

EXHIBIT 1

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John T. Masterson, Bar #007447
2 Joseph J. Popolizio, Bar #017434
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7 Attorneys for Defendants Maricopa County
Sheriff's Office and Joseph M. Arpaio

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF ARIZONA**

11 United States of America,

12 Plaintiff,

13 v.

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

17 Defendants.

NO. CV10-01878-PHX-GMS

**JOINT AFFIDAVIT OF JOHN T.
MASTERSON AND JOSEPH J.
POPOLIZIO**

18 STATE OF ARIZONA)
19 County of Maricopa) ss.
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21 John T. Masterson and Joseph J. Popolizio, being first duly sworn, depose
22 and state as follows:

23 1. We are over the age of 18 years, are competent to testify to the
24 matters set forth in this Affidavit, and make this Affidavit from our own personal
25 knowledge.

26 2. We are attorneys and partners with the law firm of Jones, Skelton &
27 Hochuli, P.L.C. and represent the named Defendants.
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1 3. October 2, 2010, we filed our appearances in this matter and began
2 our defense of named Defendants Maricopa County Sheriff's Office ("MCSO") and
3 Sheriff Joseph M. Arpaio in the above-entitled action. We are familiar with the history of
4 the defense of this matter prior to our appearances and, specifically for purposes related to
5 the cross motions for summary judgment, are familiar with the production of information,
6 documents and facility access provided to the Department of Justice ("DOJ"), as well as
7 the interviews of inmate and MCSO staff that the DOJ conducted as a result of the
8 cooperation of Sheriff Arpaio and the MCSO pursuant to the DOJ's requests in
9 furtherance of the subject Title VI investigation.

10 4. Pursuant to the DOJ's requests, the DOJ toured six MCSO detention
11 facilities and were allowed to engage in informal discussions with MCSO personnel
12 during those tours.

13 5. The MCSO's production of documents pursuant to the DOJ's First
14 Request for Documents and Information has been overwhelming. This production began
15 before and after the filing of this action and Plaintiff's Motion for Summary Judgment, has
16 continued to date, and will continue in the future.

17 6. The MCSO has provided the DOJ all requested MCSO policies (1101
18 pages), documents disclosed in the *Melendres* matter (approximately 12,850 pages), 808
19 pages of documents in support of its LEP position paper, 11 documents associated with
20 grievance and visitation processes, and 931 gigabytes of documentation responsive to the
21 United States' First Request. In addition to this 13,669 pages and 931 gigabytes of
22 documentation, MCSO produced 116 boxes of documents in response to the First
23 Request. DOJ attorneys have reviewed the documents contained in those boxes on four
24 occasions at the offices of MCSO's lawyers: December 17, 2010 and January 3, 4, 5,
25 2011. On many occasions, MCSO lawyers have made clear that the DOJ is welcome to
26 resume its review of these documents upon reasonable notice and within normal business
27 hours.

1 7. To assist the DOJ in its evaluation of the voluminous documentation
2 and information that MCSO has produced, MCSO attorneys have repeatedly offered to
3 provide the DOJ assistance to evaluate the boxed and electronic information previously
4 provided in response to the DOJ's First Request for Documents and Information.

5 8. The scheduling of the two hundred and thirty (230) combined inmate
6 and MCSO staff interviews was not particularly an easy task. It required reconciling the
7 schedules of MCSO and DOJ lawyers, as well as MCSO personnel. At all times, MCSO
8 personnel, attorneys, and paralegals facilitated as seamless an interview process as
9 possible under the circumstances – something for which the DOJ personnel openly
10 expressed appreciation. Most importantly, the interviews that the DOJ requested all
11 occurred.

12 9. The interview process continued according to DOJ requests and
13 agreed upon guidelines with a few understandable limitations stemming from the
14 necessary and expected security measures of the jails.

15 10. The DOJ conducted inmate interviews outside the presence of MCSO
16 personnel and attorneys as the DOJ requested, on dates and times that the DOJ requested.

