials related to crime suppression sweeps and human smuggling enforcement, should provide a sufficient base of information for the DOJ to begin to evaluate whether MCSO is complying with Title VI. Although I expressed these positions clearly at the meeting, I did not assume that you agreed with them, nor will I purport to "confirm" that any of the seven DOJ representatives present at the meeting agreed with me.

Contrary to my position, you and your team made clear that DOJ views its authority in a Title VI investigation as essentially unlimited. That is, although Title VI is technically limited to issues of racial or national origin discrimination, because any police policy or procedure might conceivably be applied in a discriminatory manner, any police practice issue could be framed as an issue of national origin discrimination. Thus, in a two hour meeting, you and your team would not acknowledge that *any* issue was beyond the scope of DOJ's Title VI investigation, from issues of use of force, to discipline of Sheriff's Deputies, to uniform and dress policy, because, until DOJ reviewed such

¹ It is my understanding that, despite numerous requests by MCSO, DOJ still refuses to disclose the specific allegations under investigation. In this regard, I would like to reiterate MCSO's request that DOJ provide MCSO with specific information about the allegations that form the basis for this investigation. As I am sure you can appreciate, to the extent that DOJ has received allegations of intentional discrimination, MCSO takes such matters very seriously and would like to take immediate steps to investigate such allegations and address any underlying conduct as appropriate. Obviously, DOJ's continued refusal to identify any specific allegations of alleged national origin discrimination in MCSO's police practices makes it impossible for MCSO to take any action to address such allegations.

policies (and all actions taken under such policies) it would be unable to assess whether or not MCSO was engaged in national origin discrimination. Thus, it appears that, in DOJ's view, every document typically requested in a general police practices investigation, for which DOJ has no subpoena power, is also relevant to a Title VI investigation limited to issues of national origin discrimination. Obviously, as stated above, MCSO does not agree with this expansive interpretation of Title VI.

My goal in requesting our meeting was not to resolve our vastly different views of the law in this area—indeed, should this matter need to be litigated, there will be other issues about which we will have legal differences (including whether or not DOJ's disparate impact regulations under Title VI are even valid in light of the fact that Title VI only prohibits intentional discrimination as discussed in *Alexander v. Sandoval*, 532 U.S. 275 (2001))—but to approach the question practically and discuss what documents DOJ truly needed in light of the scope of its Title VI concerns, to explain what documents were already in the possession of DOJ, and to convey that, notwithstanding our position that many of the requested documents were well beyond the scope of DOJ's authority to request in this context, MCSO would produce or make available additional documents once we understood the purpose behind each request in order to construe each request reasonably in that light, rather than technically, which would result in an unreasonably burdensome production of a voluminous set of wholly irrelevant documents.

To move on to the substance of the issues surrounding documents, as discussed in our meeting, DOJ is in possession of all documents produced in the *Melendres* litigation relating to allegations of racial profiling. The *Melendres* documents consist of almost 100,000 pages of documents and include information related to all "crime suppression" operations from 2007 to 2009, MCSO policies, and importantly, data on all MCSO traffic stops from 2006 to mid-2009 on one CD (note that this CD includes a huge number of records and yet is only one "document" for purposes of the production). In addition, 21 deposition transcripts and videos from the *Melendres* depositions have already been provided to the DOJ. I must say I was surprised at the apparent lack of command that any members of the DOJ team had over these documents. Indeed many of the items your team claimed to need are among those documents that DOJ currently has and has had for quite some time. As a courtesy to DOJ, and in the spirit of cooperation, MCSO will review all of the *Melendres* documents and provide DOJ with a list detailing which documents are responsive to which of DOJ's requests. Indeed, this process has already begun. As such, within the hour, MCSO will send DOJ an initial list categorizing some of the *Melendres* documents within the framework of DOJ's document requests. Obviously, MCSO's review and categorization of *Melendres* documents will be ongoing, and MCSO will keep you updated as the process continues.

Should DOJ have concerns about employer sanctions enforcement by MCSO, MCSO is willing to produce the documents from the *Mora* case (also filed by the ACLU and addressing enforcement of this law) to the extent the ACLU has not already provided them to DOJ. This production consists of over 21,000 pages. Additionally, 11 depositions have been taken in this case, and transcripts of those depositions can be

produced upon request. Please confirm whether DOJ has a copy of the *Mora* production. If it does not, these can also be made available.

Finally, as you are aware, Immigration and Customs Enforcement ("ICE") conducted audits of MCSO under the section 287(g) program, and the Department of Homeland Security ("DHS") Inspector General conducted a 287(g) review at the request of Congress. Both of these inquiries involved allegations of "racial profiling." To the extent that DOJ does not have the documents produced to these agencies by MCSO, MCSO will provide those documents to DOJ upon request.

Additionally, by this letter, I confirm that MCSO will produce documents reasonably responsive to your other requests, as I understand them based on our discussion of each individual request, as expeditiously as we can. If we find that no reasonably responsive documents exist or that a response would be so voluminous as to be unreasonably burdensome, we will confirm such non-existence or contact you to discuss how best to proceed. As I have already noted, in light of my understanding of DOJ's investigative focus, MCSO will prioritize identification and production of responsive documents that could be relevant to allegations of racial profiling, discriminatory policing in traffic stops, and employer sanctions investigations. Should there be other discrete topics that DOJ considers to be a higher priority than those that I have just listed, please do not hesitate to identify those topics so that MCSO can deploy its resources most effectively.

As discussed above, we will continue to review all documents produced in *Melendres* in order to categorize those documents for DOJ. We will do likewise for *Mora* once you confirm whether you have, or want, these documents. Of course, as I suggested in our meeting, DOJ should also undertake its own review of the *Melendres* and, if appropriate, the *Mora* documents to determine responsiveness as DOJ is the party with the knowledge of the extent of the investigation.

With respect to the deadline set forth in your letter, we did not agree to a September 10, 2010 deadline at our meeting, and we cannot agree to one now. As I am sure you are aware, MCSO, like many other state and local governmental agencies, has limited resources, which cannot be deployed indiscriminately without a potentially negative impact on MCSO's ability to perform its primary functions of enforcing the law and protecting the citizens of Maricopa County. However, MCSO will certainly prioritize the allocation of its available resources to identify responsive documents already in DOJ's possession and to produce additional responsive documents as quickly as reasonably possible, with highest priority being given to documents relevant to the three topics discussed above. We can advise you of timing more specifically as matters progress.

We also certainly did not agree that every document DOJ requested is required to be produced in a Title VI investigation. Rather, our legal position is set forth above. MCSO's obligation is to comply with Title VI, and to respond to reasonable requests from DOJ so it can complete a Title VI investigation. DOJ's current position—that it is

entitled to any document it wants, to access any facility it wishes, and to interview any witness it wants, without limitation, merely because it is undertaking a Title VI review related to alleged national origin discrimination—is simply unreasonable. Notwithstanding this fact, as already discussed, MCSO is willing to go beyond what it believes is required by Title VI in order to demonstrate its willingness to cooperate with DOJ's investigation. In the same spirit, MCSO sincerely hopes that DOJ will agree to act reasonably in conducting its investigation.

What is reasonable is to proceed by identifying specific topics or people you would like to interview, and allowing MCSO to respond. For example, on the LEP jail issue, you have identified the facilities you wish to visit and we will get in touch with you shortly to work out scheduling and logistics. Similarly, we will be in touch regarding the scheduling of MCSO jail personnel for interviews once the appropriate people are contacted to determine their availability. As with documents, MCSO will not agree in advance that every request the DOJ might conceivably have will be reasonable or authorized in the context of its Title VI investigation into national origin discrimination, but MCSO will work with you to schedule visits and interviews as they are requested. In that regard we expect that we will have a member of the Command staff available to provide an overview of the MCSO and will be in touch regarding his or her availability shortly. We will not agree in advance that DOJ is entitled to interview whoever it wants whenever it wants for whatever reason it wants. When you have reasonable additional requests for interviews, please let me know.

Lastly, the DOJ has repeatedly stated that it seeks voluntary cooperation. As demonstrated by the commitments made herein, MCSO is seeking to cooperate in this manner. If DOJ seeks to dictate every deadline and maintain the position that it, in its sole discretion, can determine what it wants and when, without any reasonable limitations on scope and without any input from MCSO, what DOJ truly seeks is compelled or coerced compliance. MCSO is committed to providing DOJ with a reasonable amount of information and documents based upon which DOJ can investigate allegations of national origin discrimination.

We appreciate your cooperation in this matter and look forward to working towards resolving this matter.

Sincerely,



Robert N. Driscoll

cc: Eric Dowell, Asheesh Agarwal

EXHIBIT 11

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Eleventh Congress

February 12, 2009

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Janet Napolitano
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

Dear Attorney General Holder and Secretary Napolitano:

We write today concerning allegations of misconduct on the part of Maricopa County, Arizona, Sheriff Joe Arpaio that we believe merit federal investigation and action.

In recent months, Arpaio has evinced a blatant disregard for the rights of Hispanic residents of the Phoenix area. Last summer, apparently overreaching his authority under 287(g) agreements with the Department of Homeland Security, Arpaio ordered his deputies to scour Latino neighborhoods in his jurisdiction to search out undocumented immigrants. Reports from the affected communities indicate that accepted notions of probable cause have been replaced by an analysis based solely on (in the words of columnist Ruben Navarette) their "brown skin and Spanish accents." As a result, members of the Latino community – whether they are U.S. citizens or foreign-born, whether they are legal immigrants or undocumented – feel under siege.

Most recently, on February 4, after making sure to alert the media, Arpaio reportedly paraded approximately 200 suspected illegal immigrants in shackles to a segregated area of his "tent city" county facility, where they will supposedly remain until they are adjudicated and have served any sentences they face for local violations. The *New York Times* described this conduct as "ritual humiliation." The men who Arpaio is displaying like trophies are reportedly in pretrial detention, not having been convicted of any crime.

Through the years, Arpaio's actions have triggered numerous civil rights lawsuits, including federal action in the 1990s and a recent lawsuit by the Mexican American Legal Defense and Education Fund for racial profiling of Latino citizens and legal residents. However, his repeated course of conduct, which values publicity opportunities over the civil rights of residents of Arizona, is too disturbing to leave enforcement of the civil rights laws to private litigants. There are several tools at the federal government's disposal to address these allegations, and we urge their prompt consideration and application.

For instance, Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14141), prohibits a "pattern or practice of conduct by law enforcement officers ... that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States" and authorizes the Attorney General to bring civil actions to prevent such practices. The Civil Rights of Institutionalized Persons Act, or "CRIPA", (42 U.S.C. § 1997) authorizes the Attorney General to conduct investigations and litigation relating to conditions of confinement in state or locally operated institutions to determine whether there is a pattern or practice of violations of residents' federal rights.

