

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Thomas E. Perez
Assistant Attorney General
Dennis K. Burke
United States Attorney
Roy L. Austin, Jr. (IL Bar #6228785)
Matthew Colangelo (NY Bar #4228797)
Jonathan Smith (DC Bar #396578)
Avner Shapiro (DC Bar #452475)
Peter S. Gray (DC Bar #940031)
Laurie A. Gelman (VA Bar #47743)
Amin Aminfar (NC Bar #36589)
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
(ph) 202-514-6225 / (fax) 202-514-4883
(email) amin.aminfar@usdoj.gov

Michael M. Walker (AZ Bar #20315)
Assistant U.S. Attorney
Two Renaissance Square
40 North Central Avenue, Suite 1200
Phoenix, AZ 85004-4408
(ph) 602-514-7500 / (fax) 602-514-7760
(email) michael.walker4@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

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

Defendants.

No. 2:10-cv-01878-GMS

**PLAINTIFF'S SUPPLEMENTAL
STATEMENT OF FACTS IN
SUPPORT OF RESPONSE TO
DEFENDANT MCSO AND
DEFENDANT JOSEPH M.
ARPAIO'S CROSS-MOTION
FOR SUMMARY JUDGMENT**

Plaintiff United States submits its Supplemental Statement of Facts in Support of
its Response to Defendants Maricopa County Sheriff's Office and Joseph M. Arpaio's
(collectively, "MCSO") Cross-Motion For Summary Judgment. This Supplemental

1 Statement addresses MCSO’s allegations that the conduct of the United States’
2 investigation has been unreasonable.

3 1. From February 2009 to June 2009, the Inspector General for the
4 Department of Homeland Security (“DHS”) engaged in a nationwide review of local
5 law enforcement agencies, including MCSO, that had entered into partnerships with
6 DHS pursuant to 8 U.S.C. § 1357(g). Ex. 69. This review was mandated by statute. *Id.*

7 2. On May 29, 2009, MCSO demanded by letter that DOJ’s Office of
8 Professional Responsibility (“OPR”) investigate DOJ for allegedly (1) improperly
9 communicating with DHS and, specifically, members of the Office of Inspector General
10 conducting the nationwide review referenced above, and (2) basing its investigation of
11 MCSO on improper political considerations. SOF Ex. 44.¹

12 3. OPR conducted this investigation and, on or about June 15, 2010, found
13 that “no [Civil Rights Division] attorney violated any professional obligation, and thus
14 did not commit professional misconduct or exercise poor judgment in this matter.”
15 Ex. 70. With respect to MCSO’s specific accusations, OPR found, in relevant part, (1)
16 “no [Civil Rights Division] attorney used or attempted to use DHS OIG inspectors to
17 contact represented persons without the knowledge or permission of their counsel” and
18 (2) no “evidence that the [Civil Rights Division] investigation of MCSO was driven by
19 improper political considerations.” Ex. 70.

20 4. OPR also noted that the United States’ preliminary inquiry into MCSO
21 began in June 2008, well before the change in presidential administration that MCSO
22 speculated was the cause of DOJ’s investigation. Ex. 70.

23 5. OPR informed MCSO’s representative of all of these findings on or about
24 June 15, 2010. Ex. 70.

25
26
27 _____
28 ¹ All references in this Response to “SOF Ex. ___” are to the exhibits
accompanying Plaintiff’s Statement of Undisputed Facts, Dckt. 19.

1 Dated: February 4, 2011

Respectfully submitted,

2 Thomas E. Perez
3 Assistant Attorney General

4 Dennis K. Burke
5 United States Attorney

6 /s/ Amin Aminfar

7 Roy L. Austin, Jr. (IL Bar #6228785)
8 Matthew Colangelo (NY Bar #4228797)
9 Jonathan Smith (DC Bar #396578)
10 Avner Shapiro (DC Bar #452475)
11 Peter S. Gray (DC Bar #940031)
12 Laurie A. Gelman (VA Bar #47743)
13 Amin Aminfar (NC Bar #36589)
14 U.S. Department of Justice
15 Civil Rights Division
16 950 Pennsylvania Avenue, N.W.
17 Washington, DC 20530
18 (ph) 202-514-6255 / (fax) 202-514-4883
19 (email) amin.aminfar@usdoj.gov

20 Michael M. Walker (AZ Bar #20315)
21 Assistant U.S. Attorney
22 Two Renaissance Square
23 40 North Central Avenue, Suite 1200
24 Phoenix, AZ 85004-4408
25 (ph) 602-514-7500 / (fax) 602-514-7760
26 (email) michael.walker4@usdoj.gov

27 Attorneys for the United States
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2011, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Thomas K. Irvine
Polsinelli Shughart PC
3636 N. Central Avenue, Suite 1200
Phoenix, AZ 85012

Cynthia Renee Estrella
Polsinelli Shughart PC
1 E. Washington Street, Suite 1200
Phoenix, AZ 85004

William R. Jones, Jr.
Jones Skelton & Hochuli PLC
2901 N. Central Avenue, Suite 800
Phoenix, AZ 85012

John T. Masterson
Jones Skelton & Hochuli PLC
2901 N. Central Avenue, Suite 800
Phoenix, AZ 85012

Joseph John Popolizio
Jones Skelton & Hochuli PLC
2901 N. Central Avenue, Suite 800
Phoenix, AZ 85012

Attorneys for Defendants

/s/ Amin Aminfar

Amin Aminfar