17 11. The DOJ has also interviewed Sheriff Joseph M. Arpaio. Although
18 this interview was originally scheduled for January 28, 2011, the DOJ cancelled that
19 interview because of inclement weather in Washington, D.C., and rescheduled it for
20 February 11, 2011. The DOJ did not complete Sheriff Arpaio's interview on February 11,
21 2011, however, but, with Sheriff Arpaio's accommodation, it resumed and concluded on
22 February 17, 2011. His two interviews exceeded previously agreed upon time limits.

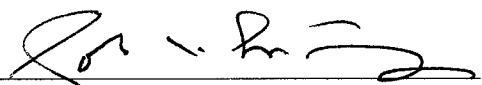
23 12. MCSO's cooperation and allowed access to information has occurred
24 and will continue to occur. As the DOJ nears the conclusion of this Title VI
25 investigation, MCSO's pledge of cooperation, among other things, most likely will appear
26 in an agreement between the parties intended to conclude this investigation and litigation.

27 13. Since Jones, Skelton & Hochuli, P.L.C. became counsel of record on
28 October 2, 2010, the United States has received nothing short of complete cooperation in

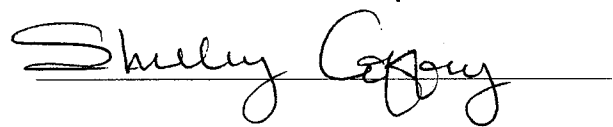
1 its investigation, including total access to MCSO staff, facilities, and documents, which is
2 precisely the injunctive and declaratory relief the United States seeks in this lawsuit. In
3 fact, in the Stipulation filed with this Court to extend the deadline for filing this Reply, the
4 United States acknowledged that MCSO has made "great strides" in its production, so
5 much so that it was "confident" that MCSO's summary judgment motion would
6 eventually be mooted by MCSO's efforts, and contemplated reaching an agreement with
7 MCSO for future information requests. (Dkt. # 52.)

8 14. As an acknowledgement of the MCSO's continued cooperation, the
9 DOJ proposed entering into an agreement that would identify the few items that the DOJ
10 deems left to accomplish in this Title VI investigation. Although discussions regarding a
11 contemplated agreement date back at least to the beginning of February, 2011, and were
12 formally acknowledged in the Stipulation filed on February 25, 2011, the United States
13 delivered a draft of this proposed "go forward" agreement on April 13, 2011. The draft
14 agreement outlines the tasks that the DOJ believes it has left to accomplish, including
15 limited follow-up interviews and review of certain documents. The proposed agreement
16 also includes a reasonable time period in which to finalize the DOJ's investigation,
17 followed by a dismissal of this case. The MCSO is confident that it will enter into an
18 agreement which will lead to the conclusion of the Title VI investigation and this action
19 shortly.

20 FURTHER AFFIANTS SAYETH NAUGHT.

21 
22 John T. Masterson

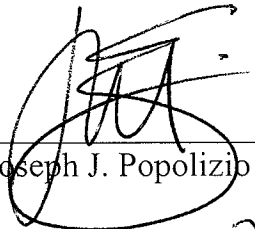
23 SUBSCRIBED AND SWORN before me this 20th day of Apr, 2011 by John T.
24 Masterson.

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26 Notary Public

27 My Commission Expires:
28 4.19.13



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Joseph J. Popolizio

SUBSCRIBED AND SWORN before me this 20th day of Apr, 2011 by Joseph

J. Popolizio.



Notary Public

My Commission Expires:

4.19.13



EXHIBIT 2

From: JOE POPOLIZIO
Sent: Friday, February 04, 2011 8:57 AM
To: 'Sreeharsha, Kavitha (CRT)'; JOHN MASTERSON
Cc: Shapiro, Avner (CRT); Gray, Peter (CRT); Hedrick, Nicole (CRT); Aminfar, Amin (CRT)
Subject: RE: jail staff interviews

Hello Kavitha,

No thanks necessary. I am glad that all went so smoothly.