The Honorable Eric H. Holder, Jr.
The Honorable Janet Napolitano
Page Two
February 12, 2009

Section 242 of Title 18 of the U.S. Code prohibits anyone from acting under color of law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Prior Administrations have undertaken a police misconduct initiative within the Civil Rights Division to coordinate enforcement of these civil and criminal civil rights statutes, and we hope that such cooperation will once again be a hallmark of the Department's civil rights enforcement efforts in the coming years.

Mr. Attorney General, we request that you direct the Special Litigation and Criminal Sections of the Civil Rights Division to undertake a federal investigation into the actions of the Maricopa County Sheriff's Office, under the authority of 42 U.S.C. §14141, the Civil Rights of Institutionalized Persons Act (CRIPA), 18 U.S.C. §242, and any other applicable federal statutes or Constitutional provisions.

Madam Secretary, we request that you review Maricopa County's agreements with the Department of Homeland Security under Section 287(g) of the Immigration and Nationality Act and take such action as necessary to ensure that the Maricopa County Sheriff's Office conforms to the terms of that agreement and that such agreement is not used to justify the racial profiling of any resident of Arizona. We urge that such agreement be terminated if the situation cannot be remedied. We further request that you immediately provide to the Committee a copy of any agreement between the Department of Homeland Security and the County, whether under Section 287(g) or any other provision of law, such as intergovernmental service agreements to house apprehended immigrants.

Please keep us informed regarding any developments in response to this request. Specifically, we would like to know what actions your Departments will take to ensure that Hispanic residents of Maricopa County are not subjected to racial profiling, unequal treatment at the hands of Sheriff's Department personnel, or violations of generally accepted standards of confinement. Responses and questions should be directed to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). We thank you in advance for your cooperation in this important matter.

Sincerely,



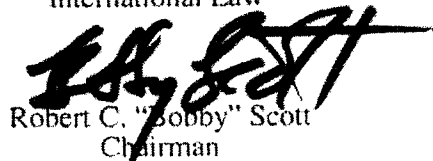
John Conyers, Jr.
Chairman
Committee on the Judiciary



Jerrold Nadler
Chairman
Subcommittee on the Constitution, Civil
Rights, and Civil Liberties



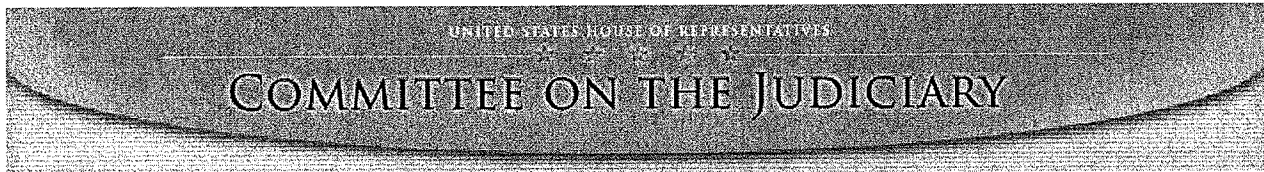
Zoe Lofgren
Chairwoman, Subcommittee on Immigration,
Citizenship, Refugees, Border Security, and
International Law



Robert C. "Bobby" Scott
Chairman
Subcommittee on Crime, Terrorism, and
Homeland Security

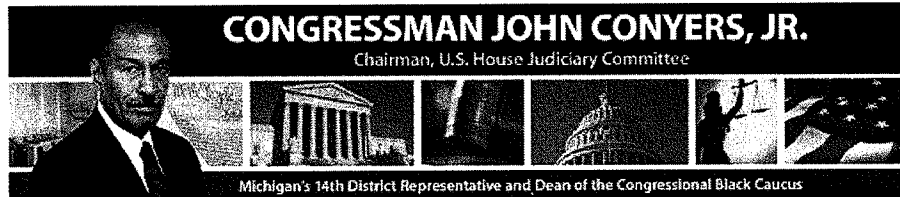
cc: Honorable Lamar S. Smith
Honorable Howard Coble
Honorable James F. Sensenbrenner, Jr.
Honorable Louie Gohmert

EXHIBIT 12



Press Releases
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Judiciary Committee Members Call for Investigation of Sheriff Arpaio's Disregard for Rights of Hispanic Residents



CONGRESSMAN JOHN CONYERS, JR.

Chairman, U.S. House Judiciary Committee

For Immediate Release
February 13, 2009

Contact: Jonathan Godfrey (Conyers)
Pedro Riberio (Lofgren)
Ilan Kayatsky (Nadler)
Larry Dillard (Scott)

WASHINGTON – House Judiciary Committee Chairman John Conyers, Jr. (D-Mich.), and Immigration Subcommittee Chairwoman Zoe Lofgren (D-Calif.), Constitution Subcommittee Chairman Jerrold Nadler (D-N.Y.), and Crime Subcommittee Chairman Bobby Scott (D-Va.) called on Attorney General Eric Holder and Homeland Security Secretary Janet Napolitano to investigate allegations of misconduct by Maricopa County (Arizona) Sheriff Joe Arpaio.

Sheriff Arpaio has repeatedly demonstrated disregard for the rights of Hispanics in the Phoenix metropolitan area. Under the guise of immigration enforcement, his staff has conducted raids in residential neighborhoods in a manner condemned by the community as racial profiling. On February 4, 2009, Arpaio invited the media to view the transfer of immigrant detainees to a segregated area of his "tent city" jail, subjecting the detainees to public display and "ritual humiliation." Persistent actions such as these have resulted in numerous lawsuits; while Arpaio spends time and energy on publicity and his reality television show, "Smile... You're Under Arrest!", Maricopa County has paid millions of dollars in settlements involving dead or injured inmates.

"Racial profiling and segregation are simply not acceptable," said Conyers. "Media stunts and braggadocio are no substitute for fair and effective law enforcement."

"The basic premise of our justice system is that people are innocent until proven otherwise," said Rep. Zoe Lofgren. "I'm concerned that in Maricopa County that basic premise appears to have been turned upside down and that Latino members of community are considered "undocumented" until proven otherwise. That's not how our Constitution works and it's time for the Departments of Justice and Homeland Security to take a closer look."

"We cannot tolerate vigilantes using the police power to violate the fundamental rights of anyone they can get their hands on," said Nadler. "Sheriff Arpaio has consistently abused his office in violation of federal law. It is time for the federal government to step in and uphold the rule of law in this country, even in Maricopa County." "Law enforcement is not a game or a reality show, it is a public trust," said Scott. "There is no excuse for callous indifference to the rights of the residents of Arizona, whether in their neighborhoods or as pretrial detainees."

The text of the attached letter is linked [here](#).

###



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US House of Representatives Committee on the Judiciary
2138 Rayburn House Office Building Washington, DC 20515 p(202) 225-3951

EXHIBIT 13



Published on CNSnews.com (<http://www.cnsnews.com>)

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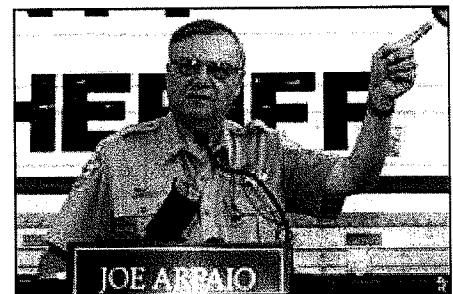
Sheriff Arpaio Has 'No Intention' of Testifying Before Conyers Committee on Alleged Immigration Enforcement Abuses

Judiciary Chairman John Conyers (D.-Mich.) is inviting Maricopa County Sheriff Joe Arpaio to testify about alleged abuses by the Maricopa County Sheriff's Office's in its enforcement of U.S. immigration laws, but Arpaio has "no intention" of appearing before Conyers' committee.

Monday, March 16, 2009
By Nicholas Ballasy

(CNSNews.com) – House Judiciary Chairman John Conyers (D-Mich.) told CNSNews.com he is going to invite Maricopa County (Ariz.) Sheriff Joe Arpaio to testify in his committee about alleged abuses by the Maricopa County Sheriff's Office in its enforcement of U.S. immigration laws. But a spokeswoman for Arpaio told CNSNews.com that the sheriff -- who has not yet received an official invitation to testify -- currently has "no intention" of appearing before Conyers' committee.

The spokeswoman said, however, that Arpaio "welcomes" a Justice Department investigation into the way his sheriff's office has handled enforcement of federal immigration laws.



Joe Arpaio, sheriff of Maricopa County in Arizona. (AP Photo)

As CNSNews.com reported last week, Acting Assistant Atty. Gen. Loretta King sent a letter to Sheriff Arpaio on March 10 informing him that the Justice Department was initiating an investigation of the Maricopa County Sheriff's Office (MCSO).

The investigation, King wrote, 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."

The announcement of the Justice Department investigation followed a Feb. 12 letter that Conyers sent to Atty. Gen. Eric Holder and Homeland Security Secretary Janet Napolitano requesting an investigation of Arpaio and the MCSO.

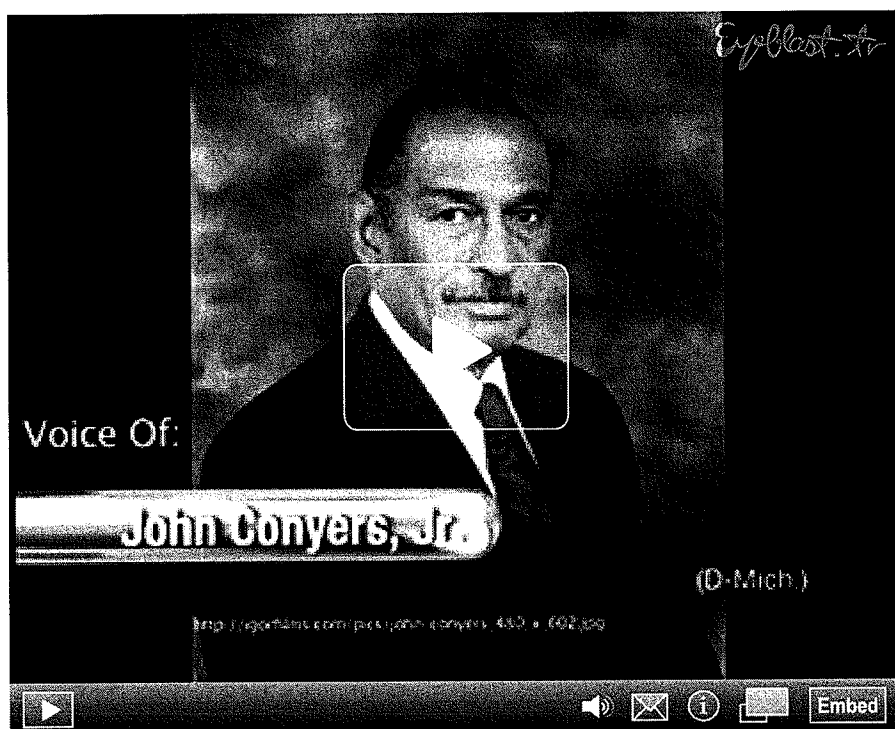
Conyers was joined in signing that letter by three other members of the House Judiciary Committee: Rep. Zoe Lofgren (D-Calif.), the chairwoman of the Subcommittee on Immigration; Rep. Jerrold Nadler (D-N.Y.), chairman of the Subcommittee on the Constitution and Civil Rights; and Rep. Bobby Scott (D-Va.), chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

"Specifically, we would like to know what actions your Department will take to ensure that Hispanic residents of Maricopa County are not subjected to racial profiling, unequal treatment at the hands of Sheriff's Department personnel, or violations of generally accepted standards of confinement," the congressmen said in their letter to Holder and Napolitano.

CNSNews.com spoke with Conyers after a Capitol Hill press conference last Wednesday, where he had been joined by representatives of ACORN, the National Day Laborer Organizing Network, and other activists groups. The press conference had been called so the groups could present a petition carrying 35,000 signatures that called on the Justice Department and Homeland Security to investigate Sheriff Arpaio for alleged civil rights abuses.

When asked if he had been briefed on specific evidence of racial profiling by MCSO, Conyers said: "No, no I haven't been briefed on it. We are getting ready to hold a hearing on it."

When asked if he specifically knows whether Arpaio has done racial profiling, Conyers said, "Look, we are going to invite him to be a witness so we can clear up all the ambiguities in the world, and we'd like you to be there too."



The director of media relations for the Maricopa County Sheriff's Office, Lisa Allen, told CNSNews.com that Sheriff Arpaio has "no intention" of testifying in Conyers' committee.

"He has no intention of going to Washington at this point," said Allen, when asked by CNSNews.com about Conyers' desire to have Arpaio testify.

"We are not surprised by the initiation of hearings and so forth," said Allen. "We knew when the administration in Washington changed, the likelihood of getting a much more sympathetic ear to a lot of these open-border activists would probably occur. We are not at all concerned about the hearings or about the Department of Justice investigation. We are confident that we are not racially profiling. We have trained and are cognizant of that type of criticism being levied against us all the time," she said.

"We guard against any type of racial profiling either in the jails or on patrol in our human smuggling operations," she said. "So, Mr. Conyers, we believe, is politically motivated by some of his Democratic, left-wing constituents, to kind of go after Sheriff Arpaio who is kind of the poster boy for the tough illegal immigration fight."

"We don't believe Mr. Conyers is particularly well-informed," said Allen.

Rep. Lamar Smith (R-Texas), the ranking Republican on the Judiciary Committee, said he is worried that Conyers' intended hearing is an attempt to discourage enforcement of the immigration law.

"Some Democrats seem to have forgotten that in America, you're innocent until proven guilty," Smith told CNSNews.com in a statement. "I'm concerned that this hearing is an attempt to intimidate other law enforcement officials and discourage immigration

enforcement. Democrats need to stop trying people in the court of public opinion--where there is no evidence--and let the Justice Department do its job without political interference."

When asked if there's anything wrong with Sheriff Arpaio enforcing the immigration laws under authority provided by the federal government, Rep. Nadler said: "Well, I'm not sure there's anything wrong with enforcing the law under federal authority, but there's a lot wrong with--in the name of enforcing the law--engaging in racial profiling, grabbing people without due process, without warrants and mistreating them."

"I mean it's exactly what the law prohibits. Section 1983 of the federal law prohibits anyone acting under color of law, depriving people of civil rights, and this guy seems to be doing that also," said Nadler.

When Conyers was asked whether there was anything wrong with a local sheriff enforcing immigration laws under federal authority, he said: "Well, racial profiling is not legal even from a sheriff. We have laws against racial profiling. That's the problem. You can't harass people because you want to use race or language or appearance as a basis for enforcing the law, in my mind."

In her letter to Sheriff Arpaio, Acting Assistant Att. Gen. King said: "We have not reached any conclusions about the subject matter of the investigation. We believe that you and other Maricopa County Sheriff's Office (MCSO) officials want to operate the MCSO consistent with the requirements of the Constitutional and Federal Law."

"During the course of the investigation," she said, "we will consider all relevant information, particularly the efforts the MCSO has undertaken to ensure compliance with federal law."

The media relations office for the Democrats on the House Judiciary Committee declined to comment on this story.

Transcript of CNSNews.com interview with Judiciary Chairman John Conyers:

Nick Ballasy, CNSNews.com: What is wrong with the sheriff enforcing the law under federal authority?

Rep. John Conyers (D-Mich.): Well, racial profiling is not legal even from a sheriff. We have laws against racial profiling. That's the problem. You can't harass people because you want to use race or language or appearance as a basis for enforcing the law in my mind.

Ballasy: Were you briefed on the specific evidence that he is indeed racial profiling?

Conyers: No, no I haven't been briefed on it. We are getting ready to hold a hearing on it.

Ballasy: So, you're just investigating it? We don't know specifically whether he is or not?

Conyers: Look, we are going to invite him to be a witness so we can clear up all the ambiguities in the world, and we'd like you to be there too.

Source URL: <http://www.cnsnews.com/news/article/45078>

Links:

[1] <http://cnsnews.disqus.com/?url=http%3A%2F%2Fwww.cnsnews.com%2Fnode%2F45078>

EXHIBIT 14

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Arpaio done cooperating with DOJ

by Sandra Haros and Brandon Donahoo/KTAR (July 7th, 2009 @ 5:43pm)



Comments: 98

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PHOENIX - Maricopa County Sheriff Joe Arpaio said in a press conference Tuesday that he is done cooperating with the U.S Department of Justice's investigation of his office.

The DOJ has been investigating the sheriff's office on allegations that Arpaio and his deputies have been racially profiling the Hispanic community.

Arpaio and Washington D.C based attorney Robert Driscoll filed a request with the DOJ's Office of Professional Responsibility to investigate what appears to be a politically motivated investigation alleging the use of racial profiling by the Maricopa County Sheriff's Office. They are still waiting for a response to that request.

"This case puts the constitutionality of the 287g program squarely into question and is therefore incumbent upon the federal government to defend its own statutes. Instead, the federal government is choosing to go after the Sheriff's Office and the deputies who enforce their statute to the letter" Driscoll said.

The sheriff's office said the DOJ conducted unethical acts when a federal community relations employee reported that he was contacted by attorneys from the Justice Department about the case.

The sheriff says communication between his office and the federal community relations employee is protected by federal statutes.

Arpaio voiced his concerns about the ethical questionability surrounding the U.S DOJ's investigation, and he is equally troubled by the political nature of it.

"After serving with the Department of Justice for nearly 30 years as a ranking official with the Drug Enforcement Administration, it is difficult for me to ask for an investigation into the Department of Justice. However, I must take a stand and not bow down to the federal government like every other law enforcement agency that has been intimidated by investigation" Arpaio said.

Arpaio says the agency wants him to allow them free access to the entire office so they can dig around for something to make their case. He says that's not going to happen.

Last 5 Comments

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Ash: Top 8 things y
Revitalized Porter I
Fan dies on field b
Lance Blanks to be

Phoeni

Business Restaurant

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Bonds
Buffet
Cabinets
Camp
Candles
Clothing
Condos

EXHIBIT 15



Maricopa County Attorney

ANDREW P. THOMAS

Sent via Email Only

May 12, 2009

Je Yon Jung, Esq.
U. S. Department of Justice
Civil Rights Division
Special Litigation Section
602 D Street, NW
Washington, D.C. 20004

Dear Ms. Jung,

In response to the DOJ's First Request for Documents and Information (First Request), the Maricopa County Sheriff's Office (MCSO) hereby provides the following:

Response to Request No. 17:

MCSO17g000001-04	CAD Table for CHP (CAD History Primary) Records
MCSO17g000005	MCSO CAD Sample Incident History
MCSO17g000006	MCSO Sample Location History
MCSO17g000007-09	CAD/RMS Type Codes (Version 4.10, 2009-01-07)

Response to Request No. 45:

MCSO45c000001	MCSO Permit to Visit an Inmate in County Jail Form (5000-371 R10-07 SFOR221)
---------------	---

Response to Request No. 47:

MCSO47000001	MCSO Inmate Grievance Form (5000-239 R5/97)
--------------	--

The inmate visitation form (MCSO 045c000001) is currently in use and all visitors, including legal visitors, must complete this form when visiting an inmate. Older or different versions of this visitation form may have been used in some of the MCSO jail facilities during the past year, but are being discontinued as supplies are exhausted.

CIVIL DIVISION

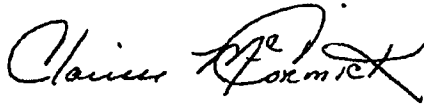
222 NORTH CENTRAL AVENUE, SUITE 1100 • PHOENIX, AZ 85004
(602) 506-8541 • TDD (602) 506-4352 • FAX (602) 506-8567 • www.maricopacountyattorney.org

Response to DOJ's First Request
May 12, 2009
Page 2

As we agreed, MCSO will further respond to the DOJ's First Request once MCSO has completed installation and training on the IPRO system. Please contact me if you have any questions.

Respectfully,

Maricopa County Attorney's Office
Civil Division

A handwritten signature in black ink, appearing to read "Clarisse R. McCormick". The signature is stylized with a large, looped "C" and a long, sweeping "M".

Clarisse R. McCormick
Deputy County Attorney
for Maricopa County Sheriff's Office

Attachments

CAD Table for CHP (CAD History Primary) Records

Field Name	Field Type	Description
RecType	Text	Record Type "P" is Primary
CallSeq	Text	Overall Sequence Number of incident for the month
SeqNum	Text	Sub-Sequence Number for Overall Sequence. Will be 0000 for Primary record
Incident	Text	Incident Number. Primary key. Use it to create relationship with CHC Incident field with One to many.
DateOpen	Date/Time	Date Incident Opened. Will match DateRcv
TimeOpen	Date/Time	Time Incident Opened. Will match TimeRcv
DateClose	Date/Time	Date Incident Closed. Will match DateClear
TimeClose	Date/Time	Time Incident Closed. Will match TimeClear
Xref	Text	Cross Reference Incident Number
DR	Text	Departmental Report Number (Not used after November 2003)
DateRcv	Date/Time	Date Incident Received. Will match DateOpen
TimeRcv	Date/Time	Time Incident Received. Will match TimeOpen
DateDisp	Date/Time	Date Incident had unit Dispatched
TimeDisp	Date/Time	Time Incident had unit Dispatched
DateEnr	Date/Time	Date Incident had unit enroute to scene. Used mainly with MDC operations
TimeEnr	Date/Time	Time Incident had unit enroute to scene. Used mainly with MDC operations
DateOS	Date/Time	Date Incident had unit arrive on scene
TimeOS	Date/Time	Time Incident had unit arrive on scene
DateClear	Date/Time	Date Incident had unit clear/close the call
TimeClear	Date/Time	Time Incident had unit clear/close the call
Name	Text	Name of complainant/citizen making call for service via emergency or non emergency line
CompAddress	Text	Address of complainant making call for service via emergency or non emergency line
Phone	Text	Phone number of complainant
Address	Text	Address/Location of Incident
LocInfo	Text	Additional information for incident location (ie "Southside of store")
Xstreet	Text	Cross Streets
CtrlGroup	Text	Control Dispatch Group.
DG	Text	Location Dispatch Group. Also Dispatch control groups. Also represents geographical locations (ie: M1=District 1, M2=District 2)
Dist1	Text	Unknown Purpose. Usually matches Beat. Possibly part of unit recommendation process. Not used at this time. Think it's mostly for Fire Operations
City	Text	City where incident address falls within
RA	Text	Reporting Area where incident address falls within
Xcoord	Text	X coordinate where incident falls. Not accurate.
Ycoord	Text	Y coordinate where incident falls. Not accurate.
Pattern	Text	Unit Recommendation Search Pattern. Typically A, B, etc... Currently not used
Beat	Text	Beat where incident falls within
Init	Text	Initial Call Type determined by dispatcher when call received
Final	Text	Final Call type determined by officer on scene when incident is closed/cleared
Description	Text	Plain English description of Final Call type
P	Text	Priority of incident based on call type and dispatcher judgement
InProg	Text	Incident in Progress. Not aware of it being used.
ClearReq	Text	Clear Request. Not sure of purpose. Not aware of it being used

MCSO17g000001

05/05/09

Field Name	Data Type	Description
UnitAvail	Text	Unit Available. Not sure of purpose. Not aware of it being used
AUnitList	Text	Available Unit List. Units available at time incident is received Used for unit recommendation. First Unit Dispatched
Unit (PriUnit)	Text	First Dispatched Unit ID or Primary Unit that cleared the call
Serial(PriSer)	Text	Serial Number of Officer Dispatched for Primary Unit
Serial2	Text	Serial Number of second officer in Unit
DSP	Text	Disposition of Incident after it is cleared/closed
DispTerm	Text	Dispatch CAD terminal ID entering data for incident
DispID	Text	Dispatcher ID entering data for incident at DispTerm
CT	Text	Call Taker CAD terminal ID entering data for incident
CTID	Text	Call taker ID entering data for incident at DispTerm
asslistno	Text	Suggestion Code for unit response. P=Police F=Fire. Our data always shows P.
Source	Text	Source of Incident. (ie: 9=911, R=Radio, T=Non-Emergency Call)
AdvInc	Text	Was this an advised incident? Y or N
LocNotVerif	Text	Was the location geo verified? Y or N
CombPandF	Text	Was the incident a combined incident with Police and Fire? Y or N
Catchup	Text	Was this Incident entered while in Catchup Mode? Y or N
SelfInit	Text	Was this a self initiated Incident (On view Deputy initiated over the radio)?
Reopen	Text	Was this incident closed and then reopened? Y or N
OutServInc	Text	Was this an Out of Service Incident? Y or N
CaseCancelled	Text	Was this (DR) Case cancelled? Y or N
TransferToRMS	Text	Was this incident transferred to RMS? Y or N
PremiseFlag	Text	Was the premise flag read? Y or N
Held	Text	Was this incident held in the queue? Y or N
Closed	Text	Was the incident Closed? Y or N
Cancelled	Text	Was the Incident Cancelled? Y or N

CAD Table for CHC (CAD History Comment) Records

Field Name	Field Type	Field Description
RECTYPE	Text	Record Type "C" is Comments
OALLSEQ	Text	Overall Sequence Number of Incident for the month. Matches Overall Sequence in CHP
SEQNUM	Text	Sub-Sequence Number for Overall Sequence in comments. Starts with 0001 and increases incrementally for every data entry.
INCIDENT	Text	Incident Number of Primary record. I use this to create relationship between CHP and CHC. Duplicates allowed... one to many relationship
COMMTYPE	Text	Type of Comment/Command entered into incident. (ie: Misc, Supp, Reming, ChgLoc etc). See next page for Comment Types.
Date	Date/Time	Date data entry made
Time	Date/Time	Time data entry made
ERRFLAG	Text	Error Flag. Denotes if entry was in catch up mode or from MDC
POS	Text	CAD Terminal ID Position where data entry was made from. (ie CT02, DP11, etc...)
OP	Text	Call Taker or Dispatcher Serial number logged into position who made data entry
UNIT	Text	Unit involved with data entry. Can be blank if dispatcher typing in comments made by caller.
UNK	Text	This was initially unknown field. It has since been discovered to contain the number of characters found in the comments field. Currently not used.
COMMENTS	Memo	Data entry comments for unit/dispatcher/caller activity. See next page for description of comments that can be found in this field

Data Found within Comments of an Incident Record (CHC Table)

Comment Type	Description
ENTRY	Any comments can be recorded for initial incident entry. Free form text.
MISC	Miscellaneous comments. Any comment can be recorded. Additional free form text.
SUPP	Supplemental comments. Any comment can be recorded. Additional free form text.
ONSCNE	Unit Onscene
REMINQ	Remote Inquiry. Warrant and/or MVD query. Name and DOB. Vehicle plate #. Gun Serial. Boat.
VEHSUS	Vehicle and/or suspect information. Vehicle: Color, Year, Make, Model, Plate #, State Distinguishing features, Direction of Travel. Last Name, First Name, Middle Initial, Race, Sex, DOB, Height, Weight, Hair and Eye Color Clothing, Distinguishing Features. Currently not used.
CLEAR	Incident Cleared/Closed
CLOSE	Incident Closed.
PREMPT	Unit Preempted
OUTSRV	Out of Service
OUTONS	Out of Service Onscene
CHANGE	Change information, such as beat, reporting area, dispatch group, address, disposition, call type.
DISPOS	Unit Dispatched and Onscene.
ENROUT	Unit enroute
CROSS	Cross Reference to another incident
ASSTOS	Unit assisting and onscene
OK	Unit okay
PRIU	Primary unit responsible for incident/DR
HOLD	Incident being held for available unit.
PISEEN	Premise information seen.
DISP	Unit dispatched
EXCH	Units exchange incidents
TRANS	Transport subject
TRANSC	Transport subject complete
NEWLOC	Unit at new location

Additional Miscellaneous Data

There is a Premise information file where data is collected for Premise History (Informational) and Premise Warning (Caution)

05/05/09

MCSO CAD SAMPLE Incident History

Incident # MA05018086 Department Report # (DR) Cross Reference Incident #
 Date Call Received 01/30/05 Time Call Received 11:55:31 Primary Unit A141 Primary Officer S1497
 Date Closed 01/30/05 Time Closed 12:47:32
 Time Call Received 11:55:31 Time Dispatched 11:57:09 Time Unit Enroute 11:57:09 Time Unit On Scene Time Cleared 12:47:32
 Caller Name: John Doe Caller Address Caller Phone Number 5555555555
 Initial Call Type 511 Final Call Type 511 Call Type Description MOTORIZED BIKES DISTURBING Priority 3
 Location of Incident: 22811 S SOMEWHERE ST Cross Street Info Reporting Area 1517

Date	Time	Position	Dispatch	Type	Unit	Comments
01/30/05	11:55:31	CT02	A6782	ENTRY		CC BY 21...COMPL ADV'D OF A SUBJ THAT IS CONSTANTLY RIDING HIS DIRT BIKE UP AND DOWN A DIRT ROAD NEXT TO COMPL'S HOUSE. SPEEDING EXCESSIVELY...STIRRING UP A LOT OF DUST ...COMPL IS AFRAID HE WILL BE THE ONE GETTING SUED IF SOM
01/30/05	11:55:40	CT02	A6782	SUPP		TXT: ETHING HAPPENS TO THIS SUBJ...NFI, SRC: T
01/30/05	11:57:09	DP13	A6726	DISPER	A141	[21] #S4000 DEPUTY, JOHN
01/30/05	12:47:32	DP13	A6726	CLOSE	A141	
01/30/05	12:47:32	DP13	A6726	CLEAR	A141	DSP: 3

*****SAMPLE***** Incident History (IH)

MCSO17g000005

Monday, May 12, 2008



Prepared by MCSO, Telecommunications Technology Division, 602-876-1033

This report is composed using data from the MCSO Computer Aided Dispatch (CAD) system. All efforts have been made to ensure that the information presented is correct and up-to-date. However, complete accuracy cannot be guaranteed. If you have any questions or comments regarding the information presented, please contact the MCSO at 602-876-1033.



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MCSO Location History

Period covered: January 1, 2006 to December 31, 2006



Incident/DR #	XRef Incident #	Disposition	Date	Time	Incident Location	Description of Call Type	Final Call Type	Deputy Serial #
MA06027222		5	02/11/06	22:17:35	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	SUSPICIOUS PERSON AND VEHICLE	847C	S1639
MA08078843		7	04/25/06	08:21:57	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	TRAFFIC STOP	T	S1214
MA06085284		5	05/07/06	07:52:25	N BOULDER DR/E TEEPEE DR ,FTN	TRAFFIC VIOLATION	910	S1214
MA06088082		6	05/11/06	11:13:20	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	TRAFFIC VIOLATION	910	S1374
MA06153205		6	08/16/06	01:04:29	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	DWI	692	S1294
MA06157352		6	08/22/06	05:55:52	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	TRAFFIC VIOLATION	910	S1820
MA08160757		6	08/27/06	05:51:39	N BOULDER DR/E EAGLE ROCK DR ,FTN	TRAFFIC VIOLATION	910	S1820
MA08176501	MA07176532	5	09/19/06	05:04:37	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	TRAFFIC STOP	T	S1776
MA08215165		5	11/20/06	02:33:52	N BOULDER DR/E RICHWOOD AV ,FTN	SUSPICIOUS PERSON AND VEHICLE	847C	S1294
MA08223188		7	12/04/06	07:04:22	N BOULDER DR/E GOLDEN EAGLE BL ,FTN	TRAFFIC VIOLATION	910	S1820

Disposition Descriptions

- 1 Information Received
- 2 Police Service Report Written (DR) Incident # is DR #
- 3 Unable to Locate/Gone on Arrival
- 4 Civil Matter
- 5 Detail Completed
- 6 Offense Report Written (DR) Incident # is DR #
- 7 Field Interview card completed
- 8 Vehicle Accident Report Written (DR) Incident # is DR #
- 9 Assist to other Agency-
- 10 Turned Over to other Agency
- 11 Property Invoice (only) Written (DR) Incident # is DR #
- 12 Tow Truck Request (only) Written (DR) Incident # is DR #
- 13 Cancel Incident Prior to unit being Dispatched
- 14 Cancel Incident after Unit has been Dispatched

****SAMPLE****
Location History

MCSO179000006

Monday, June 02, 2007



Prepared by MCSO, Telecommunications Technology Division, 602-876-1033
This report is compiled using data from the MCSO Computer Aided Dispatch (CAD) system. All efforts have been made to insure that the information presented is correct and up-to-date.
However, complete accuracy cannot be guaranteed. If there are any questions or comments regarding the information presented, please contact the CAD Coordinator at 602-876-1033.



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Maricopa County Sheriff's Office

CAD / RMS Type Codes

21	On the Phone	247	Endangerment	410	Civil Matter/Standby	459	Burglary
94	Lunch / Dinner	G	Endangerment, Gang	A	Attachment (Civil)	A	Audible Burglar Alarm
103	Out at HQ Downtown	V	Endangerment, DV	B	Restitution (Civil)	B	Burglary From Boat
104	Out for repairs	250	Warrant Arrest	C	Civil Summons (Civil)	C	Burglary From Vehicle
105	Out for Gas/Supplies	C	Civil Warrant (Warrants)	D	Civil Subpoena (Civil)	F	False Burglar Alarm
209	Kidnapping	F	Felony Warrant (Warrants)	E	Execution (Civil)	G	Burglary, Gang
C	Custodial Interference	G	Pickup On Warrant, Gang	G	Garnishment (Civil)	M	Burglary Metals Copper Aluminum
G	Kidnapping, Gang	J	Fugitive Warrant (Warrants)	H	Criminal Summons (Civil/Warrant)	S	Silent Burglar Alarm
V	Kidnapping, DV	M	Misdemeanor Warrant (Warrants)	I	Criminal Subpoena (Civil)	Z	Attempted Burglary
Z	Attempted Kidnapping	V	Warrant Pickup, DV	K	Civil Sale (Civil)	470	Forgery Or Bogus Checks
210	Bomb Threat	W	Child Custody Writ (Warrants)	M	Civil Process (Civil)	G	Forged/Bogus Check, Gang
C	Explosives, Storage/Possession	Z	Attempted Warrant Arrest	O	Orders Of Prot/Harassment(Civil)	471	Fraud Or Con Game
F	Fireworks	251	Court Detail	R	Replevin (Civil)	G	Fraud/Con Game, Gang
G	Bomb Threat, Gang	260	Sex Offender Com Notification	T	Delinquent Tax Bill (Civil)	Z	Attempted Fraud Or Con Game
R	Recovered Explosives	F	Sex Offender Fail To Register	V	Civil Matter/Standby, DV	472	Credit Card Fraud
V	Bomb Threat, DV	L	Sex Offender LE Notification	411	Citizen/Motorist Assist	G	Credit Card Fraud, Gang
211	Armed Robbery	N	Sex Offender Non Notification	B	Boater Assist	473	Computer/Telecomm Fraud
A	Armed Robbery Alarm	261	Sexual Assault	C	Camera Detail	474	Solicit/Peddling W/Out License
F	False Robbery/Holdup Alarm	E	VAWA Sexual Assault Exam	412	Community Policing	S	Ticket Scalping
G	Armed Robbery, Gang	G	Sexual Assault, Gang	A	Desert Survival	486	Trafficking In Stolen Property
V	Armed Robbery, DV	J	Sexual Assault, Jail	B	Block Watch	G	Trafficking In Stolen Property, Gang
Z	Attempted Armed Robbery	V	Sexual Assault, DV	C	School Programs (CS)	487	Theft
212	Strong Arm Robbery	Z	Attempted Sexual Assault	D	Drug Abuse	B	Theft From Boat
G	Strong Arm Robbery, Gang	262	Sex Crime / Minor	E	Explorer Programs	C	Theft From Vehicle
V	Strong Arm Robbery, DV	G	Sex Crime / Minor, Gang	G	Fingerprint Detail	G	Theft, Gang
Z	Attempted Strong Arm Robbery	J	Sex Crime / Minor, Jail	H	S.A.R.A. Project (CS)	I	Identity Theft
239	Fight/Mutual Combat	V	Sex Crime / Minor, DV	I	Community Meeting (CS)	M	Theft, Metals Copper Aluminum
G	Flight, Gang	Z	Attempted Rape/Minor	J	Fals/Career Program (CS)	R	Recovery Of Stolen Property
J	Fights Among Inmates	263	Sex Crime/ Adult	K	Poste Meeting/Detail (CS)	Z	Attempted Theft
V	Fight/Mutual Combat, DV	G	Sex Crime / Adult, Gang	L	Child Abuse Program(CS)	488	Shoplifting
240	Assault	J	Sex Crime / Adult, Jail	O	Substance Abuse (CS)	G	Shoplifting, Gang
A	Adult Abuse	V	Sex Crime / Adult, DV	O	Operation Notification (CS)	M	Convenience Market Theft
C	Child Abuse	Z	Attempted Sex Crime/Adult	P	Raiding (CS)	505	Threat/Annoy/Obscene Phone Call
D	Assault On Detention Personnel	264	Indecent Exposure, Gang	R	Recovery Meeting (CS)	G	Threat/Obscene Calls, Gang
G	Assault, Gang	G	Indecent Exposure, DV	S	Home/Business Security	V	Threat/Annoy/Obscene Calls, DV
J	Assault By Inmate On Inmate	V	Prostitution	T	Community Policing/Gang-Terrorism	508	Threats To Commit An Offense
P	Assist to Child Protective Services	265	Prostitution, Gang	413	Emergency Message	G	Threats, Gang
V	Assault, DV	G	Attempted Prostitution	415	Neighbor Trouble	H	Harassment/Stalking
Z	Attempted Assault	Z	Voyeur	C	Juvenile Disturbing	V	Threats To Commit Offense, DV
241	Obstructing Justice	266	Narcotics / Other Drugs	D	Drunks Disturbing	507	Criminal Damage
G	Obstructing Justice, Gang	267	Narcotics / Other Drugs, Gang	E	Loud Noises	G	Criminal Damage, Gang
V	Obstructing Justice, DV	G	Narcotics / Knock & Talk	G	Neighbor Trouble, Gang	J	Destruction Of Jail Property
242	Violation Of Court Order	K	Clandestine Lab Investigation	J	Curfew Violation	T	Criminal Damage, Tagging/Graffiti
G	Violation Of Court Order, Gang	L	Ill. Possession/Consumption Alcohol	P	Disorderly Conduct	V	Criminal Damage, DV
V	Violation Of Order/Protection, DV	268	Possession Of Alcohol, Gang	U	Unwanted Guest	509	Stolen Vehicle
243	False Info To Officer	G	Gambling	V	Disorderly Conduct, DV	B	Stolen Watercraft Recovery
G	False Info To Officer, Gang	300	Gambling, Gang	417	Subject With A Gun	F	Stolen Vehicle Recovery, Other Agcy
244	Impersonating An Officer	G	Escape From Custody	G	Subject With A Gun, Gang	G	Stolen Vehicle, Gang
245	Assault With Deadly Weapon	392	Escape From Custody, Gang	V	Subject With A Gun, DV	J	Car Jacking
G	Assault With Deadly Weapon, Gang	G	Escape From Secure Facility	418	Subject With Weapon	R	Stolen Vehicle Recovery, MCSO
V	Assault With Deadly Weapon, DV	S	Walk away from Custody	G	Subject With Weapon, Gang	V	Stolen Vehicle, DV
Z	Attempted Assault w/ Deadly Weapon	W	Attempted Escape	V	Subject With A Weapon, DV	Z	Attempted Auto Theft
246	Assault On Officer	Z	Unauthorized Release From Custody			510	Speeders
G	Assault On Officer, Gang	393	Unauthorized Absence From Custody			511	Motorized Bikes Disturbing
V	Assault On Officer, DV	394					

MCSO17000007

Maricopa County Sheriff's Office

CAD / RMS Type Codes

560	Jail Tapes Impounded/Evidence	772	Carrying A Concealed Weapon	917	Abandoned Vehicle	993	Vehicle Accident Fatality
555	Homicide	G	Carrying Concealed Weapon Gang	919	Mentally Ill Person	A	993 with Alcohol Involved
G	Homicide, Gang	777	Explosion	P	Mental Health Petition (Warrant)	B	Boating Accident with Fatality
V	Homicide, DV	G	Explosion, Gang	921	Prowler	H	Hit And Run 993
Z	Attempted Homicide	778	Shooting Too Close	V	Prowler, DV	L	Fatal Accident, Vehicle vs Livestock
584	Traffic Control	G	Shooting Too Close, Gang	923	Tow Truck Request	P	Private Property 993
B	Boat Inspection	801	Child Neglect	927	Unknown Trouble	V	Fatal Vehicle Accident, DV
585	Traffic Hazard	G	Child Neglect, Gang	A	Panic Alarm	X	Hit & Run 993 with Alcohol Involved
L	Traffic Hazard, Livestock	V	Child Neglect, DV	F	False Panic Alarm	964	L Accident, Motorcycle vs Livestock
588	Illegal Parking	803	Adult Neglect	S	Silent Panic Alarm	998	Deputy Involved In Shooting
610	Fountain Hills City Code	E	Elderly Abuse	V	Unknown Trouble, DV	999	Officer Needs Emergency Assist
611	Carefree City Code	V	Adult Neglect, DV	928	Found Property	1000	Radio EM Switch Activated
612	Cave Creek City Code	821	Contributing To Delinquency Of Minor	C	Found Contraband (Jail)		
647	Suspicious Object/Circumstance	G	C.D.M., Gang	G	Promoting Prison Contraband, Gang		
A	Suspicious Person	822	Incorrigible Juvenile	J	Found Property (Jail)		
B	Suspicious Vehicle	G	Incorrigible Juvenile, Gang	L	Lost Property (Jail)		
C	Suspicious Person And Vehicle	850	Pawnshop Violation	P	Promoting Prison Contraband		
G	Suspicious Persons/Gang Members	900	Drowning	S	Property Impound Safekeeping		
P	Suspicious Package	M	Evidentiary Dives	929	Loss Report-Insurance		
666	Suicide	N	Near Drowning	930	Animal Problem		
Z	Attempted Suicide	R	Drowning Recovery	A	Animal Abuse		
667	Missing Person/Adult	D	Injured/Sick Person	B	Animal Bite		
A	Runaway Juvenile	G	Man Down	C	Animal Cruelty		
D	Missing Person/Drowned	H	Dead Body	D	Dog Fighting		
E	Evidentiary Search	J	Jail Injured/Sick/Safebed Inmate	F	Cock Fighting		
F	Found Person	K	Stabbing	G	Investig Problem		
J	Missing Person/Juvenile	L	Use Of Auto External Defibrillator	H	Noise Problem		
M	Mock Search (Training)	S	Shooting Victim	I	Poisoned Animal		
O	Overdue Person(s)	V	Shooting Victim, DV	J	Dead Animal		
S	Search And Rescue Operation	902	Follow-Up/Report Writing	K	Count Alarm		
T	Truant Juvenile	904	Fire	L	Count Alarm (False Alarm)		
670	Welfare Check	A	Arson	O	County Alarms (Excluding Courts)		
H	Call Box, No Response	C	Vehicle Fire	980	Alleged Crash		
671	Patrol/Vacation Watch	G	Fire, Gang	B	Vehicle Accident No Injury		
692	DWI	V	Fire, DV	H	861 with Alcohol Involved		
B	DWI Boat	Z	Attempted Arson	L	Boating Accident/No Injury		
F	Felony DWI	905	Urgent Assistance/Backup	N	Hit And Run 861		
693	Reckless Driving	906	Minor Assistance/Backup	P	Non-Injury Accident, Veh vs Livestock		
B	Reckless Boat Driving	907	Assist Other Agency	R	Non-Reportable 961		
R	Overly Aggressive Driver	909	Special Detail	V	Private Property 961		
712	Trespassing	L	Liquor Establishment (Off Duty)	X	Private Property Hit & Run 961		
G	Trespassing, Gang	S	Security (Off Duty)	A	Accident No Injuries DV		
I	Illegal Immigration	T	Traffic Control (Off Duty)	X	Hit & Run, Alcohol Involved 961		
L	Loitering	910	Traffic Violation	982	Vehicle Accident with Injuries		
S	Human Smuggling	B	Boating Violation	A	962 with Alcohol Involved		
V	Trespassing, DV	C	Watch Your Car Stop	B	Boating Accident with Injuries		
714	Illegal Dumping	E	Adult Entertainment Violation	H	Hit & Run 962		
G	Illegal Dumping, Gang	F	Felony Pursuit	L	Injury Accident, Vehicle vs Livestock		
715	Illegal Burning	I	Commercial Vehicle Inspection	P	Private Property 962		
G	Illegal Burning, Gang	P	County Parks Violation	R	Private Property 962 Hit & Run		
716	Native Plant Law Violation	S	Suspended/Revoked Drivers License	U	Accident-Unknown If Injuries		
717	Game & Fish Violation	911	9-1-1 Hang-up	V	Accident with Injuries, DV		
720	Hazardous Materials	V	9-1-1 Hang-up, DV	X	Hit & Run 962 with Alcohol Involved		
770	Shots Fired						
G	Shots Fired, Gang						

MCSO17g000008

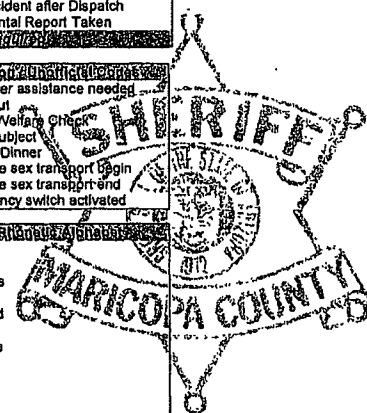
Miscellaneous Text Series (A-Z)	
ABD	Aboard Another Unit
ADMN	Administrative Duties [PAPERS]
ALRM	Court Alarm [ALARM]
ATL	Attempt To Locate
BAR	Bar Check
BOGY	Test Call (No Dispatch)
	[BOGUS1]
BOOK	Booking
CHAN	Chain Gang Detail [CHAIN]
CHOW	Lunch / Dinner [LUNCH]
ENR	Enroute [ENRTE]
FIVE	Stake Out [CODE5]
FOOT	Foot Patrol
GAS	Out for Gas
JAIL	Out at Jail
JAVA	Coffee Break [COFFEE]
MAIN	Helicopter Maintenance [MAINT]
MEET	In a meeting
OTH	Other (Not Listed) [OTHER]
PAGE	Out on Pager [PAGER]
PD	At Police Dept or other Agency
PTRL	Miscellaneous Patrol [PATROL]
PHN	On the Phone [PHONE]
PW	Patrol Watch
SHOP	Out at County Shop
SP	Subject Pursuit [SPURS]
SS	Subject Stop
SW	Search Warrant
T	Traffic Stop
TP	Traffic Pursuit [TPURS]
TRNG	Training [TRAIN]
VW	Vacation Watch

R100 Series Violations	
R102	Special Permit Fee Violation
R103	Parks Violation
R104	Entry Usage Violation
R105	Animals and Pets Violation
R106	Firearm Hunt Trap Violation
R107	Vehicle and Bicycle Violation
R108	Watercraft Swimming Violation
R109	Vandalism Violation
R110	Littering Violation
R111	Public Behavior Violation
R112	Camping Violation
R113	Fire Violation
R114	Public Commercial Activity Violation
R115	Glass Bottle Violation
R116	Aircraft Engine Model Violation
R117	Interference with Officer
R118	Trails Violation

Dispatch Codes	
1	Information Received
2*	Police Service Report Written
3	Unable to Locate/Gone on Arrival
4	Civil Matter
5	Detail Completed
6*	Offense Report Written
7	Citation Written / Warning Issued
7F	Field Interview card completed
8*	Vehicle Accident Report Written
9	Assist to other Agency
10	Turned Over to other Agency
11*	Property Invoice (only) Written
12*	Tow Truck Request (only) Written
13	Cancel Incident prior to Dispatch
14	Cancel Incident after Dispatch
SL*	Supplemental Report Taken

Other Control / Unit / Code	
4	No further assistance needed
5	Stake out
20	Officer Welfare Check
54A	Drunk subject
94	Lunch / Dinner
101	Opposite sex transport begin
102	Opposite sex transport end
1000	Emergency switch activated

Referral / Name / Initials	
A	Adam
B	Bravo
C	Charles
D	David
E	Edward
F	Frank
G	George
H	Henry
I	Ida
J	John
K	King
L	Lincoln
M	Mary
N	Nora
O	Ocean
P	Paul
Q	Queen
R	Robert
S	Sam
T	Tom
U	Union
V	Victor
W	William
X	X-ray
Y	Young
Z	Zebra



MCSO17000009

EXHIBIT 16

ALSTON & BIRD LLP

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950 F Street, NW
Washington, DC 20004-1404

202-756-3300
Fax: 202-756-3333
www.alston.com

Robert N. Driscoll

Direct Dial: 202-756-3470

E-mail: bob.driscoll@alston.com

August 25, 2009

PICKED UP VIA MESSENGER

Richard N. Reback
Counsel to the Inspector General
U.S. Department of Homeland Security
Office of the Inspector General
Washington, DC 20528

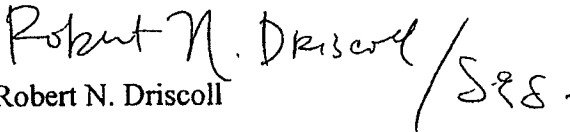
Re: Maricopa County Sheriff's Office response to the Department of
Homeland Security's inspection of the 287(g) program

Dear Mr. Reback:

Enclosed are responsive documents from the Maricopa County Sheriff's Office ("MCSO") related to the Department of Homeland Security's 2009 request made via email in May 2009. This production is labeled MCSO 000001 – MCSO 002252. Hard copies of the documents are contained in the enclosed box.

Should you have any questions, please do not hesitate to contact me at the direct dial listed above.

Sincerely,


Robert N. Driscoll

Enclosure

EXHIBIT 17

ALSTON & BIRD LLP

The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

202-756-3300
Fax 202-756-3333
www.alston.com

Laura E. Sierra

Direct Dial: 202-239-3925

E-mail: laura.sierra@alston.com

September 16, 2009

PICKED UP VIA DHS COURIER

Richard N. Reback
Counsel to the Inspector General
U.S. Department of Homeland Security
Office of the Inspector General
Washington, DC 20528

Re: Maricopa County Sheriff's Office Response to the Department of
Homeland Security's inspection of the 287(g) program

Dear Mr. Reback:

Enclosed are responsive documents from the Maricopa County Sheriff's Office ("MCSO") related to the Department of Homeland Security's ("DHS") 2009 requests for production of documents made via email in May 2009. The enclosed constitutes MCSO's second production of documents in response to these requests. The first production was labeled MCSO 000001 – MCSO 002252. This production is labeled MCSO 002252 – MCSO 003046. Hard copies of the documents are contained in the enclosed box.

MCSO also wishes to note several points regarding certain of the May 2009 requests as follows:

- DHS requested "[a]rrest, prosecution, and case disposition data for the 377 287(g) cases we identified and provided through the ICE SAC office the week before our visit." This information belongs to ICE and resides within ICE computer systems and headquarters.
- DHS requested "MCSO Use of Force policy and form(s)." MCSO's 287(g) officers are trained on the ICE Use of Force Policy and are bound by that policy in their exercise of any immigration functions under the 287(g) program. This policy was included in the previously produced training materials and was labeled MCSO 001451 – MCSO 001479.

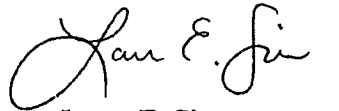
September 16, 2009

Page 2

- DHS requested “[o]perational statistics on stops, citations, and arrests by ethnicity and charge for each of the above operations (if available).” Operational statistics are produced and labeled MCSO 003031 – MCSO 003046. MCSO does not maintain statistical information regarding ethnicity.
- DHS requested “[o]verall MCSO Human Smuggling Unit statistics on stops, citations, and arrests by ethnicity and charge (if available).” Operational statistics are produced and labeled MCSO 003031 – MCSO 003046. MCSO does not maintain statistical information regarding ethnicity.

Should you have any questions, please do not hesitate to contact me at the direct dial listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura E. Sierra".

Laura E. Sierra

Enclosure

EXHIBIT 18

ALSTON & BIRD LLP

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202-756-3300
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August 27, 2010

VIA EMAIL (*judy.preston@usdoj.gov*)

Judy Preston
Deputy Chief
Special Litigation Section
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20535

Re: MCSO's Cooperation with DOJ's Title VI National Origin Discrimination
Investigation – First *Melendres* Cross-Reference

Dear Judy:

As discussed in our letter of August 27, 2010, and our meeting of August 24, 2010, please find below references, by Bates number ranges, for those documents that the Maricopa County Sheriff's Office ("MCSO") has already identified as responsive to the U.S. Department of Justice's ("DOJ") First Request for Documents and Information ("Request"), and which are already in DOJ's possession. MCSO will continue to review and categorize additional documents that are already in DOJ's possession and will update the list accordingly.

Request 1:

- 1) MCSO Enforcement Support Division Organizational Chart – Melendres
MCSO 001821

Request 2:

- 1) Human Smuggling Unit growth time line – Melendres MCSO 014910

Request 16:

- 1) Department of Homeland Security Office Training Manual – Melendres
MCSO 000038-001784

-
- 2) DHS Use of Force Policy for 287(g) program – Melendres MCSO 001489-001603
 - 3) EB-1 Policy Traffic Law Enforcement Guidelines – Melendres MCSO 014935-014938
 - 4) EB-2 Policy re Traffic Violator Contacts and Citation Issuance – Melendres MCSO 014939-014941
 - 5) GJ3 Policy Search and Seizure – Melendres MCSO 014942-014950
 - 6) The Briefing Board: Illegal Immigration Enforcement Protocol – Melendres MCSO 014951-014953
 - 7) Operations Manual, Human Smuggling Unit Standard Operating Procedures – Melendres MCSO 014954-014960
 - 8) Memorandum, Lt. J. Sousa, re Enforcement Support Protocol for Response to Human Smuggling Cases – Melendres MCSO – 014961-014965
 - 9) Memorandum, Lt. J. Sousa, re Ill Strike Team Protocol – Melendres MCSO – 014966-014967
 - 10) EA-11 Policy re Arrest Procedures – Melendres MCSO – 014968-014993
 - 11) Field Interviews Policy EA-3 – Melendres MCSO 014911-014912
 - 12) Traffic Law Enforcement Guidelines Policy EB-1 – Melendres MCSO 014913-014916
 - 13) Search and Seizure GJ-3 – Melendres MCSO 014917-014925
 - 14) Traffic Violator Contact and Citation Issuance EB-2 – Melendres MCSO 014926-014928
 - 15) MCSO Operating Manual, Human Smuggling Unit Standard Operating Procedures effective date 02-19-08, revised 10/30/08 – Melendres MCSO 016219-016220
 - 16) Diversity in the Workplace. Cultural Awareness Training for Employees in a Law Enforcement Setting – Melendres MCSO 016221-016480

Request 17:

- 1) Arrest/Detention of Foreign National Notification – Melendres MCSO 014977
- 2) MCSO Arizona Traffic Ticket and Complaint Form – Melendres MCSO 000032-000037

Request 19:

- 1) MCSO document re saturation patrols and shift summaries – Melendres MCSO 014420-014909

Request 26:

- 1) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Law Enforcement Services – Melendres MCSO 015015-015040
- 2) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Ethics and Professionalism – Melendres MCSO 015041-015054
- 3) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Law of Arrest – Melendres MCSO 015055-015087
- 4) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Search and Seizure – Melendres MCSO 015088-015112
- 5) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Rules of Evidence – Melendres MCSO 015113-015126
- 6) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Patrol and Observation – Melendres MCSO 015127-015169
- 7) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Bias Motivated Crimes – Melendres MCSO 015170-015179
- 8) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Traffic Citations – Melendres MCSO 015180-015201
- 9) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Traffic Law – Melendres MCSO 015202-015257
- 10) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Cultural Awareness – Melendres MCSO 015258-015306
- 11) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Police and the Community – Melendres MCSO 015307-015329
- 12) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015330-015334
- 13) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015335-015339
- 14) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015340-015344

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- 15) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015345-015349
 - 16) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015350-015354
 - 17) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – High-Risk Vehicle Stops – Melendres MCSO 015355-015358
 - 18) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Cultural Awareness – Melendres MCSO 015359-015410
 - 19) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Vehicle Positioning – Melendres MCSO 015411-015422
 - 20) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Removal of Subjects from the Vehicle – Melendres MCSO 015423-015434
 - 21) Arizona Peace Officer Standards and Training Board 585 – Hour Basic Curriculum – Search and Seizure – Melendres MCSO 015435-015459

Request 29:

- 1) Department of Homeland Security Office Training Manual – Melendres MCSO 000038-001784

Request 34:

- 1) Location History Reports for Cave Creek – 09/27/07 – Melendres MCSO 013982
- 2) Location History Reports for Cave Creek – 10/04/07 – Melendres MCSO 013981
- 3) Location History Reports for Phoenix – 03/21-22/08 – Melendres MCSO 013990-013994
- 4) Saturation Patrol Documents – 03/21-22/08 – Melendres MCSO 001834-001843
- 5) Location History Reports for Phoenix – 01/18-19/08 – Melendres MCSO 013995-013996
- 6) Saturation Patrol Documents – 01/18-19/08 – Melendres MCSO 001822-001833
- 7) Email: Interdiction & Crime Suppression Detail 01/10/2009 – Two Day totals – Melendres MCSO 015460-015461

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- 8) Crime Suppression/Interdiction Patrol Totals – 1/10/2009 – Melendres MCSO 015462
 - 9) Crime Suppression/Interdiction Patrol Totals – 1/9-10/2009 – Melendres MCSO 015463
 - 10) Email: Cavecreek Saturation Patrol 7/08/08 – Melendres MCSO 015464
 - 11) Crime Suppression/Saturation Patrol Totals – 7/8/09 – Melendres MCSO 015465
 - 12) Email: Queen Creek Detail – Melendres MCSO 015466-015467
 - 13) Operation Clean House – Melendres MCSO 015468-015484
 - 14) Operation Paint Stripper – Melendres MCSO 015485-015496
 - 15) Operation Wood Chip – Melendres MCSO 015497-015504
 - 16) Incident Action Plan Mesa Crime Saturation Patrol – 7/14/2008 – Melendres MCSO 015505-015525
 - 17) Operations Plan –Interdiction Patrol for Human Smuggling – Sun City/Sun City West – Melendres MCSO 015526-015552
 - 18) Operations Plan – Southwest Valley Human Smuggling Interdiction/Crime Suppression Patrol – Melendres MCSO 015553-015577
 - 19) Incident Action Plan Mesa Crime Saturation Patrol, 6/26-28, 2008 – Melendres MCSO 015578-015630
 - 20) Operations Plan –Operation Guadalupe Saturation Patrol – Melendres MCSO 015631-015703
 - 21) Incident Action Plan (Enforcement Support Division) Phoenix 03/27-28/08 – Melendres MCSO 015748-015764
 - 22) Overall Operations Summary (Enforcement Support Division) Phoenix 01/18-19/08 – Melendres MCSO 015765-015794
 - 23) Saturation Patrol Documents – Cave Creek and Bell 03/27-28/08 – Melendres MCSO 001844-001852
 - 24) Traffic Stops in Phoenix near N Cave Creek and E Bell 03/27-28/08 – Melendres MCSO 013987-013989
 - 25) Saturation Patrol Documents – Guadalupe 4/3-4/08 – Melendres MCSO 001853-001877

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- 26) Traffic Stops in Guadalupe 04/3-4/08 – Melendres MCSO 014023-014027
 - 27) Saturation Patrol Documents – Mesa 6/26-28/08 – Melendres MCSO 001878-001925
 - 28) Saturation Patrol Documents – Mesa 7/14/2008 – Melendres MCSO 001926-001947
 - 29) Traffic Stops in Mesa 07/14/08 – Melendres MCSO 014008-014012
 - 30) Saturation Patrol Documents – Food Vendor Detail 7/31/2008 – Melendres MCSO 001948-001969
 - 31) Traffic Stops in Phoenix, Maryvale Area 07/31/08 – Melendres MCSO 013985-013986
 - 32) Saturation Patrol Documents – Sun City Sun/City West/US 60/I-17 8/13-14/2008 – Melendres MCSO 001970-001998
 - 33) Traffic Stops in Sun City, City West, and on US60 and I-17 08/13-14/08 – Melendres MCSO 013997-014007
 - 34) Traffic Stops in Cave Creek Area 08/19/08 – Melendres MCSO 014029-014030
 - 35) Traffic Stops in Cave Creek Area 08/19/08 – Melendres MCSO 014031-014032
 - 36) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 09/24/07 in Tolleson – Melendres MCSO 001999-002356
 - 37) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 10/24/07 in Avondale – Melendres MCSO 002357-002614
 - 38) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 11/01/07 in Phoenix – Melendres MCSO 002615-002749
 - 39) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 10/17/07 in Phoenix – Melendres MCSO 002750-002950
 - 40) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 10/12/07 in El Mirage – Melendres MCSO 002951-003150

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- 41) Incident report, arrest booking records re human smuggling arrests made in smuggling arrests made on 12/17/07 in Phoenix – Melendres MCSO 003151-003500
 - 42) Narrative, supplemental report, arrest booking records re human smuggling arrests made on 09/24/07 in Tolleson – Melendres MCSO 003501-003578; 003678-003727
 - 43) Supplemental report, arrest booking records re human smuggling arrest made on 10/24/07 – Melendres MCSO 003586-003626
 - 44) Incident report, arrest booking records, narrative re human smuggling arrests made on 02/20/08 at US 93 at Mile Post 199 – Melendres MCSO 003627-003631; 004437-004574
 - 45) Incident report, supplemental report, arrest booking records re human smuggling arrests on 03/11/07 at Old U.S. 80 and Loma Linda Ranch Road – Melendres MCSO 003632-34; Melendres MCSO 004222-4364
 - 46) Incident report, narrative, arrest booking records re human smuggling arrests made on 08/07/07 at Interstate 10 Mile Post 164 – Melendres MCSO 003635-40 Melendres MCSO 004365-4436
 - 47) Supplemental report re human smuggling arrests made on 10/17/07 in Phoenix – Melendres MCSO 003641-57
 - 48) Supplemental report re human smuggling arrests made on 09/12/07 at U.S. 60 East West of Centers – Melendres MCSO 003658-3664
 - 49) Incident report, supplement and arrest booking records re human smuggling arrests made on 06/28/07 at Mile Post 10 on Vulture Mine Road – Melendres MCSO 003665, Melendres MCSO 003728-3804
 - 50) Incident report, arrest booking records re human smuggling arrests made on 09/20/07 at US 93 Mile Marker 197 – Melendres MCSO 003666-003673; 003805-003946
 - 51) Incident report, arrest booking records re human smuggling arrests made on 09/13/07 at US 93 Mile Marker 199 – Melendres MCSO 003674-003677; 004766-004885
 - 52) Incident report, arrest booking records re human smuggling arrests made on 11/26/07 on US 60 Mile Marker 111 in Wickenburg – Melendres MCSO 003947-004207
 - 53) Incident report, arrest booking records re human smuggling arrests made on 12/12/07 at Mile Post 198 – Melendres MCSO 004575-004656

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- 54) Incident report, arrest booking records re human smuggling arrests made on 11/08/07 on US 93 at Mile Post 198 – Melendres MCSO 004657-004705
- 55) Incident report re illegal immigration dated 10/30/07 at Kyrene south of Southern in – Melendres MCSO 004706-004713
- 56) Incident report, arrest booking records re human smuggling arrests made on 09/12/07 on US 60 west of Center Road in Wittman – Melendres MCSO 004714-004759
- 57) Incident report re illegal immigration/speeding incident on 10/15/07 at 16th Street & Thomas in Phoenix – Melendres MCSO 004760-004765
- 58) Incident report, arrest booking records re human smuggling arrests made on 11/19/07 at US 60 Mile Marker 117 – Melendres MCSO 004886-005005
- 59) Incident report, arrest booking records re human smuggling arrests made on 01/11/07 at US 60 & Highway 93 – Melendres MCSO 005006-005135
- 60) Incident report, arrest booking records re human smuggling arrests made on 08/28/07 at US 60 east of US 93, Wickenburg – Melendres MCSO 005136-005317
- 61) Incident report, arrest booking records re human smuggling arrests made on 09/12/07 at US 60 Mile Marker 116 – Melendres MCSO 005318-005417
- 62) Incident report, arrest booking records re human smuggling arrests made on 07/05/07 at Mile Post 164 on Interstate 10 – Melendres MCSO 005418-005653
- 63) Incident report, arrest booking records re human smuggling arrests made on 07/20/07 at Vulture Mine Road Mile Post 11 – Melendres MCSO 005654-005745
- 64) Incident report, arrest booking records re human smuggling arrests made on 06/14/07 at Pima Street at Butterfield Trail – Melendres MCSO 005746-005859
- 65) Incident report, arrest booking records re human smuggling arrests made on 08/12/07 at 4207 W. Harmont Drive in Phoenix – Melendres MCSO 005860-006011
- 66) Incident report, arrest booking records re human smuggling arrests made on 06/06/07 at Interstate 10 and Baseline Road – Melendres MCSO 006012-006177
- 67) Incident report, arrest booking records re human smuggling arrests made on 02/05/08 at US 93 and Mile Post 196 – Melendres MCSO 006178-006253

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- 68) Incident report, arrest booking records re human smuggling arrests made on 01/23/08 at US 93 and Mile Marker 199 – Melendres MCSO 006254-006294
- 69) Incident report, arrest booking records re human smuggling arrests made on 01/23/08 at US 93 and Mile Post 196 Wickenburg – Melendres MCSO 006295-006437
- 70) Incident report, arrest booking records re human smuggling arrests made on 07/10/07 at US 93 and Mile Post 197 – Melendres MCSO 006438-006540
- 71) Incident report, arrest booking records re human smuggling arrests made on 01/23/08 at US 93 and Mile Marker 199 – Melendres MCSO 006541-006673
- 72) Incident report, arrest booking records re human smuggling arrests made on 06/01/06 at Interstate 8 at Mile Post 110 in Gila Bend – Melendres MCSO 006674-006774
- 73) Incident report, arrest booking records re human smuggling arrests made on 06/23/06 at State Route 85 and Southern Road – Melendres MCSO 006775-006816
- 74) Incident report, arrest booking records re human smuggling arrests made on 06/21/06 at State Route 85 and Mile Post 138 – Melendres MCSO 006817-006866
- 75) Incident report, arrest booking records re human smuggling arrests made on 06/11/06 at Old US 80 Mile Post 6 – Melendres MCSO 006867-006915
- 76) Incident report, arrest booking records re human smuggling arrests made on 06/13/06 at Mile Post 123 and State Route 85 – Melendres MCSO 006916-006983
- 77) Incident report, supplement and narrative re human smuggling arrest made on 07/18/06 at Pima Street and St. Louis, Gila Bend – Melendres MCSO 006984-006999
- 78) Incident report, arrest booking records re human smuggling arrests made on 07/08/06 at Old U.S. 80 at Mile Post 20, Gila Bend – Melendres MCSO 007000-007079
- 79) Incident report, arrest booking records re human smuggling arrests made on 08/09/06 at SR 85 & Mile Post 147 – Melendres MCSO 007080-007139
- 80) Incident report, arrest booking records re human smuggling arrests made on 09/18/06 at SR 74 & Mile Post 23 – Melendres MCSO 007140-007270

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- 81) Incident report, arrest booking records re human smuggling arrests made on 10/21/06 at US 60 at Mile Post 112, Wickenburg – Melendres MCSO 007271-007380
 - 82) Incident report, arrest booking records re human smuggling arrests made on 11/27/06 at US 93 at Mile Post 198, Wickenburg – Melendres MCSO 007381-007519
 - 83) Incident report, arrest booking records re human smuggling arrests made on 12/11/06 at US 93 at Mile Post 199, Wickenburg – Melendres MCSO 007520-007639
 - 84) Incident report, arrest booking records re human smuggling arrests made on 03/02/06 at N33* 10.158 W113* 19.386 – Melendres MCSO 007640-007709
 - 85) Incident report, arrest booking records re human smuggling arrests made on 03/02/06 at South West Maricopa County – Melendres MCSO 007710-007770
 - 86) Incident report, arrest booking records re human smuggling arrests made on 03/31/06 at Pima & Old US 80, Gila Bend – Melendres MCSO 07771-007889
 - 87) Incident report, arrest booking records re human smuggling arrests made on 04/24/06 at Old US 80 Mile Post 7 – Melendres MCSO 007890-007980
 - 88) Incident report, arrest booking records re human smuggling arrests made on 04/26/06 at Interstate 8 Mile Post 106 – Melendres MCSO 007981-008163
 - 89) Incident report, arrest booking records re human smuggling arrests made on 05/11/06 at 339th Avenue and Indian School Road – Melendres MCSO 008164-008182
 - 90) Incident report, arrest booking records re human smuggling arrests made on 05/30/06 at Old US 80 and Arlington School Road – Melendres MCSO 008183-008300
 - 91) Incident report, arrest booking records re human smuggling arrests made on 05/22/06 at Old US 80 at Mile Post 8, Gila Bend – Melendres MCSO 008302-008411
 - 92) Incident report, arrest booking records re human smuggling arrests made on 05/22/06 at SR 85 Mile Post 130 – Melendres MCSO 008412-008457
 - 93) Incident report, arrest booking records re human smuggling arrests made on 05/05/06 at Old US 80 at Mile Post 10 – Melendres MCSO 008458-008594
 - 94) Incident report, arrest booking records re human smuggling arrests made on 05/22/06 at Old US 80 and Hazen Road – Melendres MCSO 008595-008698

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- 95) Incident report, arrest booking records re human smuggling arrests made on 05/05/06 at Old UW 80 at Woods Road – Melendres MCSO 008699-008754
- 96) Incident report, arrest booking records re human smuggling arrests made on 05/19/06 at Interstate 8 at Mile Post 119, Gila Bend – Melendres MCSO 008755-008847
- 97) Incident report, arrest booking records re human smuggling arrests made on 05/15/06 at Old US 80 & Cactus Rose – Melendres MCSO 008848-008917
- 98) Incident report, arrest booking records re human smuggling arrests made on 05/17/06 at Old US 80 Mile Post 11 – Melendres MCSO 008918-008967
- 99) Incident report, arrest booking records re human smuggling arrests made on 05/19/06 at 371st Ave & Salom Highway – Melendres MCSO 008994-009004
- 100) Incident report, arrest booking records re human smuggling arrests made on 05/15/06 at State Route 85 at Mile Post 147 – Melendres MCSO 009005-009055
- 101) Incident report, arrest booking records re human smuggling arrests made on 05/23/06 at SR 85 Mile Post 122 – Melendres MCSO 009056-009132
- 102) Incident report, arrest booking records re human smuggling arrests made on 05/07/06 at US 60 Mile Post 118 – Melendres MCSO 009133-009222
- 103) Incident report, arrest booking records re human smuggling arrests made on 07/24/06 at US 60 at Stapley Drive, Mesa – Melendres MCSO 009223-009295
- 104) Incident report, arrest booking records re human smuggling arrests made on 10/16/06 at Mile Post 111 and U.S. 60 – Melendres MCSO 009296-009434
- 105) Incident report, arrest booking records re human smuggling arrests made on 11/10/06 at SR 93 & US 60 – Melendres MCSO 009435-009575
- 106) Incident report, arrest booking records re human smuggling arrests made on 01/11/07 at US 60 and Highway 93 – Melendres MCSO 009576-009608
- 107) Incident report, arrest booking records re human smuggling arrests made on 03/14/07 at 91st Avenue and McDowell, Tolleson – Melendres MCSO 009609-009648
- 108) Incident report, arrest booking records re human smuggling arrests made on 04/03/07 at SR 85 at Mile Post 144 – Melendres MCSO 009649-009774
- 109) Incident report, arrest booking records re human smuggling arrests made on 04/22/07 at SR 85 and Highway 238 – Melendres MCSO 009775-009892

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- 110) Incident report, arrest booking records re human smuggling arrests made on 05/15/07 at US 60 Mile Post 114 Melendres – MCSO 009893-010050
 - 111) Incident report, arrest booking records re human smuggling arrests made on 02/14/07 at SR 85 Mile Post 130 – Melendres MCSO 010051-010360
 - 112) Supplemental Report re human smuggling/drop house arrests made on 12/17/07 at 1944 W. Mariposa Street in Phoenix – Melendres MCSO 010361-010368
 - 113) Supplemental Report re human smuggling arrests made on 09/05/07 at U.S. Highway 93 at Mile Post 199 – Melendres MCSO 010369-010376
 - 114) Incident report, arrest booking records re human smuggling arrests made on 01/15/07 at Old U.S. Highway 80 at Mile Post 33 – Melendres MCSO 010377-010550
 - 115) Incident report, arrest booking records re human smuggling arrests made on 05/24/07 at U.S. Highway 60/Mile Post 111, Wickenburg – Melendres MCSO 010551-010692
 - 116) Incident report, arrest booking records re human smuggling arrests made on 02/05/07 at SR 85 at Mile Post 145 – Melendres MCSO 010693-010869
 - 117) Incident report, arrest booking records re human smuggling arrests made on 01/23/07 at US 60 & Highway 93, Wickenburg – Melendres MCSO 010870-010959
 - 118) Incident report, arrest booking records re human smuggling arrests made on 02/26/07 at US 60 at Vulture Mine Road, Wickenburg – Melendres MCSO 010960-011065
 - 119) Incident report, arrest booking records re human smuggling arrests made on 03/04/07 at SR 85 & Mile Post 3, Gila Bend – Melendres MCSO 011066-011139
 - 120) Incident report, arrest booking records re human smuggling arrests made on 05/30/07 at Interstate 10 at Mile Post 161 – Melendres MCSO 011140-011236

Request 43:

- 1) Exhibit 84 to the LEP Position Statement – LEP 0800-0806; Melendres MCSO 002791-002792; 002921-002922

Request 49:

- 1) Relevant material has already been produced, e.g., Exhibit 22 to the LEP Position Statement - LEP 0260-0289.

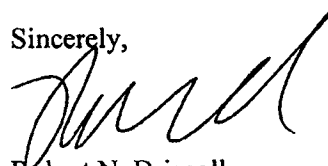
Request 51:

- 1) Relevant material has already been produced, e.g., Exhibits 5, 6, 7, 8, 9 to the LEP Position Statement - LEP 0029-0042, 0044-0047, 0049, 0051-0052, 0054-0055.

Again, please note that the above list is not exhaustive and MCSO will continue to cross reference documents requested in DOJ's Request and documents produced in the *Melendres* litigation.

We appreciate your cooperation in this matter and look forward to working towards resolution. Should you have any questions please do not hesitate to contact me at the direct dial number listed above.

Sincerely,



Robert N. Driscoll

cc: Asheesh Agarwal
Eric Dowell