We will get back to you as soon as possible regarding this request. Hopefully, we can actually have seasonable temperatures (70 or so) when you arrive next.

Joe

Joseph J. Popolizio, Esq.
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From: Sreeharsha, Kavitha (CRT) [mailto:Kavitha.Sreeharsha@usdoj.gov]
Sent: Friday, February 04, 2011 7:56 AM
To: JOHN MASTERSON; JOE POPOLIZIO
Cc: Shapiro, Avner (CRT); Gray, Peter (CRT); Hedrick, Nicole (CRT); Aminfar, Amin (CRT)
Subject: jail staff interviews

Dear John and Joe,

Nicole informs us that last Friday and this week's interview schedule of MCSO staff was well organized. Thank you for facilitating this. I am writing to seek your facilitation of one extra day of interviews to occur on Monday Feb 14th. We would like to interview the remainder of the Detention Officers on the list we originally sent. This would still be within the number of MCSO staff we set out to interview (50) on the jail investigation. We could follow the same logistics as our first day of DO interviews on Jan 28th. I understand that these interviews took place at the Training Facility. We would not be accompanied by a consultant for these interviews. I am listing below the DOs I believe Nicole did not interview on Jan 28. We would like to interview 8 of these 9 below. It sounds like the DO interviews are a little easier to organize because they are shorter and we are of course flexible as to order but would probably interview one per hour from 9am-6pm with a lunch break. Since I will be in Phoenix all of next week, I would appreciate your confirmation of this extra day but our COB today so I can go ahead and make my travel plans.

Durango:

Bevin
Gillespie
Hiatt
Acosta
Santiago-Rivera

Estrella:
Alarcon
Pritchard
Ramirez
Stewart

Many thanks,

Kavitha Sreeharsha
Attorney Advisor
Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice
202-616-8430

EXHIBIT 3

1 William R. Jones, Jr., Bar #001481
John T. Masterson, Bar #007447
2 Joseph J. Popolizio, Bar #017434
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7 Attorneys for Defendants Maricopa County
Sheriff's Office and Joseph M. Arpaio

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF ARIZONA**

11 United States of America,

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

17 Defendants.

NO. CV10-01878-PHX-GMS

**AFFIDAVIT OF SERGEANT
JAMES SEIBERT**

18 STATE OF ARIZONA)
19 County of Maricopa) ss.

20
21 Sergeant James Seibert, being first duly sworn, deposes and states as
22 follows:

23 1. I am over the age of 18 years, am competent to testify to the matters
24 set forth in this Affidavit, and make this Affidavit from my own personal knowledge.

25 2. I am a Sergeant with the Maricopa County Sheriff's Office
26 ("MCSO") and have been employed for approximately 24 years.

27 3. As the Title VI investigation moved forward in January 2011, DOJ
28 attorneys and jail consultants continued to interview inmates in the Maricopa County Jail

1 system. I coordinated the inmate interviews that occurred 2010 and 2011 pursuant to the
2 requests of the Department of Justice ("DOJ").

3 4. To facilitate the DOJ's inmate interview process, MCSO provided
4 the DOJ with inmate rosters from which the DOJ selected interviewees.

5 5. MCSO also reserved legal visitation rooms for the DOJ to conduct
6 these inmate interviews.

7 6. MCSO did not limit the length or the number of these inmate
8 interviews, nor did it limit the availability of any inmate for interview.

9 7. In the infrequent event that an inmate whom the DOJ randomly
10 selected was unavailable, the unavailability was due to circumstances such as a previously
11 scheduled medical visit or work shift of the particular inmate.

12 8. On one occasion, on the morning of January 25, 2011, an inmate at
13 Durango jail appeared for an interview, but needed a Spanish interpreter. As the DOJ did
14 not have an interpreter present as it had for other interviews, the inmate's interview was
15 postponed until that afternoon when an interpreter could be present.

16 9. The interview process continued according to DOJ requests and
17 agreed upon guidelines with few understandable limitations stemming from the necessary
18 and expected security measures of jails.

19 10. The DOJ conducted inmate interviews outside the presence of MCSO
20 personnel and attorneys as the DOJ requested, on dates and times that the DOJ requested.

21 11. The DOJ conducted 59 inmate interviews in January 2011 alone.

22 12. Thus, to date, the DOJ has conducted a total of 145 inmate
23 interviews in furtherance of their Title VI investigation, and all occurred with the
24 assistance and cooperation of MCSO personnel and attorneys.

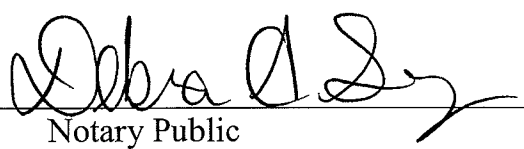
25 FURTHER AFFIANT SAYETH NAUGHT.

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28 Sergeant James Seibert

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SUBSCRIBED AND SWORN before me this 26th day of April, 2011 by

Sergeant James Seibert.


Notary Public

My Commission Expires:
April 20, 2013



EXHIBIT 4

1 William R. Jones, Jr., Bar #001481
John T. Masterson, Bar #007447
2 Joseph J. Popolizio, Bar #017434
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7 Attorneys for Defendants Maricopa County
Sheriff's Office and Joseph M. Arpaio

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF ARIZONA**

11 United States of America,
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13 v.
14 Maricopa County, Arizona; Maricopa County
15 Sheriff's Office; and Joseph M. Arpaio, in his
16 official capacity as Sheriff of Maricopa
17 County, Arizona,
Defendants.

NO. CV10-01878-PHX-GMS
**AFFIDAVIT OF LIEUTENANT
DORIS CULHANE**

18 STATE OF ARIZONA }
19 County of Maricopa } ss.

20 Lieutenant Doris Culhane, being first duly sworn, deposes and states as
21 follows:

- 22 1. I am over the age of 18 years, am competent to testify to the matters
23 set forth in this Affidavit, and make this Affidavit from my own personal knowledge.
24 2. I am a Lieutenant with the Maricopa County Sheriff's Office
25 ("MCSO") and have been employed for approximately 20 years.
26 3. In January and February 2011, MCSO coordinated the interviews of
27 both detention and patrol staff from an array of duty assignments as the Department of
28

1 Justice ("DOJ") requested in furtherance of its Title VI investigation. I assisted in
2 coordinating those interviews.

3 4. Like the inmate interviews, the DOJ selected those staff members to
4 interview, and MCSO made the selected staff members available.

5 5. In all, the DOJ requested and conducted 85 staff member
6 interviews, including interviews of 53 command staff (i.e., personnel holding the rank of
7 Sergeant and above).

8 6. The 53 command staff included 5 administrative, 31 detention, and
9 17 patrol staff members. On the detention side, the DOJ interviewed 4 Chiefs, 6 Captains,
10 18 Lieutenants, 1 Sergeant, and 18 Detention Officers; the DOJ also interviewed 2 civilian
11 supervisors and 1 civilian employee.

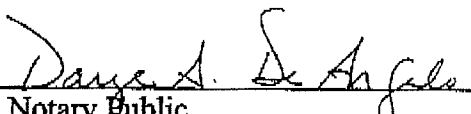
12 7. On the law enforcement side, the DOJ interviewed 5 Chiefs, 8
13 Captains, 2 Lieutenants, 2 Sergeants, 2 Volunteer Posse Members, and 11 Deputies.

14 FURTHER AFFIANT SAYETH NAUGHT.

15 
16 Lieutenant Doris Culhane

17 SUBSCRIBED AND SWORN before me this 26 day of April, 2011 by

18 Lieutenant Doris Culhane.

19 
20 Notary Public

21 My Commission Expires:

