



MARICOPA COUNTY SHERIFF'S OFFICE



2007 AUG 23 11:03 AM
JOSEPH M. ARPAIO
SHERIFF

August 14, 2007

Ms. Julie L. Myers, Assistant Secretary
U. S. Immigration and Customs Enforcement
Department of Homeland Security
425 I Street, N. W.
Washington, D. C. 20536

Dear Ms. Myers,

I wish to express my appreciation to you, Special Agent in Charge b6,b7c b6,b7c, Special Agent b6,b7c, and other Phoenix ICE officials and employees for the assistance provided by your agency as we work together in the fight to stop illegal immigration. It is encouraging to have the cooperation of the Federal government as we deal with this very real issue on a daily basis.

Today's graduation of Maricopa County Sheriff's Office deputies and detention officers now trained as federal agents under the 287g program reinforces the spirit established between our agencies. We have interviewed nearly 5,000 individuals since the program began in April of this year, and have detained nearly 3,000. Together, we have become an effective force within Maricopa County. I am especially proud that the Maricopa County Sheriff's Office has the largest staff of cross-trained agents (160) in the nation, thanks in part to you keeping your promise and the outstanding leadership shown by those in your Phoenix office.

Again, you have my thanks as we continue this positive partnership and make a difference in stemming the tide of illegal immigration.

Sincerely,

Joseph M. Arpaio
Sheriff

19621

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 MSCO 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/IAFIS/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 ICE 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.

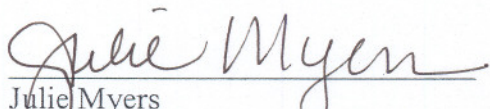
Either party, upon written or oral notice to the other party, may temporarily suspend activities under this MOA when resource constraints or competing priorities necessitate. Notice of termination or suspension by ICE shall be given to the Sheriff of Maricopa County. Notice of termination or suspension 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.

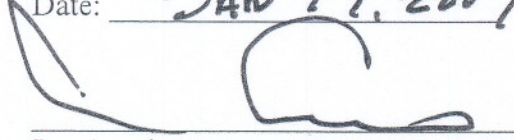
Date: 2/24/07

Date: _____


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

(See attached page 10A)

Maricopa County
Board of Supervisors

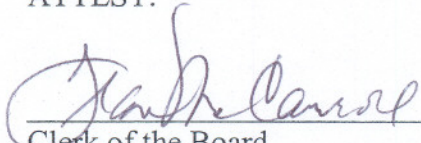
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Joe Arpaio
Sheriff
Maricopa County

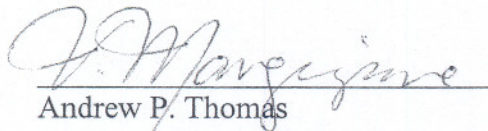
Maricopa County Board of Supervisors


ACTING Chairman of the Board 2-7-07
Date

ATTEST:


Clerk of the Board 2-7-07
Date

IN ACCORDANCE WITH A.R.S. §11-952 THIS CONTRACT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAS DETERMINED THAT THIS CONTRACT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.


Andrew P. Thomas 1-25-07
Date
Maricopa 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
b6

For ICE DRO: b6,b7c
Assistant Field Office Director
Detention and Removal Operations
2035 N. Central Avenue
Phoenix, AZ 85004 b2Low

For ICE OI: b6,b7c
Deputy Special Agent in Charge
400 N. 5th Street, 11th Floor
Phoenix, AZ 85004
b2Low

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
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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

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 12, 2007 11:04 PM
To: b6,b7c
Subject: Fw: NEWS - new law suit filed against Sheriff's Office

Latest

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

From: b6,b7c
To: b6,b7c
Sent: Wed Dec 12 19:56:37 2007
Subject: RE: NEWS - new law suit filed against Sheriff's Office

He did NOT have an I-94 on him; b6,b7c was acting SIEA that day, and he clearly remembers this case; he is at the office now and I just talked to him. b6,b7c recalls the deputy bringing the alien in and showing him his card, and stating that he was arrested for working and violating his B-2 visa. Alien did not have I-94 on him, so b6,b7c ran him in SQ94, which showed record of alien being admitted through 2008 for 6 months. b6,b7c asked alien if he was working, and alien replied that no, he was just getting a ride with the others. Alien did not have anything on his person that showed he was working, like a pay stub, etc.

b6,b7c recalls asking either me or b6,b7c about this case, and being told that unless alien would sign a sworn statement that he was working, the alien was in status and should be released. b6,b7c recalls himself telling the deputy he had no case for an NTA, and giving the directive to release the alien.

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

From: b6,b7c
Sent: Wednesday, December 12, 2007 8:24 PM
To: b6,b7c
Subject: Re: NEWS - new law suit filed against Sheriff's Office

I agree. I guess now we need to state that more clearly in the write-up. I left it intentionally vague so as the facts come in we won't have to retract anything b6,b7c sent an email or talked to b6,b7c and stated the guy was in status. I think we need to get on the same page there before we go out with it. I think he was subject to removal with an admission of work/going to work however we all know that it would not have held before an IJ.

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

From: b6,b7c
To: b6,b7c
Sent: Wed Dec 12 19:19:13 2007
Subject: RE: NEWS - new law suit filed against Sheriff's Office

According to the suit, it was a male. I seem to recall in both conversations about this case (I know I had one the day it happened, but can't recall if it was an IEA, deputy or you, and then you and I talked about it after) that he had an I-94.

Still, seems to me all parties did everything right...deputy took him to ICE to further investigate his claims, which did not jive with his being with 8 other illegals looking for work...right?

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

From: b6,b7c
Sent: Wednesday, December 12, 2007 3:15 PM
To: b6,b7c
Subject: Re: NEWS - new law suit filed against Sheriff's Office

b6,b7c

HQ is already asking me about who made the decision and why? Also was it an SDDO or SIEA? I do realize that this was a TFO and ultimately my responsibility. We will not let DRO be thrown under the bus since I am really glad you guys are signing and reviewing most of the TFO arrests. If you can get me any of the info I would appreciate it. I am trying to get the event # from MCSO so we can pull the other guys and 213s done for that load. Also trying to get a better debrief from arresting officer. Plaintiff claims to have presented evidence of admission I94. Maybe but MCSO claims that he only had a BCC. Maybe at DRO an I94 was produced?

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

From: b6,b7c
To:
CC: b6,b7c
Sent: Wed Dec 12 19:05:16 2007
Subject: FW: NEWS - new law suit filed against Sheriff's Office

Attached is copy of the suit. Apparently the ICE official that reviewed the docs and released him was a male.

It directly refers to the MOA, and to Pruitts, several of the deputy ops, and quot <<image001.jpg>> e <<Ortega Complaint.pdf>> s b6,b7c about how he pledges to "go after illegals...and lock 'em up." And how he has a "proven track record of enforcing immigration laws and not caving to political correctness."

I see it's headed up by Julie Pace, who is the lead attorney on the suit challenging the employer sanctions law (you know, the one thrown out because it went after the wrong people...)

The suit also says he was given a case# - MCSO case # or ENFORCE#? Suit seek class action status for all Hispanics in Maricopa Co. The B-2 is now so emotionally scarred he can't walk the streets of Phoenix for fear of arrest...

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

From: b6,b7c
Sent: Wednesday, December 12, 2007 7:37 PM
To: b6,b7c
Subject: Fw: NEWS - new law suit filed against Sheriff's Office
Importance: High

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

From: b6,b7c - SHERIFFX
To: b6,b7c
Sent: Wed Dec 12 16:37:49 2007
Subject: FW: NEWS - new law suit filed against Sheriff's Office

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

From: b6,b7c - SHERIFFX
Sent: Wednesday, December 12, 2007 5:26 PM
To: ' b6
Subject: Fw: NEWS - new law suit filed against Sheriff's Office
Importance: High

Please get to b6,b7c and b6,b7c .

I will call shortly.

b6,b7c

Captain b6,b7c

Media Relations Commander
Maricopa County Sheriff's Office

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

From: Tamra Ingersoll < > b6
To: b6,b7c - SHERIFFX
Sent: Wed Dec 12 15:22:49 2007
Subject: FW: NEWS - new law suit filed against Sheriff's Office

From: Matt Dutile [mailto: b6 |
Sent: Wednesday, December 12, 2007 3:17 PM
To: Tamra Ingersoll
Subject: RE: NEWS - new law suit filed against Sheriff's Office

Here is a pdf copy of the law suit. Thanks!

Matthew Dutile

Gordon C. James Public Relations

P

b6

C

<<http://www.gcjpr.com>> www.gcjpr.com

From: Tamra Ingersoll [mailto: b6
Sent: Wednesday, December 12, 2007 3:12 PM
To: b6
Subject: RE: NEWS - new law suit filed against Sheriff's Office

Hi there. Where can I get a copy of the suit from. I would like to review it and see if it is something I am intrested in putting a reporter on.

Thanks,

Tamra Ingersoll

KPHO Assignment Desk

b6

From: Matt Dutile [mailto: b6
Sent: Wednesday, December 12, 2007 2:55 PM
To: Marceline McMacken; Tamra Ingersoll; Eric Zott; Jennifer Jones; Tammy Wildman
Subject: NEWS - new law suit filed against Sheriff's Office

Good afternoon.

A <<image001.jpg>> new law suit has been filed against the Sheriff's Office of Maricopa County. Lou Moffa, lead attorney for the suit, is available for interviews tomorrow regarding the new suit. Please contact me should you wish to book an interview. The pdf file of the law suit is available upon request.

Matthew Dutile

Gordon C. James Public Relations

P

b6

C

<<http://www.gcjpr.com>> www.gcjpr.com

NEWS

FOR IMMEDIATE RELEASE

MEDIA CONTACT: Matthew Dutile

Gordon C. James Public Relations

b6

/

b6

(cell)

Law suit filed against Maricopa County Sheriff's Office for civil rights abuse

PHOENIX (December 12, 2007) - A law suit has been filed against the office of the Sheriff of Maricopa County, claiming discriminatory and unauthorized enforcement of federal immigration laws against Hispanic persons in Maricopa County, Arizona.

Lou Moffa, lead attorney for the case, filed the suit with the county on the afternoon of Dec. 12.

"Our investigations show that the Sheriff's Office has routinely exceeded their authority and shown a blatant disregard for the civil rights of individuals in Maricopa County," said Moffa. "With this suit we hope to demonstrate that no matter how politically popular an issue is, the Sheriff's office does not have the right to trounce haphazardly over an individuals rights."

Louis R. Moffa, Jr. is a partner in the Litigation Department and a member of the Product Liability and Mass Tort Group, Construction Group, Labor, Employment & Immigration Group, and Insurance Group of Ballard, Spahr, Andrews & Ingersoll, LLP. He is resident in the Firm's Voorhees, New Jersey office.

For the past twenty-five years, Mr. Moffa has been an active trial and appellate litigator representing major corporations, banks, manufacturing firms, professional partnerships, construction companies and individuals. His complex litigation practice has focused on commercial and construction contracts, lender liability, business torts, professional liability, civil rights and employment/wrongful discharge cases.

Mr. Moffa is an Adjunct Professor of Law at Rutgers School of Law- Camden where he has taught courses in Civil Rights and Appellate Advocacy and Litigation..

Mr. Moffa is a member of the American Bar Association, New Jersey Bar Association, District of Columbia Bar Association, and Camden County Bar Association.

A copy of the filed suit is available upon request.

Lou will be available for media interviews on the date of Dec. 13. Please contact Matthew Dutile at **b6** to book an interview.

###

From: b6,b7c
Sent: Thursday, December 13, 2007 11:14 AM
To: b6,b7c
Subject: FW: Cave Creek day labors and tip line
This is the shift summary for the day the lawsuit was filed on.

b6,b7c
Acting Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona
Office
b2Low Cell

From: b6,b7c - SHERIFFX [mailto: b6,b7c]
Sent: Friday, September 28, 2007 10:31 AM
To: b6,b7c
Subject: FW: Cave Creek day labors and tip line

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

From: b6,b7c - SHERIFFX
Sent: Thursday, September 27, 2007 1:54 PM
To: b6,b7c - SHERIFFX; b6,b7c - SHERIFFX; b6,b7c - SHERIFFX; b6,b7c - SHERIFFX; b6,b7c - SHERIFFX;
SHERIFFX; b6,b7c - SHERIFFX
Subject: Cave Creek day labors and tip line

On 09-27-07 HSU Detectives conducted a detail addressing the complaints in Cave Creek regarding the day labors. Once our UC vehicles identified the vehicles leaving the church our marked units developed probable cause for a traffic stop. The first vehicle stopped was for a speed violation for doing 45mph in marked 35mph zone. On this stop Detective b6,b7c identified three male subjects in the vehicle as being illegal aliens. All three were then taken back to the District IV substation for processing. On the second stop the probable cause was a broken rear tail lamp. On this stop Detective b6,b7c identified six male subjects as illegal aliens. These subjects were also taken back to District IV for processing.

According to the UC detectives, after the first stop, the USC driver from went back to the church and appeared that he relayed what had just occurred and then left by himself. Shortly after the second stop and taking more people into custody the church seemed to shut their operation done for the day. The sign on the road identifying day labors at their location was removed and everybody left the area. At this point our UC vehicle pulled out and never made contact with anybody associated with the church.

There were a total of nine male subjects taken into custody without incident. All were taken to ICE for further processing.

After all the above was complete HSU detectives conducted "knock and talks" in the Village Apartments based tips from the hotline. The tips from the hotline produced negative results.

Sgt. b6,b7c
Human Smuggling Unit

From: b6,b7c
Sent: Wednesday, January 23, 2008 3:53 PM
To: b6,b7c
Subject: FW:

Attachments: Saturated Patrol Stats.doc
 b6,b7c

Attached is the stats from a saturation patrol done last week. The focus was criminal activity not really immigration issues.

Below is an article in the paper about profiling. It appears the guy was trying to set up MCSO. I spoke with the deputies involved and there was no detainer placed. Just an FYI.

Zach Fowle
 The Arizona Republic
 Jan. 23, 2008 12:00 AM

A Phoenix man has accused the Maricopa County Sheriff's Office of ethnic profiling after he was arrested during a crackdown on crime in east Phoenix.

Israel Correa, 28, a Latino activist and one-time candidate for Maryvale justice of the peace, was arrested Friday when his vehicle was stopped near 36th Street and Thomas Road.

Correa believes he was targeted for his ethnicity, but an MCSO report says he was pulled over because his car's headlights didn't work.

According to the report, a deputy asked for Correa's identification, and Correa replied that he had none. The report says that Correa then demanded an explanation of why he was pulled over and asked if the deputy was going to deport him.

When Correa again did not show ID, the deputy placed him in handcuffs. By the time he showed his driver's license, it was too late.

Correa was booked into jail on suspicion of failure to provide identification.

While in jail, Correa said, he was taunted by Sheriff's Office personnel because of his Spanish accent. He said he was set to be released at 6 a.m. but was told he could not leave because Immigration and Customs Enforcement personnel had put a hold on him; they suspected he was an illegal immigrant. It wasn't until five hours later, after numerous calls from Correa's friends and family vouching for his legal status, he said, that he was released.

Correa said he has obtained a lawyer. However, the Sheriff's Office stands by Correa's arrest.

"What I think here is you have an individual who wants to draw attention to the sheriff's operations out there ... and try to taint their work and color it as racist, that they're engaging in racial profiling," Capt. Paul Chagolla said. "There's nothing further from the truth of that, and it's evident in the information we collected from it in numbers of arrests. Of the 24 individuals . . . arrested in the first hours of the operation, only five were illegal immigrants and the rest were U.S. citizens that violated the law."

b6,b7c

Saturated Patrol Stats

January 18th, 2008 from 1500 to 2300

Adult arrest: 9
Juvenile arrest: 0
Criminal citations: 1
Criminal traffic citation: 6
Civil citations: 7
287G Holds with state charges: 0
287G arrest: 2
DUI arrest: 1
Total arrest: 13

January 19th, 2008 from 1500 to 2200

Adult arrest: 9
Juvenile arrest: 0
Criminal citations: 6
Criminal traffic citations: 15
Civil traffic: 25
287G Holds with state charges: 1
287G arrest: 3
DUI arrest: 1
3511 Tows: 6
Total arrest: 14

This operation was a two day event. Enforcement Support Division personnel provided supervision and support for the detail. Deputies from the HSU section assisted with 287G arrest and issues. No injuries were reported during the operation. Each night the detail received assistants from Reserve Deputies and form over 25 Posse personnel in the form of back-up to Deputies, transporting prisoners, booking of prisoners and transporting MCSO equipment for the detail.

Stevens, Richard P

From: b6,b7c
Sent: Thursday, February 21, 2008 10:50 AM
To: b6,b7c
Subject: FW: Steering Committee Meeting

Attachments: STEERING COMMITTEE TALKING POINTS.doc

From: b6,b7c
Sent: Friday, September 07, 2007 3:55 PM
To: b6,b7c
Subject: Steering Committee Meeting

b6,b7c

On September 6, 2007 a meeting of the Steering Committee for the Maricopa County Sheriff's Office (MCSO) met at the MCSO executive office. This meeting was to fulfill the required Steering Committee Meeting outlined in the Memorandum of Agreement (MOA). The following officials were in attendance;\

ICE
Special Agent in Charge, b6,b7c
Deputy Special Agent in Charge, b6,b7c
Group Supervisor, b6,b7c
Chief Counsel, Pat Vroom
Assistant Field Office Director,
Assistant Field Office Director, b6,b7c
Supervisory Deportation Office

MCSO
Sheriff, Joe Arpaio
Super Chief, b6,b7c
Chief Deputy
Lieutenant,
Lieutenant, b6,b7c
Lieutenant,

Attached are the talking points covered.

b6,b7c
Group Supervisor
Special Ops/287(g)
SAC Phoenix, Arizona
Office
b2Low Cell



STEERING
COMMITTEE TALKING P

STEERING COMMITTEE TALKING POINTS

b5

b5

Stevens, Richard P

From: b6,b7c
Sent: Thursday, February 21, 2008 10:57 AM
To: b6,b7c Picard, Vincent M
Subject: FW: 3 Loads, 02/20/08
Attachments: HSU shift summary.doc

b6,b7c

Last night the MCSO Human Smuggling Unit had a CNN crew with them doing a story about the pressure on the road for human smuggling. MCSO made 4 vehicle stops within 30 minutes and had 37 in custody. Most are being charged under the State Smuggling Statute, 10 for administrative processing. The Deputies made it clear that no racial profiling was going on and that 287g was another tool for them to pursue their State Charges.

b6,b7c

From: b6,b7c - SHERIFFX [mailto:b6,b7c]
Sent: Thursday, February 21, 2008 6:34 AM

b6,b7c

Subject: 3 Loads, 02/20/08

On 02/20/08, HSU conducted interdiction patrols in the Wickenburg area of D-3. A total of 4 stops were made, which resulted in a net total of 37 taken into custody. T

Three of the four loads were identified as smuggling vehicles, resulting in 33 smuggling related arrests, involving co-conspirators and smugglers.

The arrests from the 4th stop were 3 administrative 287G arrests. The probable cause for this stop was for the driver failing to signal for a lane change. He was cited and booked into jail for driving with a suspended license.

The break down of the three smuggling loads are as follows;

(1) b2High

SR 74 & US 60, PC speed violation, 1996 GMC Suburban, Las Vegas plates/registration. 11 detained, 10 booked into our jail, including 9 co-conspirators and 1 smuggler (coyote). 1 taken to ICE due to not meeting smuggling criteria. Range of payment to be paid was between \$1,200-\$2,000. Final destinations included Florida & Las Vegas.

Side note.....The Coyote arrested in this case was also arrested by MCSO deputies in 2006 for human smuggling. He spent 15 days in county custody in 06 for that offense, before being released to ICE custody.

(2) b2High

US 93 & MP 198, PC speed violation, 1996 Dodge Ram, Arizona registration. 11 detained, 8 booked into jail including 2 smugglers & 6 co-conspirators. 3 were taken to ICE (2 father/son, 1 did not meet criteria). Range of payment \$1,500-\$1,800. The final destinations included New Jersey & California.

3/26/2009

(3) b2High

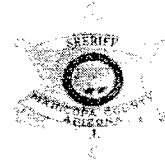
US 60 & MP 199, PC failed to signal for lane change, 1997 GMC Suburban, Washington plates. 11 detained, 8 booked, including 1 Coyote & 7 Co-Conspirators. 3 were taken to ICE, 2 for medical reasons and 1 did not meet the criteria. Range of payment \$130-\$2,000. The final destinations included Georgia, Washington & California.

In Summary,

27 booked for smuggling/co-conspiracy charges, the remaining 10 taken to ICE for deportation.

Maricopa County Sheriff's Office

Sheriff Joseph M. Arpaio, Sheriff
Human Smuggling Unit
Shift Summary



Incident: Human Smuggling

DR: **b2High**

ICE Number:

Time/Date: 02/20/2008

Location: U.S. 60

Suspect (s):

Narrative:

Reported By

DR Number 07-

Stevens, Richard P

From: b6,b7c
Sent: Saturday, March 22, 2008 10:32 AM
To: b6,b7c
Subject: Fw: saturation patrol on 03-21-08

Attachments: Friday's detail.doc

Closing numbers

b6,b7c

Acting Assistant Special Agent in Charge Division 2, SAC Phoenix
Office
b2Low Cell
Fax

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

From: b6,b7c - SHERIFFX

b6,b7c

Sent: Fri Mar 21 23:43:28 2008
Subject: saturation patrol on 03-21-08



Friday's detail.doc
(48 KB)

The attached stats are a break down of Friday's saturation patrol in the area of 36 Street and Thomas. The following are the highlights of the night:

- Ø There were a total of 34 suspects taken into custody.
- Ø Of the 34 suspects, 24 were illegally in this country (287g).
- Ø Of the 24 287g's, 9 were booked on state charges.
- Ø The charges the 9 287g's were booked on ranged from possession of narcotics to reckless driving.
- Ø 10 US citizens were booked on state charges ranging from felony drug warrants to DUI.

Note: While working the saturation patrol detail on Friday, Dep. b6,b7c observed a female running west bound on Van Buren in the area of 28th Street. The female did not have a top on and was covered in blood. Dep b6,b7c made contact with the female. His preliminary investigation determined the female had just stabbed a second female at a near by apartment. The stabbing victim was located and Fire Rescue was requested (laceration to victim's leg). The investigation was assumed by the Phoenix Police Department at there request. Dep. b6,b7c pulled a number 6 report reference his involvement.

Lt .

b6,b7c



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Stats Sheet for Saturation Patrol

Totals for 03-21-08

Type of stat	Total	Type of stat	Total
Assist to other agencies	4	Recovered stolen Property- value	\$
All Contacts	109	DUI	1
Criminal Arrest- Adult (in custody)	10	State charges with Ice Detainers	9
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	1	287g Arrest (no state charges)	15
Criminal Citations- Adult (cite only)	12	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	1	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	3	Total Compensated Sworn Hours	
Number of Warrants cleared	4	# of FI Cards Completed	
Traffic Citations	56	Transports by King Units	10
Drug arrests	2	DR's Total	15

Stevens, Richard P

From: b6,b7c
Sent: Monday, March 24, 2008 3:53 PM
To: b6,b7c
Subject: FW: Saturation patrol on 03/22/08
Attachments: stats for 032208.doc; totals for entire operation 032108 and 032208.doc

b6,b7c

Acting Assistant Special Agent in Charge
Division 2, SAC Phoenix
Office
b2Low Cell
Fax

From: b6,b7c - SHERIFFX [mailto: b6,b7c]
Sent: Monday, March 24, 2008 11:23 AM.
To: b6,b7c
Subject: FW: Saturation patrol on 03/22/08

As you requested.....

b6,b7c

From: b6,b7c - SHERIFFX
Sent: Saturday, March 22, 2008 10:35 PM

b6,b7c

Subject: Saturation patrol on 03/22/08

The attached stats are a break down of Saturday's saturation patrol in the area of 36th Street and Thomas. Also attached are the total stats for the entire operation. The following is an overview of Saturday's saturation patrol and the combined total for both days.

Saturday's patrol:

- There were a total of 22 suspects taken into custody.
- Of the 22 suspects, 15 were illegally in the country (287g).
- Of the 15 287g's, 10 were booked on state charges.
- The charges the 10 287g's were booked on ranged from forgery to DUI
- 7 US citizens were booked on state charges ranging from criminal speed and DUI warrants.

Totals for entire operation:

- There were a total of 56 suspects taken into custody.
- Of the 56 suspects, 39 were illegally in the country (287g).

- Of the 39 287g's, 19 were booked on state charges and the remaining 20 were processed through ICE
- 17 US citizens were booked on state charges.

Sgt. b6,b7c
Human Smuggling Unit



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Stats Sheet for Saturation Patrol

Totals for 03/22/08

Type of stat	Total	Type of stat	Total
Assist to other agencies	1	Recovered stolen Property- value	\$0.00
All Contacts	143	DUI	1
Criminal Arrest- Adult (in custody)	14	State charges with Ice Detainers	10
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	0	287g Arrest (no state charges)	5
Criminal Citations- Adult (cite only)	13	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	0	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	5	Total Compensated Sworn Hours	
Number of Warrants cleared	5	# of FI Cards Completed	0
Traffic Citations	63	Transports by King Units	16
Drug arrests	0	DR's Total	18



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Stats Sheet for Saturation Patrol

Totals for entire operation
03/21/08 and 03/22/08

Type of stat	Total	Type of stat	Total
Assist to other agencies	5	Recovered stolen Property- value	\$0.00
All Contacts	252	DUI	2
Criminal Arrest- Adult (in custody)	24	State charges with Ice Detainers	19
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	1	287g Arrest (no state charges)	20
Criminal Citations- Adult (cite only)	25	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	1	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	8	Total Compensated Sworn Hours	
Number of Warrants cleared	9	# of FI Cards Completed	
Traffic Citations	119	Transports by King Units	26
Drug arrests	2	DR's Total	33

Stevens, Richard P

From: b6,b7c
Sent: Friday, March 28, 2008 1:40 PM
To: b6,b7c
Subject: FW: Saturation patrol/ Cavecreek and Bell
Attachments: saturation stats 032708.doc

b6,b7c
Acting Assistant Special Agent in Charge
Division 2, SAC Phoenix
Office
b2Low Cell
Fax

From: b6,b7c - SHERIFFX [mailto:b6,b7c]
Sent: Friday, March 28, 2008 10:37 AM
To: b6,b7c
Subject: FW: Saturation patrol/ Cavecreek and Bell

From: b6,b7c - SHERIFFX
Sent: Friday, March 28, 2008 2:16 AM

b6,b7c

Subject: Saturation patrol/ Cavecreek and Bell

The attached stats are a break down of Thursday's (03/27/08) saturation patrol in the area of Cavecreek road and Bell. The following are the highlights of the night.

- There were a total of 21 suspects taken into custody.
- Of the 21 suspects, 12 were illegally in this country (287g).
- Of the 12 287g's, 5 were booked on state charges.
- The state charges on the 5 287g's booked, ranged from failure to ID to driving on a suspended license.
- 9 US citizens were booked on state charges ranging from Felony burglary warrants to reckless driving.

Sgt. b6,b7c
Human Smuggling Unit



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Stats Sheet for Saturation Patrol

03-27-08

Type of stat	Total	Type of stat	Total
Assist to other agencies	0	Recovered stolen Property- value	\$
All Contacts	75	DUI	1
Criminal Arrest- Adult (in custody)	14	State charges with Ice Detainers	4
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	0	287g Arrest (no state charges)	7
Criminal Citations- Adult (cite only)	13	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	0	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	2	Total Compensated Sworn Hours	
Number of Warrants cleared	2	# of FI Cards Completed	
Traffic Citations	53	Transports by King Units	13
Drug arrests	0	DR's Total	10

Stevens, Richard P

From: b6,b7c
Sent: Friday, April 25, 2008 5:24 PM
To: b6,b7c
Subject: FW: New protocol put in place for ICE

b6,b7c
Acting Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona
Office
b2Low Cell

From: b6,b7c - SHERIFFX [mailto:b6,b7c]
Sent: Friday, April 25, 2008 10:18 AM

b6,b7c

Subject: New protocol put in place for ICE

Hi all,

We had a meeting with b6,b7c and a couple of new protocols have been put in place. These protocols are effective immediately and are as follows:

- Any time we make administrative arrests under our 287a training and there are no state charges, we need to fax a copy of the 213 to b6,b7c (fax # b2Low). On saturation and interdiction patrols, b6,b7c will get the 213's faxed to b6,b7c before the end of shift (the next morning at the latest). Under any other circumstances, the arresting deputy will be responsible for faxing the 213.
- Any time we make administrative arrests under our 278g training and there are no state charges, the supervisor/team leader will call the ICE Duty Agent and let them know who we arrested during saturation and interdiction patrols. Under any other circumstances the arresting deputy will make the call. Call b2Low and ask for the Phoenix area Duty Agent. Note: b2Low gets you to a main desk in Florida; from there folks are transferred to the duty agents through out the country. All HSU, please program this phone number into your phones.

Briefing Note: When we stop vehicles or contact folks and the person tells us they do not

want to talk to us, do not push the issue unless you have the PC. HSU, I know you are all well trained and this has not been an issue, but we wanted to reiterate the topic.

We have a unit meeting on Monday at 1000 hours and I will answer any questions you have reference the two new protocols that have been put in place. Also, one of the County Attorneys will be speaking about making traffic stops for vehicles weaving. A DPS stop where a load of Marijuana was found was challenged on the fact the officer made the stop because the violator weaved once within his lane, actually crossed the solid white shoulder line. The case was dismissed.

Thank you,

Lt. b6,b7c
Unit Commander
Human Smuggling

Unit

b2Low

Stevens, Richard P

From: b6,b7c
Sent: Tuesday, May 27, 2008 11:13 AM
To: b6,b7c
Subject: FW: Stat report
Attachments: 05-22-08HSUstats.doc

b6,b7c
Here is a Stat report from MCSO. We get these a few times a month or whenever we ask for one.

b6,b7c
Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona
Office
b2Low Cell

From: b6,b7c
Sent: Tuesday, May 27, 2008 7:24 AM
To: b6,b7c
Subject: RE: Stat report

Here you go,

b6,b7c

From: b6,b7c]
Sent: Friday, May 23, 2008 7:43 AM
To: b6,b7c
Subject: Stat report

Joe,
When you get a minute could you fire off your latest stat report to me?

b6,b7c
Assistant Special Agent in Charge
Division 2, SAC Phoenix
Office
b2Low Cell
Fax



Maricopa County Sheriff's Office
Sheriff Joe Arpaio
HSU
Triple I Stats



Triple I Strike Force Statistical Recap:

as of 05-22-08

Human Smuggling Unit total:

1938 / between 05-14 and 05-20 total of 84
83 287g only and 1 coyote (state charge)

Community Action Team (C.A.T.) total:

73 (patrol / 3 on 04-04)

Intake total:

12887

State Human Smuggling law arrests for 2008:

Total subjects detained:

157 (plus 1)

Total booked (state):

157 (plus 1)

Coyotes:

34 (plus 1)

Co-conspirators:

123

Federal Administrative (287g) Arrests for 08:

408 (plus 83)

Federal administrative arrests (from 2006 to date)

Booked / processed federally:

1011 / (plus 83)

From site (to ICE/Border Patrol):

99

Processed by MCSO:

912 / (plus 83)

Cumulative totals from 2006 to date:

Total subjects (other than Hospitalized and etc.)

1940 (state and federal) plus 84

Total booked (state):

957 / (plus 1)

Coyotes:

142 / (plus 1)

Co-Conspirators:

815

Drop Houses processed (started Sept 07):

18 (one on 05-13-08)

Total arrests attributed to the TIP LINE:

92 (drop house on 05-13-08)

Charged under state law:

59

Processed federally:

46 (plus 3)

Non-Responsive

Non-Responsive

Non-Responsive

Non-Responsive



Maricopa County Sheriff's Office
Sheriff Joe Arpaio
HSU
Triple I Stats



Triple I Strike Force Statistical Recap:

as of 05-22-08

Human Smuggling Unit total:

1938 / between 05-14 and 05-20 total of 84
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Processed federally:

46 (plus 3)

From: b6,b7c
Sent: Friday, May 30, 2008 1:58 PM
To: b6,b7c
Subject: FW: Guadalupe Saturation patrol 04/04/08 and stat totals

Attachments: guadalupe stats 040408.doc; guadalupe stat totals.doc; Guadalupe Ops plan (2) (3).doc

b6,b7c

Here is what we had from those days. Also the OPS Plan. The narrative below was the shift summary for that op.

b6,b7c

Assistant Special Agent in Charge
 Division II, SAC Phoenix, Arizona

Office

b2Low

Cell

From: b6,b7c
Sent: Friday, April 04, 2008 11:09 PM

b6,b7c

Subject: Guadalupe Saturation patrol 04/04/08 and stat totals

The attached stats are a break down of Friday's saturation patrol in the town of Guadalupe. Also attached are the total stats for the entire two day operation. The following is an overview of Friday's saturation patrol and the combined totals for both days.

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- 17 US citizens were booked on state charges ranging from felony drug warrants to driving on a suspended license.

Note: During Friday's patrol there were 8 subjects arrested for warrants and a total of 12 warrants cleared due to a few suspects having multiple. All suspects arrested on warrants were US citizens. Suspects arrested on warrants were for:

- Felony drug possession
- Domestic violence
- Driving on a suspended license
- Marijuana for sale
- Contributing
- Miscellaneous traffic warrants

Totals for entire operation:

- There were a total of 45 suspects taken into custody.
- Of the 45 suspects, 9 were illegally in this country (287g).

b2High

3/26/2009

- Of the 9 287g's, 7 were booked on state charges and the remaining 2 were processed through ICE.
- 36 US citizens were booked on state charges.

Note: During the two day operation, we arrested a total of 18 suspects on warrants and were able to clear 28 misdemeanor and felony warrants. Of the 28 warrants cleared only 1 was out of MCSO and the remaining 27 were from other jurisdictions.

Sgt. b6,b7c
Human Smuggling Unit

Stevens, Richard P

From: b6,b7c
Sent: Friday, May 30, 2008 4:00 PM
To: b6,b7c
Subject: RE: Guadalupe Saturation patrol 04/04/08 and stat totals
Attachments: Shift Summary 052808.doc

This is a normal shift summary (Attached) I don't have one like this for Guadalupe. Not sure if it was because the don't do it because it was a Saturation Patrol with an op plan or they just forgot to send it? I will check it out.

b6,b7c

Assistant Special Agent in Charge
 Division II, SAC Phoenix, Arizona

Office
 Cell

b2Low

From: b6,b7c
Sent: Friday, May 30, 2008 12:25 PM
To:
Subject: FW: Guadalupe Saturation patrol 04/04/08 and stat totals

Are these the normal shift summaries that they submit after their operations or is there anything else?
 Thanks.

b6,b7c

*Special Agent/National Program Manager
 U.S. Immigration and Customs Enforcement
 425 I Street, NW, Room 3040
 Washington, DC 20536*

Office
 Cell
 Fax ,

b2Low

From: b6,b7c
Sent: Friday, May 30, 2008 1:58 PM
To: b6,b7c
Subject: FW: Guadalupe Saturation patrol 04/04/08 and stat totals

b6,b7c

Here is what we had from those days. Also the OPS Plan. The narrative below was the shift summary for that op.

b6,b7c

Assistant Special Agent in Charge
 Division II, SAC Phoenix, Arizona

b2Low Office

b2Low Cell

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Sent: Friday, April 04, 2008 11:09 PM

b6,b7c

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Sgt. b6,b7c
Human Smuggling Unit

Maricopa County Sheriff's Office

Sheriff Joseph M. Arpaio, Sheriff
Human Smuggling Unit
Shift Summary



Narrative:

On 05/28/08 at about 1758 hours, HSU conducted a traffic stop a 2000 Ford Windstar mini-van bearing AZ plates in the area of I-17 and Table Mesa Road. The vehicle was observed driving left of center on four different occasions within a quarter mile of travel. The vehicle contained a total of sixteen subjects and it was quickly determined to be a Smuggling load

The load contained 15 adult males including the driver (Coyote) b6,b7c and 1 adult female. After further investigation it was revealed that the subjects paid between \$1,700.00 and \$3,300.00 US Dollars to be smuggled into the US. The destinations for the group included New York, Chicago, Florida, Georgia and Mississippi. All of the subjects crossed on foot in the desert near the Nogales port of entry. After all interviews were completed, HSU will be booking 15 on state smuggling charges and 1 processed through ICE.

Also while conducting interviews, HSU gathered intelligence on the drop house that the load came from. A subject from the load was able to point out the house to HSU detectives, which was located at b6,b7c HSU drafted a search warrant based on information received and it was executed at 2345 hours. TOU made entry and located 4 more subjects in the house. After the house was secured HSU processed the scene and took ledgers and other miscellaneous items as evidence. There were no weapons located in the house and no sign of violence.

The 4 subjects were taken to District III to be processed. After interviews, it was determined that all 4 subjects were also under an agreement to be smuggled into the US. The 4 subjects also identified the subjects from the load vehicle to be from the residence. Of the 4 subjects from the house 3 will be booked on state smuggling charges and 1 processed through ICE due to being a juvenile.

Also during processing it was revealed that the driver of the load vehicle, b6,b7c b6,b7c had a misdemeanor traffic warrant out of the city of Goodyear. The front seat passenger from the vehicle b6,b7c also had a warrant out of Yavapai County for Sexual Assault with a \$100,000.00 bond.

While the initial stop that originated the entire incident above, HSU made traffic on a Ford van for impeding traffic on north bound I-17 at Anthem Way. HSU detectives determined the stop not to be a

Reported By: Sgt.

b6,b7c

Maricopa County Sheriff's Office



Sheriff Joseph M. Arpaio, Sheriff
Human Smuggling Unit
Shift Summary



smuggling incident. However, the subjects initially were determined to be in the US illegally. The occupants were identified as **b6,b7c**. Once in custody **b6,b7c** relayed that he had documentation to be in the US but was not in possession of them. Both **b6,b7c** and **b6,b7c** were taken to District III to be processed. At District III, **b6,b7c** was given the opportunity to call a relative to bring his paper work to the District. His paper work was verified and **b6,b7c** was released to his relative. A MCSO report was taken to document the incident. **b2High**

Brief Summary:

HSU will be booking a total of 18 subjects into 4th Avenue Jail on state smuggling charges and processing 3 administratively through ICE.

Sgt. **b6,b7c**
Human Smuggling Unit

Reported By: Sgt. **b6,b7c**

From: b6,b7c
Sent: Monday, June 02, 2008 4:11 PM
To: Mercer, Dionne L
Subject: FW: One more thing---FOIA

Attachments: guadalupe stats 040408.doc; guadalupe stat totals.doc

Dionne,

Apparently, MCSO does not conduct shift summaries for scheduled operations but they do have operations plans. That is the reason there is no shift summary for this operation. Below is a copy of the e-mail that was submitted documenting the results of the Guadalupe operation. I also have included the stat reports that were submitted to me by the SAC Phoenix office for this operation. Thanks.

Eric

b6,b7c

*Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536*

b2Low Office
 Cell
 Fax



guadalupe stats
040408.doc



guadalupe stat
totals.doc

From: b6,b7c
Sent: Friday, April 04, 2008 11:09 PM

b6,b7c

Subject: Guadalupe Saturation patrol 04/04/08 and stat totals

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Sgt. b6,b7c
Human Smuggling Unit

From: b6,b7c
Sent: Friday, May 30, 2008 1:50 PM
To: b6,b7c
Subject: FW: One more thing---FOIA

Can you send me the shift summary for the guadalupe FOIA? I don't believe it will be disclosed but they are still requesting it. Thanks.

b6,b7c

b6,b7c

*Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536*

b2Low Office
 Cell
 Fax

From: Mercer, Dionne L
Sent: Friday, May 30, 2008 1:48 PM
To: b6,b7c
Subject: One more thing---FOIA

Can you send me a copy of a shift summary for the case file.
Please advise.
Thanks.

Dionne Mercer
Mission Support Specialist
FOIA/PA Section
Information Disclosure Unit
Office of Investigations
425 I Street, NW Rm 4038, Washington, DC 20536
Phone b2Low **Fax** b2Low



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Saturation Patrol Stats for Guadalupe

04/04/08

Type of stat	Total	Type of stat	Total
Assist to other agencies	0	Recovered stolen Property- value	\$
All Contacts	107	DUI	0
Criminal Arrest- Adult (in custody)	21	State charges with Ice Detainers	4
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	0	287g Arrest (no state charges)	0
Criminal Citations- Adult (cite only)	10	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	1	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	8	Total Compensated Sworn Hours	
Number of Warrants cleared	12	# of FI Cards Completed	15
Traffic Citations	42	Transports by King Units	13
Drug arrests	1	DR's Total	13



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Saturation Patrol Stats for Guadalupe

Totals for both days
04/03/08-04/04/08

Type of stat	Total	Type of stat	Total
Assist to other agencies	0	Recovered stolen Property- value	\$
All Contacts	329	DUI	0
Criminal Arrest- Adult (in custody)	45	State charges with Ice Detainers	7
Criminal Arrest- Juvenile (summary needed on the back of stat sheet)	0	287g Arrest (no state charges)	2
Criminal Citations- Adult (cite only)	22	Total Posse Members Hours	
Criminal Citations- Juvenile (summary needed on the back of stat sheet)	1	Total Reserve Hours	
Warrant Arrest (indicate on back was it 51 or 52)	18	Total Compensated Sworn Hours	
Number of Warrants cleared	28	# of FI Cards Completed	29
Traffic Citations	120	Transports by King Units	32
Drug arrests	6	DR's Total	29

Stevens, Richard P

From: b6,b7c
Sent: Tuesday, June 03, 2008 10:49 AM
To: b6,b7c
Subject: FW: One more thing---FOIA
Attachments: Picture (Metafile)

b6,b7c

These FOIA's don't seem to go away. Do we have any of the below information or would it just be the 213's that are at DRO? Thanks.

b6,b7c

b6,b7c

*Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536*

b2Low Office
Cell
Fax

From: Mercer, Dionne L
Sent: Tuesday, June 03, 2008 10:32 AM
To: b6,b7c
Subject: RE: One more thing---FOIA

Good Morning,

b6,b7c, b5

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

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b6,b7c

b6,b7c

Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536

b2Low Office
Cell
Fax

<< File: guadalupe stats 040408.doc >> << File: guadalupe stat totals.doc >>

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b6,b7c

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Human Smuggling Unit

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b6,b7c

b6,b7c
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425 I Street, NW, Room 3040
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Dionne Mercer
Mission Support Specialist
FOIA/PA Section
Information Disclosure Unit
Office of Investigations
425 I Street, NW Rm 4038, Washington, DC 20536
Phone b2Low **Fax** b2Low

Stevens, Richard P

From: b6,b7c
Sent: Thursday, June 05, 2008 3:09 PM
To:
Cc: b6,b7c
Subject: FW: TFO Active list
Attachments: active_inactive.xls

From: b6,b7c
Sent: Thursday, June 05, 2008 11:30 AM
To:
Cc: b6,b7c
Subject: FW: TFO Active list

b6,b7c

I have reviewed the list and found a couple things that I needed to bring to your attention (as information).

You have b6,b7c as inactive but he is an active TFO. Also b6,b7c appears on the list but he can be taken off as he did not attend the ICE training. In addition, b6,b7c attended the ICE class as a Detention Officer and he is now a Deputy (he is showing active on your list).

Hope this helps. Let me know if there is anything else I may do for you.

b6,b7c

Lieutenant

Maricopa County Sheriff's Office	Maricopa County Sheriff's Office
Maricopa County Sheriff's Office	Maricopa County Sheriff's Office
Maricopa County Sheriff's Office	Maricopa County Sheriff's Office
Maricopa County Sheriff's Office	Maricopa County Sheriff's Office
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b6, b7c

Active		
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Inactive		
Inactive		

Non-Responsive

Non-Responsive

Non-Responsive

Non-Responsive

From: b6,b7c
Sent: Friday, June 13, 2008 8:07 PM
To: b6,b7c
Subject: FW: 287g swap Phoenix July class

H b6,b7c
Update your Phoenix 287g July roster please. MCSO b6,b7c is out b6,b7c is in.

b6,b7c

From: b6,b7c
Sent: Friday, June 13, 2008 3:17 PM
To: b6,b7c
Subject: 287g swap

I am wondering if I can make a switch on the roster you were sent concerning the ICE class beginning 7/15? I would like to swap out Ofc. b6,b7c and include Ofc b6,b7c for this class. Ofc b6,b7c it appears, may not be able to attend.

Please let me know asap.

Thanks

Captain b6,b7c
Commander
Central Intake Division
b6,b7c

Stevens, Richard P

From: b6,b7c
Sent: Friday, June 20, 2008 1:52 PM
To: b6,b7c
Subject: RE: b6,b7c

He has been removed from the class list, just let me know his replacement and I will update our records.
Thanks.

b6,b7c

*Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536*

b2Low Office
Cell
Fax

From: b6,b7c
Sent: Friday, June 20, 2008 1:03 PM
To: b6,b7c
Subject: FW: b6,b7c

b6,b7c

Please drop b6,b7c off our list for MCSO we will try him on a later class when he meets the 2 year requirement. I will let you know who from the other MCSO JEO will fill the slot. I believe you have other packets up there for vetting from them.

b6,b7c

Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona
b2Low Office
Cell

From: b6,b7c
Sent: Friday, June 20, 2008 8:57 AM
To: b6,b7c
Subject: FW: b6,b7c

Hi b6,b7c

You are correct. Looks like he is about half a year short of the requirement. Is he a no go?

Captain b6,b7c

From: b6,b7c SHERIFFX
Sent: Friday, June 20, 2008 12:00 AM
To: b6,b7c - SHERIFFX
Subject: RE: b6,b7c

HEY THERE CAPT. I HAVE BEEN WITH THE SHERIFF'S OFFICE APPROXIMATELY 1.5 YEARS AND I HAVE NO OTHER LAW ENFORCEMENT EXPERIENCE.

HOPE THIS HELPS.

THANKS,
OFC b6,b7c

From: b6,b7c SHERIFFX
Sent: Wednesday, June 18, 2008 3:34 PM
To: b6,b7c SHERIFFX
Subject: FW: b6,b7c

Officer b6,b7c

How long have you been employed by the Sheriff's Office? Have you been employed with other law enforcement agencies prior to joining us? If yes, how long?

Captain b6,b7c

From: b6,b7c HERIFFX
Sent: Wednesday, June 18, 2008 3:28 PM
To: b6,b7c SHERIFFX
Cc: b6,b7c
Subject: FW: b6,b7c

Captain b6,b7c

Can you please help b6,b7c with this issue b6,b7c ?

b6,b7c

Thank you!

b6,b7c

Lieutenant

From: b6,b7c
Sent: Monday, June 16, 2008 1:49 PM
To: b6,b7c
Subject: b6,b7c

b6,b7c
Our unit doing the vetting/background for the officers in the upcoming class informed us that b6,b7c has only one year in with MCSO. The MOA states all persons trained will have a minimum of two years law enforcement experience. Does he have some other experience or is his time on with MCSO incorrect?

b6,b7c

Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona

b2Low

Office
Cell

Stevens, Richard P

From: b6,b7c
Sent: Friday, June 27, 2008 11:12 AM
To: b6,b7c
Subject: FW: Mesa Saturation patrol 06/26/08
Attachments: Mesa stats 062608.doc

Please read Note 2. This is the guy who had his mother on the news last night claiming "they took my baby"

b6,b7c

Assistant Special Agent in Charge
 Division II, SAC Phoenix, Arizona

Office

b2Low

Cell

From: b6,b7c
Sent: Friday, June 27, 2008 3:14 AM

b6,b7c

Subject: Mesa Saturation patrol 06/26/08

The attached stats are a break down of Thursday's saturation patrol in the City of Mesa. The following are the highlights of the night.

- There were a total of 37 suspects taken into custody.
- Of the 37 suspects, 14 were illegally in the country (287g).
- Of the 14 287g's, 8 were booked on state charges and the remaining 6 were processed through ICE.
- The state charges on the 8 287g's that were booked ranged from extreme DUI to traffic and DUI warrants.
- 23 US citizens were booked on state charges ranging from possession of dangerous drugs to felony warrants.

Note 1: During the saturation patrol there were a total of 12 suspects arrested on warrants and a total of 13 warrants cleared due to 1 suspect having multiple. Of the 12 suspects, 2 were in the country illegally. 1 had a warrant out of the City of Mesa for a failure to appear on a traffic violation and the other for DUI out of MCSO. The amount of warrants, jurisdiction and original charges on the warrants are broke down as follows by agency.

- **Scottsdale PD:** 1 warrant = FTA on a Traffic Violation
- **DPS:** 2 warrants = FTA on a Driving on Suspended License / FTA a Criminal Speed Violation
- **MESA PD:** 3 warrants = FTP Traffic Violation x2 / FTA on an Order to Appear
- **Tempe PD:** 1 warrants = FTA Urinating in Public
- **MCSO:** 4 warrants = Possession of Drug Paraphernalia / DUI / Driving on Suspended License / Disorderly Conduct

- **Chandler PD:** 1 warrants = Shoplifting
- **Nevada:** 1 warrant = Forgery (FOJ)

Note 2: A juvenile identified as **b6,b7c** was arrested for having an open container of alcohol in a passenger compartment of a motor vehicle. When contacted **b6,b7c** did not possess any identification and spoke only Spanish. When questioned by a 287g deputy about his status to be in the country **b6,b7c** relayed that he was a legal permanent resident but did not have his card with him **b6,b7c** went onto tell deputies that his card was located at his residence and could provide it to us **b6,b7c** was transported to his residence and his card was verified by a 287g deputy **b6,b7c** was cited for the alcohol violation and released to his father **b6,b7c**

Note 3: Also during the saturation patrol TOU was called out to **b6,b7c** in the City of Mesa to assist ICE in serving a search warrant on a drop house. Once the warrant was executed multiple subjects were taken into custody. MCSO assisted in transporting the subjects to the Phoenix ICE office and all were processed by ICE personnel.

Sgt. **b6,b7c**
Human Smuggling Unit
Maricopa County Sheriff's Office



Maricopa County Sheriff's Office
Joseph M. Arpaio
Sheriff



Mesa Crime Suppression/Saturation Patrol
Totals

Jun 26th of 2008

Type of stat	Total	Type of stat	Total
Criminal Arrest (Adult in custody)	28	All Contacts	190
Criminal Arrest (juvenile)	3	Assist to other agencies	6
Drug Arrest	3	FI cards completed	35
287g arrest with No state charges (Processed through ICE only)	6	Total DR's	29
287g arrest with state charges (Detainer)	7	Total Posse hours	49
Warrant arrest	12	Total Reserve hours	9
Number of warrants cleared	13	Total Compensated sworn hours	215
DUI arrests	4	Transports by Jail Wagons	15
Criminal Citations (Adult)	18	287g arrest who had a warrant	1
Criminal Citations (Juvenile)	3	Misc:	
Traffic Citations	71	Misc:	

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, August 06, 2008 8:24 PM
To: b6,b7c
Subject: Re: Officer b6,b7c

b6,b7c

Thanks for the head's up. Please make sure our OPR office is notified if there an issue involving the alleged misconduct of a 287 (g) officer. Thank you.

b6,b7c

From: b6,b7c
To: b6,b7c
Sent: Wed Aug 06 16:51:39 2008
Subject: Fw: Officer b6,b7c

Fyi

From: b6,b7c SHERIFFX
To: b6,b7c
Sent: Wed Aug 06 16:08:13 2008
Subject: Officer b6,b7c

b6,b7c

Please suspend Officer b6,b7c passwords effective immediately as we deal with an internal issue.

If you have any questions or concerns please call me
thank you,

Lieutenant b6,b7c
Lower Buckeye Jail
Shift 3 Commander
ICE/287(g) Commander

b6,b7c

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, August 06, 2008 8:34 PM
To: b6,b7c
Subject: Fw: Officer b6,b7c

Here is some more info on the issue.

Fro
To: b6,b7c
Sent: Wed Aug 06 17:25:20 2008
Subject: Re: Officer b6,b7c

There is an open OPR case against hwr for misconduct involving ICE computers.

From: b6,b7c
To: b6,b7c
Sent: Wed Aug 06 17:24:15 2008
Subject: Re: Officer b6,b7c

b6,b7c

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b6,b7c

Fro
To: b6,b7c
Sent: Wed Aug 06 16:51:39 2008
Subject: Fw: Officer b6,b7c

Fyi

Froi - SHERIFFX
To: b6,b7c
Sent: Wed Aug 06 16:08:13 2008
Subject: Officer b6,b7c

b6,b7c

Please suspend Officer b6,b7c passwords effective immediately as we deal with an internal issue.

If you have any questions or concerns please call me
thank you,

Lieutenant b6,b7c
Lower Buckeye Jail

3/26/2009

Shift 3 Commander
ICE/287(g) Commander

b6,b7c

Stevens, Richard P

From: b6,b7c
Sent: Thursday, August 07, 2008 2:21 PM
To: b6,b7c
Subject: RE: Officer b6,b7c

Misuse of an ICE computer.

b6,b7c

*Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement
425 I Street, NW, Room 3040
Washington, DC 20536*

b2Low Office
Cell
Fax

From: b6,b7c
Sent: Thursday, August 07, 2008 1:51 PM
To: b6,b7c
Subject: RE: Officer b6,b7c

So what is she alleged to have done ?????

From: b6,b7c
Sent: Wednesday, August 06, 2008 5:25 PM
To: b6,b7c
Subject: Re: Officer b6,b7c

There is an open OPR case against hwr for misconduct involving ICE computers.

From: b6,b7c
To: b6,b7c
Sent: Wed Aug 06 17:24:15 2008
Subject: Re: Officer b6,b7c

b6,b7c

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b6,b7c

Fro: b6,b7c
To: b6,b7c
Sent: Wed Aug 06 16:51:39 2008

Subject: Fw: Officer [redacted] b6,b7c

Fyi

Fro [redacted] SHERIFFX
To: [redacted] b6,b7c
Sent: Wed Aug 06 16:08:13 2008
Subject: Officer [redacted] b6,b7c
[redacted] b6,b7c

Please suspend Office [redacted] b6,b7c passwords effective immediately as we deal with an internal issue.

If you have any questions or concerns please call me
thank you,

Lieutenant [redacted] b6,b7c
Lower Buckeye Jail
Shift 3 Commander
ICE/287(g) Commander
[redacted] b6,b7c

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 10, 2008 2:49 PM
To: b6,b7c
Subject: FW: MCSO Letters of Authorization and Revocation (1 of 5)

Attachments: Scan001.PDF



Scan001.PDF (1
MB)

b6,b7c
Special Agent/National Program Manager
Office of State and Local Coordination
U.S. Immigration and Customs Enforcement 500 12th Street, SW, Suite 5027 Washington, DC
20024

b2Low Office
Cell

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

From: b6,b7c
Sent: Friday, November 21, 2008 3:32 PM
To:
Cc: b6,b7c
Subject: MCSO Letters of Authorization and Revocation (1 of 5)

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

From: Kennon, Zoreda A
Sent: Friday, November 21, 2008 2:46 PM
To:
Cc: b6,b7c
Subject: Letters of Authorization/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 1 of 5

Had to break this up into 5 parts.

Attached are scanned copies of the Letters of Authorization/Revocation for Maricopa County Task Force Officers to perform immigration officer functions pursuant to 287(g).

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH:
Fax: b2Low

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

From: AZC OI Xerox, Management Area 05
Sent: Friday, November 21, 2008 5:28 AM
To: Kennon, Zoreda A
Subject: Letters of Authoirzation/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 1

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: PIAZCOIXEROX05

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**U.S. Immigration
and Customs
Enforcement**

NOV 20 2008

Sheriff Joe Arpaio
Maricopa County Sheriff's Office
100 West Washington Street, Suite 1900
Phoenix, Arizona 85003

Re: 287(g) Authorization and Revocation Letters

Dear Colleague:

Please find enclosed the letters of authorization for Maricopa County Sheriff's Office personnel who are task force officers who have been nominated, trained, and authorized to perform immigration officer functions pursuant to Section 287(g) of the Immigration and Nationality Act, as amended, Title 8, United States Code, Section 1357(g). The letters of authorization are valid for one year from the date the authorization is signed, unless such authorization is subsequently revoked pursuant to the provisions of the 287(g) Program Memorandum of Agreement between the United States Immigration and Customs Enforcement (ICE) and the Maricopa County Sheriff's Office.

Please provide the original letters of authorization that are enclosed to each respective task force officer and retain a copy of each letter for your records.

Enclosed also is one letter of revocation for a Maricopa County Sheriff's Office employee who was a task force officer who was nominated, trained, and authorized to perform immigration officer functions but who subsequently separated from employment from the Maricopa County Sheriff's Office. The letter of revocation is evidence of the revocation of the individual's authorization to perform immigration officer functions which terminated upon separation from employment.

For your convenience, included is a current roster of Maricopa County Sheriff's Office task force officers who have completed 287(g) training. Indicated on the roster is the respective employee's authorization status.

Finally, in regard to the Maricopa County Sheriff's Office jail enforcement officers who have completed 287(g) training, you will be receiving letters of authorization or revocation for each respective employee who has completed 287(g) training. Those letters will be sent to you by the ICE Field Office Director, Detention and Removal Operations, Phoenix.

Letter to Sheriff Joe Arpaio, Maricopa County Sheriff's Office, Regarding 287(g) Authorization and Revocation Letters
Page 2

Should you or your representatives have any questions regarding the letters of authorization, the letter of revocation, or the roster of 287(g) trained task force officers, please contact ICE Senior Special Agent **b6,b7c** at phone number **b2Low** or by e-mail at **b6,b7c**

Thank you for your participation in the ICE 287(g) Program and for your efforts in making our homeland safe.

Sincerely,

b6,b7c

Special Agent in Charge

Enclosures: (100)

AUTHORIZED

	Agency	Last Name	First Name	MI	LOCATION	Vetted	Vetted Status	Comments	PK	Vetted Type
1	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
2	Maricopa County Sheriff's Office				TOU/K-9	TRUE	Active			TFO
3	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
4	Maricopa County Sheriff's Office				TOU/K-9	TRUE	Active			TFO
5	Maricopa County Sheriff's Office					TRUE	Active			TFO
6	Maricopa County Sheriff's Office				PROP 100	TRUE	Active			TFO
7	Maricopa County Sheriff's Office				DISTRICT VII	TRUE	Active			TFO
8	Maricopa County Sheriff's Office				CID	TRUE	Active			TFO
9	Maricopa County Sheriff's Office				HR, PRE-EMPLOYMENT	TRUE	Active			TFO
10	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
11	Maricopa County Sheriff's Office				ACTING SGT, HSU/ES	TRUE	Active			TFO
12	Maricopa County Sheriff's Office				SPECIAL ENFORCEMENT	TRUE	Active			TFO
13	Maricopa County Sheriff's Office				LAKE PATROL	TRUE	Active			TFO
14	Maricopa County Sheriff's Office				MOUNTAIN PATROL	TRUE	Active			TFO
15	Maricopa County Sheriff's Office					TRUE	Active			TFO
16	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
17	Maricopa County Sheriff's Office				TOU/K-9	TRUE	Active			TFO
18	Maricopa County Sheriff's Office				SGT, JAIL INTEL	TRUE	Active			TFO
19	Maricopa County Sheriff's Office				TOU/K-9	TRUE	Active			TFO
20	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
21	Maricopa County Sheriff's Office				PUBLIC RELATIONS	TRUE	Active			TFO
22	Maricopa County Sheriff's Office				SGT, PROP 100	TRUE	Active			TFO
23	Maricopa County Sheriff's Office				COUNTER TERRORISM	TRUE	Active			TFO
24	Maricopa County Sheriff's Office				INTERNAL AFFAIRS	TRUE	Active			TFO
25	Maricopa County Sheriff's Office				LAKE PATROL	TRUE	Active			TFO
26	Maricopa County Sheriff's Office				TOU/K-9	TRUE	Active			TFO
27	Maricopa County Sheriff's Office				DISTRICT II	TRUE	Active			TFO
28	Maricopa County Sheriff's Office				DISTRICT I	TRUE	Active			TFO
29	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active			TFO
30	Maricopa County Sheriff's Office				DISTRICT III	TRUE	Active			TFO
31	Maricopa County Sheriff's Office				HSU/ES	TRUE	Active	EFT: YES		TFO
32	Maricopa County Sheriff's Office				CID	TRUE	Active			TFO
33	Maricopa County Sheriff's Office				DISTRICT I	TRUE	Active			TFO
34	Maricopa County Sheriff's Office				CID	TRUE	Active			TFO
35	Maricopa County Sheriff's Office				DISTRICT I	TRUE	Active			TFO
36	Maricopa County Sheriff's Office				CID	TRUE	Active	Resolved		TFO

b6,b7c

b6,b7c

77	Maricopa County Sheriff's Office			LAKE PATROL	TRUE	Active			TFO
78	Maricopa County Sheriff's Office			SGT, CIVIL INTEL	TRUE	Active			TFO
79	Maricopa County Sheriff's Office			DISTRICT IV	TRUE	Active			TFO
80	Maricopa County Sheriff's Office			CID	TRUE	Active			TFO
81	Maricopa County Sheriff's Office			DISTRICT II	TRUE	Active			TFO
82	Maricopa County Sheriff's Office				TRUE	Active			TFO
83	Maricopa County Sheriff's Office			HSU/ES	TRUE	Active			TFO
84	Maricopa County Sheriff's Office			TRAFFIC	TRUE	Active			TFO
85	Maricopa County Sheriff's Office			LAKE PATROL	TRUE	Active			TFO
86	Maricopa County Sheriff's Office			CID	TRUE	Active			TFO
87	Maricopa County Sheriff's Office			COURT SECURITY, SE	TRUE	Active			TFO
88	Maricopa County Sheriff's Office			SUPPORT SVCS, TRNG	TRUE	Active			TFO
89	Maricopa County Sheriff's Office			SGT, SPECIAL ENFORCEMENT	TRUE	Active			TFO
90	Maricopa County Sheriff's Office			SGT, LAKE PATROL	TRUE	Active			TFO
91	Maricopa County Sheriff's Office			LAKE PATROL	TRUE	Active			TFO
92	Maricopa County Sheriff's Office			DISTRICT III	TRUE	Active			TFO
93	Maricopa County Sheriff's Office			HSU/ES	TRUE	Active			TFO
94	Maricopa County Sheriff's Office			FBI/FTF	TRUE	Active			TFO
95	Maricopa County Sheriff's Office			DISTRICT VII	TRUE	Active			TFO
96	Maricopa County Sheriff's Office			CID	TRUE	Active			TFO
97	Maricopa County Sheriff's Office			HSU/ES	TRUE	Active			TFO
98	Maricopa County Sheriff's Office			SGT, DISTRICT II	TRUE	Active			TFO
99									
100									
REVOKED									
Agency	Last Name	First Name	MI	Vetted	Vetted Status	Comments	PK	Vetted Type	
Maricopa County Sheriff's Office				TRUE	Inactive	with MCSC		0	

b6,b7c

b6,b7c

b6,b7c

b6,b7c

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

LETTER OF AUTHORIZATION

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680) and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

The ICE Special Agent in Charge (SAC) authorizes you, b6,b7c as a qualified law enforcement officer of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the Memorandum of Agreement (MOA) signed by ICE and the Maricopa County Sheriff's Office. Your authority as an immigration officer is valid for the period of one year from the date of authorization. This authorization may be suspended at any time by the Special Agent in Charge. This delegation will be reviewed annually by the Special Agent in Charge.

Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

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**U.S. Immigration
and Customs
Enforcement**

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October 1, 2008

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b6,b7c

Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



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and Customs
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b6,b7c

Special Agent in Charge

October 1, 2008

Office of Investigations

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Sincerely,

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Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



**U.S. Immigration
and Customs
Enforcement**

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Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

LETTER OF AUTHORIZATION

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October 1, 2008

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 10, 2008 2:49 PM
To: b6,b7c
Subject: FW: MCSO Letters of Authorization & Revocation (2 of 5)

Attachments: Scan001.PDF



Scan001.PDF
(1,011 KB)

b6,b7c
Special Agent/National Program Manager
Office of State and Local Coordination
U.S. Immigration and Customs Enforcement 500 12th Street, SW, Suite 5027 Washington, DC
20024

b2Low Office
Cell

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

From: b6,b7c
Sent: Friday, November 21, 2008 3:33 PM
To:
Cc: b6,b7c
Subject: MCSO Letters of Authorization & Revocation (2 of 5)

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

From: Kennon, Zoreda A
Sent: Friday, November 21, 2008 2:47 PM
To:
Cc: b6,b7c
Subject: Letters of Authorization/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 2 of 5

Had to break this up into 5 parts.

Attached are scanned copies of the Letters of Authorization/Revocation for Maricopa County Task Force Officers to perform immigration officer functions pursuant to 287(g).

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH:
Fax: b2Low

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

From: AZC OI Xerox, Management Area 05
Sent: Friday, November 21, 2008 5:29 AM
To: Kennon, Zoreda A
Subject: Scan from a Xerox WorkCentre Pro at AZC OI Management Area

Please open the attached document. It was scanned and sent to you using a Xerox

WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set

Device Name: PIAZCOIXEROX05

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

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Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

LETTER OF AUTHORIZATION

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b6,b7c

Special Agent in Charge

October 1, 2008

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October 1, 2008

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 10, 2008 2:49 PM
To: b6,b7c
Subject: FW: MCSO Letters of Authorization & Revocation (3 of 5)

Attachments: Scan001.PDF



Scan001.PDF
(1,010 KB)

b6,b7c
Special Agent/National Program Manager
Office of State and Local Coordination
U.S. Immigration and Customs Enforcement 500 12th Street, SW, Suite 5027 Washington, DC
20024

b2Low Office
Cell

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

From: b6,b7c
Sent: Friday, November 21, 2008 3:34 PM
To:
Cc: b6,b7c
Subject: MCSO Letters of Authorization & Revocation (3 of 5)

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

From: Kennon, Zoreda A
Sent: Friday, November 21, 2008 2:50 PM
To:
Cc: b6,b7c
Subject: Letters of Authoirzation/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 3 of 5

Had to break this up into 5 parts.

Attached are scanned copies of the Letters of Authorization/Revocation for Maricopa County Task Force Officers to perform immigration officer functions pursuant to 287(g).

Originals in b6,b7c Office.

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH:
Fax: b2Low

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

From: AZC OI Xerox, Management Area 05
Sent: Friday, November 21, 2008 5:31 AM
To: Kennon, Zoreda A
Subject: Letters of Authoirzation/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 3 of 5

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: PIAZCOIXEROX05

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U.S. Immigration
and Customs
Enforcement

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October 1, 2008

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Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



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October 1, 2008

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 10, 2008 2:50 PM
To: b6,b7c
Subject: FW: MCSO Letters of Authorization & Revocation (4 of 5)

Attachments: Scan001.PDF



Scan001.PDF (935
KB)

b6,b7c
Special Agent/National Program Manager
Office of State and Local Coordination
U.S. Immigration and Customs Enforcement 500 12th Street, SW, Suite 5027 Washington, DC
20024

b2Low Office
Cell

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

From: b6,b7c
Sent: Friday, November 21, 2008 3:34 PM
To:
Cc: b6,b7c
Subject: MCSO Letters of Authorization & Revocation (4 of 5)

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

From: Kennon, Zoreda A
Sent: Friday, November 21, 2008 2:50 PM
To:
Cc: b6,b7c
Subject: Letters of Authoirzation/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 4 of 5

Had to break this up into 5 parts.

Attached are scanned copies of the Letters of Authorization/Revocation for Maricopa County Task Force Officers to perform immigration officer functions pursuant to 287(g).

Originals in b6,b7c Office.

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH:
Fax: b2Low

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

From: AZC OI Xerox, Management Area 05
Sent: Friday, November 21, 2008 5:32 AM
To: Kennon, Zoreda A
Subject: Letters of Authoirzation/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 4 of 5

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set

Device Name: PIAZCOIXEROX05

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Office of Investigations

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**U.S. Immigration
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The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680) and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

The ICE Special Agent in Charge (SAC) authorizes you, b6,b7c as a qualified law enforcement officer of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the Memorandum of Agreement (MOA) signed by ICE and the Maricopa County Sheriff's Office. Your authority as an immigration officer is valid for the period of one year from the date of authorization. This authorization may be suspended at any time by the Special Agent in Charge. This delegation will be reviewed annually by the Special Agent in Charge.

Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

LETTER OF AUTHORIZATION

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Special Agent in Charge

October 1, 2008

Office of Investigations

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Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

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Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
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Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

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October 1, 2008

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U.S. Department of Homeland Security
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U.S. Immigration
and Customs
Enforcement

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October 1, 2008

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U.S. Immigration
and Customs
Enforcement

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Special Agent in Charge

October 1, 2008

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

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Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008

Stevens, Richard P

From: b6,b7c
Sent: Wednesday, December 10, 2008 2:50 PM
To: b6,b7c
Subject: FW: MCSO Letters of Authorization & Revocation (5 of 5)
Attachments: Scan001.PDF



Scan001.PDF (51 KB)

b6,b7c
Special Agent/National Program Manager
Office of State and Local Coordination
U.S. Immigration and Customs Enforcement 500 12th Street, SW, Suite 5027 Washington, DC 20024

b2Low Office
Cell

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

From: b6,b7c
Sent: Friday, November 21, 2008 3:35 PM
To:
Cc: b6,b7c
Subject: MCSO Letters of Authorization & Revocation (5 of 5)

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

From: b6,b7c
Sent: Friday, November 21, 2008 2:50 PM
To:
Cc: b6,b7c
Subject: Letters of Authorization/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 5 of 5

Had to break this up into 5 parts.

Attached are scanned copies of the Letters of Authorization/Revocation for Maricopa County Task Force Officers to perform immigration officer functions pursuant to 287(g).

Originals in b6,b7c Office.

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH:
Fax b2Low

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

From: AZC OI Xerox, Management Area 05
Sent: Friday, November 21, 2008 5:32 AM
To: Kennon, Zoreda A
Subject: Letters of Authorization/Revocation for MCSO Task Force Officers to perform immigration officer functions pursuant to 287(g) - Part 5 of 5

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: PIAZCOIXEROX05

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**U.S. Immigration
and Customs
Enforcement**

LETTER OF REVOCATION

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680) and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

As authorized in the Memorandum of Agreement (MOA) between ICE and the Maricopa County Sheriff's Office, the 287(g) authorization of participating Law Enforcement Agency (LEA) personnel may be revoked at any time by ICE. After careful evaluation, the Special Agent in Charge (SAC) is revoking the authority granted to you, b6,b7c of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the MOA. The Maricopa County Sheriff's Office has been notified that your immigration authorities conferred by the MOA have been revoked.

In accordance with the MOA, you must immediately return any issued Immigration Officer Identification, Immigration Officer designation form(s) and/or ICE issued equipment, if you have not done so already. You may retain your certificate of course completion from the authorizing ICE Training Division.

Your authorization to perform 287(g) immigration officer functions may be reinstated by the SAC at a later date and any reinstatement costs will be incurred by the LEA.

Sincerely,

b6,b7c

Special Agent in Charge

October 11, 2007

Stevens, Richard P

From: Kennon, Zoreda A
Sent: Wednesday, December 10, 2008 5:02 PM
To: b6,b7c
Cc:
Subject: Letter of Revocation

Attachments: Scan001.PDF



Scan001.PDF (150 KB)

Attached is a scanned copy of the Letter of Revocation and cover letter to Buckeye Police Dept., Officer b6,b7c formerly of the Maricopa County Sheriff's Office, for task force officer revocation to perform immigration officer functions pursuant to 287(g).

If you have any questions concerning this matter, please contact b6,b7c at phone number b2Low or by e-mail at b6,b7c

Reda Kennon
Staff Assistant
ICE, Office of Investigations
400 N 5th St., 11th Fl
Phoenix, AZ 85004
PH: b2Low
Fax:

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

From: AZC OI Xerox, Management Area 05
Sent: Wednesday, December 10, 2008 7:51 AM
To: Kennon, Zoreda A
Subject: Letter of Revocation

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: PIAZCOIXEROX05

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**U.S. Immigration
and Customs
Enforcement**

DEC 10 2008

Mark Mann
Acting Chief of Police
Buckeye Police Department
100 N. Apache Road, Suite D
Buckeye, Arizona 85326

Re: Immigration Officer Authority Revocation Letter for Officer b6,b7c

Dear Chief Mann:

Please find enclosed the letter of revocation for immigration officer authority that was previously bestowed upon Officer b6,b7c. This letter in no way reflects poorly upon Officer b6,b7c or on your department. It is merely required by law that his immigration officer authority be revoked at this time, since he is no longer employed by a law enforcement agency that has an approved 287(g) program.

Immigration officer authority was bestowed upon Officer b6,b7c by the United States Immigration and Customs Enforcement (ICE) while he was employed as an officer with the Maricopa County Sheriff's Office and prior to his employment with your department. This authorization is commonly referred to as 287(g) authority, pursuant to Section 287(g) of the Immigration and Nationality Act, as amended, Title 8, United States Code, Section 1357(g).

As required by law, immigration officer functions can only be performed by state and local law enforcement officers who are authorized and trained by ICE and who are participating in an approved 287(g) program pursuant to a written agreement between ICE and the employing state and local law enforcement agency. Since Officer b6,b7c is no longer employed by a state and local law enforcement agency that has a 287(g) program pursuant to a written agreement with ICE, his authorization to perform the duties of an immigration officer must be hereby revoked.

Please be assured that Officer b6,b7c worked hard to attain immigration officer status. He completed four weeks of rigorous immigration law, regulation, and policy training prior to graduating from the ICE 287(g) Training Academy. His completion of this course of study alone attests to his dedication to duty and hard work. We thank him for his diligent efforts in this endeavor.

Please provide Officer b6,b7c with the original letter of revocation that is enclosed. Please also retain a copy for your files.

Letter to Chief Mark Mann, Buckeye Police Department, Revocation of Immigration Authority for Officer

b6,b7c

Page 2

Should you or your representatives have any questions, please contact ICE Senior Special Agent

b6,b7c

at phone number

b2Low

or by e-mail at

b6,b7c

Thank you for your efforts in making our homeland safe.

Sincerely,

b6,b7c

Special Agent in Charge

Enclosures: (1)

Office of Investigations

U.S. Department of Homeland Security
400 N. Fifth Street, 11th Floor
Phoenix, Arizona 85004



U.S. Immigration
and Customs
Enforcement

LETTER OF REVOCATION

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In accordance with the MOA, you must immediately return any issued Immigration Officer Identification, Immigration Officer designation form(s) and/or ICE issued equipment, if you have not done so already. You may retain your certificate of course completion from the authorizing ICE Training Division.

Your authorization to perform 287(g) immigration officer functions may be reinstated by the SAC at a later date and any reinstatement costs will be incurred by the LEA.

Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008



**U.S. Immigration
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Enforcement**

LETTER OF AUTHORIZATION

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Sincerely,

b6,b7c

Special Agent in Charge

October 1, 2008

ARIZONA CIVIL RIGHTS ADVISORY BOARD

1275 West Washington
Phoenix, Arizona 85007
(602) 542-5263

December 23, 2008

Secretary Michael Chertoff
U.S. Department of Homeland Security
Washington, D.C. 20528

Acting Assistant Secretary John P. Torres
Immigration and Customs Enforcement
Office of Homeland Security
500 12th Street, SW
Washington, D.C. 20024

Attorney General Michael B. Mukasey
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Special Agent in Charge b6,b7c
SAC Phoenix
Immigration and Customs Enforcement
400 North 5th Street, 11th Floor
Phoenix, AZ 85004

**RE: Request for Investigation of Civil Rights Violations and
Violation of Memorandum of Agreement by and between
Immigration and Customs Enforcement (ICE) and Maricopa
County**

Dear Federal Agency Officials:

We, the Arizona Civil Rights Advisory Board (ACRAB), write to request that you initiate an investigation of possible civil rights violations by the Maricopa County Sheriff's Office and Maricopa County Sheriff Joe Arpaio. Further, we present this letter as a complaint under the Memorandum of Agreement between ICE and MCSO and approved by the Maricopa Board of Supervisors in 2007.

We are aware of the gravity of such request and cognizant that prior requests for similar investigations from a variety of Arizona officials and groups have gone unanswered and/or without sufficient documentation of an actual investigation. As a volunteer body representative of the state as a whole we hope our request will achieve different results and you will at a minimum investigate this matter, and provide documentation of said investigation. We offer the following as indicators that an investigation is required: public comments/concerns at three ACRAB Racial Profiling Public Forums; the Executive Summary of the ACRAB Racial Profiling Survey; multiple pending lawsuits against MCSO; public outcry and newspaper articles (as outlined in letter of Phoenix Mayor Phil Gordon); and the discussion on immigration sweeps and policies as outlined in Goldwater Institute Policy Report No. 229 dated December 2, 2008, which appears at <http://www.goldwaterinstitute.org/Common/Img/Mission%20Unaccomplished.pdf>.

We are a volunteer body appointed by the Arizona Governor and authorized under A.R.S. §41-1402(A) to make periodic surveys of the existence and effect of discrimination in the enjoyment of civil rights by any person within the state of Arizona, to foster the elimination of discrimination through community effort, and to issue publications of the results of studies, investigations and research as in its judgment will tend to promote goodwill and the elimination of discrimination between persons because of race, color, religion, sex, age, disability, familial status or national origin. During 2008 we hosted three public forums in Phoenix, Tucson, and Mesa to hear from community members, organizations and law enforcement about racial profiling incidents that they or others have encountered in Arizona, the existence of racial profiling in Arizona, its impact on the lives of Arizona citizens, and suggestions for addressing it.

At each of these forums members of the public and law enforcement were present, and serious concerns as to the policies and practices of the Maricopa County Sheriff, Joe Arpaio and his agency were expressed. Sheriff Arpaio and his agency were invited to attend each forum and failed to respond or attend. We have attached the minutes of our public forum meetings which outline the individuals and their concerns, as presented to us.

Lastly, Sheriff Arpaio through his numerous television, newspaper and other printed statements or quotes makes it very clear he believes he is answerable to no one at the county, state or federal level. He claims that he is only enforcing the law and he appeals to the masses as he is generally recognized as a master of self-promotion. However, no one, no matter how popular or charismatic, is above the Constitution of the United States, and we

must turn to you to ask, at a minimum, for an investigation of these allegations and concerns.

Sincerely,



Jason Martinez, Chairperson
Arizona Civil Rights Advisory Board

Enclosures

Copies w/ enclosures to:

The Honorable Janet Napolitano
Governor of Arizona
1700 W. Washington
Phoenix, AZ 85007

The Honorable Terry Goddard
Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007

Richard L. Skinner, Inspector General
Office of Inspector General
Department of Homeland Security
Washington, DC 20528

Daniel Sutherland
Officer for Civil Rights and Civil Liberties
Department of Homeland Security
245 Murray Lane, SW
Building 410
Mail Stop #0800
Washington, DC 20528

Jeffrey L. Sedgwick
Assistant Attorney General
Office for Civil Rights
Office of Justice Programs
US Department of Justice
810 Seventh Street, NW
Washington, DC 20531

December 23, 2008

Page 4 of 4

The Honorable Joe Arpaio
Sheriff, Maricopa County
Maricopa County Sheriff's Office
100 W. Washington, Suite 1900
Phoenix, AZ 85003

The Honorable Andrew W. Kunasek
Chairman and Maricopa District 3 Supervisor
Maricopa County Board of Supervisors
301 W. Jefferson St.
Phoenix, AZ 85003

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

Thursday, March 6, 2008

Board Members Present

Jason Martinez, Chairperson
Daisy Flores (arrived late)
Jeffrey Lavender
Jesus Cordova
Laura Mims, Vice Chairperson
Kenneth Moore

Board Members Absent

Staff Members Present

Sandra R. Kane, Legal Counsel
Melanie Pate, Division Chief Counsel
Kathy Grant, Legal Secretary

I. Call to Order.

Chairperson Jesus Cordova called the meeting to order at Phoenix College, Dome Conference Room, 3310 N. 10th Ave., Phoenix, AZ 85013, at 5:05 pm.

II. Approval of Minutes.

Following introductions of Board members, upon motion made by Jesus Cordova and seconded by Laura Mims, the minutes of the January 11, 2008 Board meeting were unanimously approved.

III. Procedures for the Racial Profiling Forum.

Sandra Kane recommended that the Board limit each speaker to five minutes, use discretion on that time limit based upon the number of people that wish to speak, announce that the Board wants to hear all viewpoints and that the audience should be respectful of other people's opinions, advise that the Board may ask questions after each speaker and would appreciate hearing potential solutions that the speakers may have because that will assist the Board in formulating possible recommendations. Jason Martinez asked whether it would be appropriate to ask questions of the DPS representative regarding a DPS report of which he is aware. Sandra Kane advised that Board members should not feel confined in asking questions only about information provided at the Forum. Sandra Kane gave the Board a list of eleven people that were expected to speak. Jason Martinez advised of two additional speakers that he had contacted. Ms. Kane informed the Board that the Maricopa County Attorney's Office was contacted but had declined to provide a speaker, that the Maricopa County Sheriff's Office had been invited but would not commit to providing a speaker, and that the U.S. Department of Homeland Security which oversees ICE had been invited, but had referred the invitation to the U.S. Department of Justice, who advised that they were not able to provide a speaker for this Forum. Sandra Kane suggested that Board Chairperson Jason Martinez inform the audience that those groups had been invited in the interest of having

all points of view represented, but that they had declined the opportunity to provide speakers.

IV. Planning for Future Meetings and Racial Profiling.

The Board agreed to have a public meeting by teleconference on April 18, 2008 at 3 p.m. to process this forum and to plan a similar forum for Tucson. Board members will reserve May 15 and 22 from 5:00 to 8:00 p.m. as possible dates for a business meeting and forum in Tucson, and Jason Martinez will attempt to reserve a site for the forum for one of those dates.

V. Legislation.

Melanie Pate advised that the ACRA continuation bill should move through the Legislature without problems. A bill that was introduced by Rep. Sinema early in the session would amend the employment part of the Civil Rights Act to include sexual orientation, and gender identity and expression as protected classes. Another bill with several sponsors was dropped several weeks ago and would greatly expand the scope of the Civil Rights Act in all areas by adding gender identity and expression and sexual orientation as protected classes, as well as protection against discrimination due to a broad range of physical characteristics, including height and weight. Both bills have been held in committee and are not expected to pass this session. Melanie Pate stated that seven to ten bills have been dropped to clarify and amend the Employer Sanctions Act that was passed last year, and further details about those bills will be provided at a later date. Sandra Kane reported on HB 2625 which would make it unlawful for a landlord to knowingly or recklessly rent to illegal aliens. Under that bill, a landlord would be presumed not to be in violation if the landlord requested certain documents, which are not yet specified, but are of the type customarily required and used by the US government to indicate whether people are in the country illegally. There has been some opposition to the bill, including concerns about fair housing and case law that indicates that the bill may be unconstitutional, and the bill has been held in committee. Sandra Kane also reported on SB 1346 which would amend the Arizona Mobile Home Residential Landlord Tenant Act to allow mobile home landlords to use a crime free lease addendum similar to what other multi-housing landlords use. The bill would give mobile home landlords the rights to deny tenancy applications, refuse to renew leases of existing tenants who don't sign crime free lease addendums, refuse to approve additional occupants, and immediately terminate leases of existing tenants if unapproved additional occupants fail to leave within 10 days. SB 1346 initiated as a striker and has also been held in the Commerce Committee. Melanie Pate noted that with the exception of the ACRA continuation bill, none of the bills reported on are expected to move forward.

VI. Old Business.

Melanie Pate stated that she inquired with Dora Vasquez of the Governor's Office about the status of having the Governor appoint someone to fill the vacancy on the Board. Ms. Vasquez advised that they are working on this. Board Member Daisy Flores arrived at the meeting.

VII. Announcements and Current Events.

Sandra Kane distributed flyers regarding a Fair Housing Forum with the Attorney General will be held at Glendale Community College at April 16. Jason Martinez

requested that the Board's statement on crime free lease addendums be made available at the forum, and Melanie Pate agreed to do so. Sandra Kane advised that the Maricopa Association of Governments will be having its 2008 Regional Conference on Housing and Transportation on April 8 at the Desert Willow Conference Center in Phoenix. The purpose is to share successful coordination strategies and methods to improve regional mobility and housing options. A calendar of upcoming fair housing events will be posted on the Attorney General's website on the Civil Rights page. Melanie Pate stated that there will be a Fair Housing Forum held in Tucson on April 30 and that the Attorney General will be attending. After that, there will be fair housing forums in Yuma and Flagstaff. Since this is the 40th anniversary of the Fair Housing Act, the Attorney General's Office is putting together packets that include fair housing posters, reading lists for kids, the new housing brochures, tip cards, and many more educational things. All the public libraries will be asked to put up a fair housing display in the library where children's books with themes such as diversity, differences, and anti-discrimination will be displayed. Sandra Kane announced that fair housing presentations will take place on April 17 in Yuma and April 18 in Prescott. Our Office will participate in a reception for HUD FHEO Assistant Secretary Kim Kendrick in Tucson. Melanie Pate advised there will be a public service announcement to present information about fair housing on Spanish and English speaking television and radio stations. The Attorney General's Office has started work on a 12-minute fair housing video in both English and Spanish and it will contain footage from the forums and is expected to be presented on television. The video will not be ready until the summer. Melanie suggested that Board members distribute the Glendale forum flyer to any groups or individuals that may be interested in attending. Upon motion of Jeff Lavender seconded by Jesus Cordova, the Board unanimously voted to adjourn the meeting for 15 minutes before beginning the Racial Profiling Forum.

VIII. Racial Profiling Public Forum.

Chairperson Jason Martinez welcomed everyone to the Arizona Civil Rights Advisory Board's Racial Profiling Forum at 6:10 p.m. After introductions of Board members, Jason Martinez advised of the procedures for filling out speaker cards, limiting comments to 5 minutes per person and avoiding duplication, and requested that everyone be respectful and mindful of other people's positions. Jason Martinez stated that several community organizations had been contacted, including: the Maricopa County Attorney's Office, the Maricopa County Sheriff's Office, the U.S. Department of Homeland Security, the U.S. Department of Justice, the Phoenix Mayor's Office, the Human Relations Commission, and others. The following speakers addressed the Board.

1. Lou Moffa, Attorney with Ballard Spahr.

Mr. Moffa has worked on legal challenges to the Legal Arizona Workers Act and on a lawsuit against the Sheriff's Office alleging racial profiling in the arrest of his client. In Feb. 2001, Pres. Bush said that racial profiling is wrong and we will end it in America, but racial profiling has continued. The question is not is it happening, but how, how bad and how to fix it. Being a police officer is a very difficult job and it is appropriate for police to use profiling of many different characteristics as a tool to do their job. However, racial profiling is using race as the sole characteristic in determining if someone should be stopped, questioned, searched or have some other intrusion on their personal liberty or privacy. It is never justified. It violates the 4th Amendment

protection against search and seizure, the 14th Amendment right to equal protection, and the 5th Amendment right to remain silent. Keeping statistics about stops can show if racial profiling is happening. The DPS is now keeping statistics. A study in 2004 showed that racial profiling doesn't work. Use of racial profiling after the assassination of Pres. Kennedy, the Oklahoma bombing, and the serial killings in Washington, D.C. didn't work. A study showed that when INS eliminated race as a factor, they were over 300% more successful in apprehending suspects. Racial profiling is unconstitutional and it doesn't work and must be stopped. Board Member Daisy Flores asked for the name of the study and the status of the lawsuit against the Sheriff's Dept. Mr. Moffa stated that the studies were conducted by former Judge Anthony Lewis for Amnesty International and by Lamberth Consulting. The status of the lawsuit against the Sheriff is that Mr. Moffa is awaiting the outcome of the Sheriff's pending motion to dismiss.

2. Alessandra Soler Meetze, Exec. Dir., ACLU of Arizona.

Racial profiling is a very serious problem in Arizona, and has reached epidemic proportions in recent years. It has been fueled by concerns about immigrants, drugs and terrorists. In July of 2007, the ACLU settled a class action lawsuit filed against the Arizona Department of Public Safety over racial profiling by its officers. The lawsuit was filed in 2001 on behalf of eleven African American and Latino motorists who were subjected to traffic stops, detentions and searches at disproportionately higher rates than Caucasians. Under the settlement, DPS is required to keep statistics on every traffic stop statewide and to provide reports every 6 months for 5 years. Dr. Fred Solop has analyzed the statistics for the first year of data collection from DPS and will be speaking to the Board this evening. The agreement also required DPS to modify its consensual search procedures to require that all officers obtain written consent to such searches. The problem of racial profiling has not gone away and is being exacerbated by the fact that police are now enforcing immigration laws. Latinos are more than twice as likely to be searched even though they are less likely to be carrying contraband. Ms. Meetze recommends the following reforms to stop racial profiling: (1) end the current trend to deputize local police to enforce immigration laws; (2) ban mutual consent searches altogether as has been done in NJ; (3) provide meaningful accountability of police through well-funded, well-staffed police oversight boards located within state government but designed as an independent body; and (4) national and statewide legislation on racial profiling to require data collection and monitoring. Ms. Meetze states that since settlement of the lawsuit, 19 complaints of racial profiling were made to DPS, and DPS denied wrongdoing in all cases.

3. Dr. Fred Solop, Political Scientist at NAU.

Dr. Solop directs the University's Social Research Laboratory and has been involved with racial profiling and has testified on the subject. ACLU requested that Dr. Solop look at the first year of data from the DPS settlement. As a result of that data, Dr. Solop concluded that African Americans and Hispanics drivers on interstate highways were 2-1/2 times more likely to be searched by DPS officers, and the search ranges were not justified by the contraband rates. He also found that African Americans and Hispanics were being stopped for a longer time period of time (2 minutes more than Caucasians), and that African Americans and Hispanics are much more likely to have citations, more likely to have multiple citations, and more likely to be arrested. Dr. Solop concluded that the disparity was based on racial profiling. DPS hired another consultant, Dr. Engel,

who examined the data and found the same disparity between how African American and Hispanic drivers were treated compared to Caucasians. However, DPS' consultant stopped short of concluding that the disparity was caused by racial profiling, claiming that there were not enough data fields, and not a long enough time frame, and insufficient information to know what was in the mind of the officers. Arizona's legal definition of racial profiling may be atypical in requiring a subjective assessment of what intent is in the mind of the officer. In the courtroom of public opinion, 42% of whites and 62% of non-whites believe that racial profiling is a widespread practice in Arizona. Dr. Solop recommends continuing a dialogue between communities and DPS, and between the State and DPS, and between the State and communities to restore faith in DPS.

4. King Downing, Coordinator, ACLU National Campaign on Racial Profiling.

King Downing states that racial profiling is real in Arizona, racial profiling is real all around the country, and there is much that we can and must do about it. The existence of racial profiling in Arizona has been addressed by Dr. Solop, Ms. Soler Meetze, and Mr. Moffa. The existence of racial profiling nationwide first came to light by victims, but it wasn't until professionals finally began to take notice that people began to listen to the problem of racial profiling in communities of color across the country. Racial profiling is based on false assumptions. Each population sells and uses drugs according to their percentage of the population. Mr. Downing distributed a racial profiling survival street to the Board. It indicates that 70% of people who are incarcerated for drug and alcohol possession are Black and Latina when they are only 15% of the users. Racial profiling also results from an unjustified overemphasis on street crime. Corporate and white collar crime, such as Enron, is more costly to society than street crime, yet the enforcement resources are not being used on white color crime. Mr. Downing made the following recommendations on dealing with racial profiling: (1) Legislative: pass a bill to require continuation of data collection in Arizona; (2) The federal End Racial Profiling Act should be supported by organizations, commissions, individuals, and police departments; (3) Individuals should have knowledge of their rights, and teach others those rights; and (4) Organizations should encourage people to file complaints and assist people in filing those complaints; (5) Outreach for where to call if a problem with police engaging in racial profiling; (6) police openness, police hotlines. Board Member Jesus Cordova asked whether Mr. Downing has seen ACLU's recommendations on dealing with racial profiling adopted in other communities. Mr. Downing stated that approximately 18 states have passed laws requiring data collection, about 9 others have adopted laws including data collection laws, and others have voluntarily agreed to data collection in response to lawsuits.

5. Mel Hannah, Chair of Governor's Citizens Traffic Stop Advisory Board.

Board was created as part of settlement of the DPS lawsuit. The Board has been meeting and is formulating recommendations that will be coming forth at a press conference next week for the elimination of racial profiling. In some instances, those recommendations will be similar to what has been discussed at this Forum, but the Board's authority only extends to DPS. It doesn't deal with other police agencies.

6. Chief Mikel Longman, DPS.

Mikel Longman is a representative of the Arizona Department of Public Safety, and the DPS liaison to the Governor's Citizens Traffic Stop Advisory Board. He provided a

handout in the form of a PowerPoint presentation. DPS Director Vanderpool takes this issue very seriously and recognizes that public trust in the integrity of the Dept. relies in large part on how the Dept. responds to citizen concerns and complaints. He lets everyone know that there is information about racial profiling on the DPS website at www.azdps.gov. The information available about racial profiling on DPS' website includes: DPS' policy against racial profiling, the University of Cincinnati's study of the first year of data collected by DPS, and, as suggested by the Governor's Citizens Traffic Stop Advisory Board, and a complaint form that can be completed online and it goes directly to DPS' professional standards committee. A complaint can also be made by telephone or by mail. It can be a direct complaint, third party complaint, or anonymous complaint. Police have a tremendous amount of authority and discretion in enforcing the law. Police also have the moral and legal responsibility to protect the individual rights of American citizens. Board Member Jesus Cordova asked whether the complaint forms are available in languages other than English. Chief Longman stated that complaints are available in English and Spanish. Board Chairperson Jason Martinez stated that DPS' efforts to make the complaint procedure more accessible is a start on dealing with racial profiling. Board Member Laura Mims asked how long it takes for DPS to respond to complaints. According to Chief Longman, it will take no more than 48 hours to be contacted if someone has sent in a complaint. Complaints about racial profiling will be investigated by the Professional Standards Unit and then acted upon by Director Vanderpool. It is not acceptable to allow personal biases to influence the actions of a police officer. DPS looks at patterns and trends in the behavior of individual officers. The University of Cincinnati will be doing further studies including surveys of people who have been stopped by police officers. When these studies are done, they will be posted on DPS' website.

7. b6,b7c **Phoenix Law Enforcement Association.**

b6,b7c has worked for the City of Phoenix Police Department for 21 years. Racial profiling exists and it is wrong, and severe consequences are appropriate. It is a legitimate concern. It is not a myth; it is reality. Race and color are not indicators of criminal conduct. The Phoenix Police Dept. is progressive and has a professional commitment to valuable constitutional rights. Phoenix Police Officers focus on conduct, and not the color of skin. The Phoenix Police Department does not tolerate any "isms", specifically sexism to racism is not tolerated. Because we live in an imperfect world full of imperfect people, there is always room for improvement and vigilance. PLEA continues to support the recommendations of the report in 2001, and remains committed to the recommendations of then Attorney General and now Governor Janet Napolitano to stop racial profiling, including policies and procedures, training, diversity, technology, and data collection to track the actions of police officers.

8. b6

b6 stated that she is a U.S. citizen and that she was arrested by the Maricopa County Sheriff's Office on Dec. 19, 2007. She was stopped at 12th Ave. and Van Buren where she was driving at 7:30 a.m. The Sheriff's Office stopped her without asking her for her license or insurance. They stood there for approx. 40 minutes. The media was there and she spoke to them. The Officer took her around the corner for 10-15 minutes, and said that they were going to stay there until she got picked up. Then they took her behind a b6 at 44th St. and Thomas Rd. This was the day of an immigration

gathering at b6 and there were two Sheriff vans for illegal immigrants. She asked what she was doing there and said she knew her rights. She asked why they weren't taking her to the 4th Ave. Jail. The Officer kept her there for 2 hrs. They never read her rights to her. Then they filled up the van and took her to 30th Ave. and Durango where there is an Immigration place for 5 hrs. She asked why they were keeping her there and they wouldn't tell her. They booked her in the 4th Ave. Jail at approx. 6 p.m. that night and didn't get out of jail until about 3 a.m. She feels discriminated against because of how she looks when she was driving. They kept her so long and didn't take her straight to the jail because they thought she was an illegal alien. She was upset because couldn't get to her children. b6 stated that she is going to file a complaint.

9. Antonio Bustamante, Attorney and Member, Los Abogados Civil Rights Committee.

Mr. Bustamante is a member of Los Abogados. He stated that Sal Ungado is the Pres. Elect of Los Abogados, the Hispanic Bar Association, and will speak later in place of Los Abogados' current President, Lizette Zuby. According to Mr. Bustamante, b6 b6 was a victim of the Pruitt's arrests which were sweeps that were conducted by the Maricopa County Sheriff's Office in retribution for the fact that there were protestors across the street from Pruitt's who were protesting other actions by the Sheriff's Office against undocumented immigrants. The Sheriff's Office never conducts routine police patrols. The Sheriff's Office was very unprofessional and misusing resources. At the time of the Pruitt's arrests near 37th St. and Thomas Rd., the Sheriff's Office was only stopping only the cars with people with brown faces like b6 who was speeding. The Sheriff's Office stopped other motorists under the pretext of having cracked windshields, not staying in lanes, or other similar things the City of Phoenix in a jurisdiction that is patrolled competently by the City of Phoenix. The Sheriff's Office allowed cars with people with white faces who were doing similar things to go by without being stopped. The sweeps were retribution for the exercise of First Amendment constitutional rights of protest and freedom of assembly. The purpose was to interrogate people about citizenship, where they were born, whether they were here legally or illegally, and things like that. Mr. Bustamante stated that he is thankful that the Board is looking into this and is interested in seeing what the Board can do in conjunction with the greater community to bring a stop to this. Mr. Bustamante stated that he is appalled by a statement he read in the Arizona Republic about a week or two ago in which Maricopa County Sheriff Joe Arpaio lamented that people who are undocumented are exercising the right not to answer questions about their immigration status in the country and said "I want to see them all arrested, even if we're not sure." That is the state of apartheid in which we live in Arizona and it has got to end. Board Member Daisy Flores asked how many arrests were made on the date of the Pruitt's arrests. Mr. Bustamante stated that Sal Ungado has more information on that.

10. Hon. Ben Miranda, State Representative, on behalf of the Arizona Latino Caucus.

Rep. Ben Miranda stated that there needs to be a standard form that can be used by all police departments to accept complaints and to investigate those complaints. It is important that the Board make a recommendation about how to file a police complaint and how that police complaint is going to be investigated. We also need to evaluate the current practices that are based on policies and the practices that are going on in the street

regarding inquiries about nationality and place of origin. The real practice on the streets is a lot different than what the policy should reflect. The 2006 report is based on 460,000 stops, almost a half million stops, and it is amazing that this is going on and there is no focus on this. The figures in the report are terrible. Data needs to be collected to see the level of abuse that accompanies every single stop. He thinks that the Board should meet at every city hall in the Greater Phoenix Area and have the closest affiliated police departments have to be present to answer the kind of complaints that you hear at this Forum. He disagrees with the representative of the Police Department that this is an imperfect people. He refuses to accept the current practice in the City of Phoenix. Training is important to measure whether or not you've given police officers sufficient training so that will result in notice being given to them on what is expected and whether they are complying with the training. There have to be consequences. We have to do a better job and we can do a much better job.

11. Salvador Ungado, Incoming Pres., Los Abogados, Hispanic Bar Association in Arizona.

Mr. Ungado states that racial profiling is certainly wrong to discriminate against humans based on skin color; no matter if it is being done under the guise of law, or under rules and guidelines, or where in the country it is happening. It is wrong and we know that. We need to be very vigilant as to what is going on in our police force. Racial profiling is going on. I was out three separate evenings and witnessed a number of arrests by the Maricopa County Sheriff's Office and it was very disturbing. Our friends and family members are being stopped and detained and being asked embarrassing questions that they shouldn't be asked and they are being assumed to be committing crimes. He wishes that were not the case, but since it is, he recommends the following: (1) prepare a set of standards demonstrating opposition to racial profiling in all forms; (2) challenge the government police agency to do the same or accept your written standards; (3) investigate the complaints that hear or are filed and incorporate what you have learned into those standards; and (4) ensure that organizations that support the rights of racial minorities are given the opportunity to be involved with investigating those complaints and preparing the investigative standards.

12. b6

b6 stated that he is a victim of racial profiling. He had respect for police officers before the incident occurred. He states that he was arrested by a police officer who violated several state laws and had no legitimate basis to stop him. He believes that the officer had lied throughout the court case. He had to prove that he was Native American, and to prove that the officer committed perjury. He was found guilty of driving on a suspended license. That night he was accused by two other police officers of stealing a generator. When he walked outside, he was yelled at and ordered to sit down. The officers questioned him about a blue mustang, and when b6 refused to answer the question, the officer was rude. He wrote to the Scottsdale Chief of Police to do an internal investigation in the department. Basically they just want him to blow it off. He is now afraid to go outside because he is afraid of being accused of something else because of his skin color.

13. b6 moved to Phoenix from New York in the 1980's. He states that people bellyaching about racial profiling. To him, racial profiling is when he walks into a store and sees the signs written in Spanish. He asks why they aren't written in Italian or German. He is upset that schools are spending millions of dollars to teach illegal aliens how to speak English. He asks why the terms Hispanic and African Americans are used. To him, we are all American. He is Italian and he has been asked if he is in the Mafia often. He believes that is racial profiling but it doesn't bother him. He points out that illegal aliens cause crimes and kill people. His point is to let the police do their jobs. They are professionals.

14. b6 does a lot of work with the Phoenix Police Department, particularly with the Gang Squad. He recommends that police officers have more training. The police do their job the best they can with what they have. They are trained to fight crime. Nobody is perfect, there is going to be a bad seed within the organization, but they try to weed them out as quickly as possible. There are hot spots which are certain areas where Hispanics want to live or Blacks want to live. It's not racial profiling; it's just the hot spots where the biggest things go on. He recommends having statistics about traffic stops, and states that there needs to be more of them. He knows Sheriff Joe Arpaio and Phoenix Police Chief Jack Harris and they take racial profiling seriously. He states that the Sheriff has jurisdiction to do police work anywhere in the County.

15. b6 (with b6 interpreting). b6 presented another victim of racial profiling to talk about his experience. Since b6 cannot speak English, b6 is translating for him. b6 stated that he was detained by the police and did not know why. The police were behind him and stopped him. He asked why he was stopped, and the policeman stated that he had seen children jumping in the back of his car. b6 did not have children in the car. The officer asked for his registration, license and insurance, and he gave it to him. The officer asked how long he had had the drivers' license, and he asked the officer why he was asked that. The officer said that he couldn't answer. He told him he would not answer him, and he was told to get out of the car and was handcuffed. The officer told b6 that if he accepted that he was undocumented then the officer would be let go. He said he would not answer the question. b6 was put in the patrol car and asked about his legal status. He told the officer that he had no reason to ask him that question. The officer told him that if he wanted to sleep in his house at night, then b6 should tell him his legal status. b6 told the officer to read him his rights, and the officer said no and that immigrants had no rights in the United States. After about 40 minutes, b6 asked the officer if he was under arrest so he could call his attorney. After awhile, the officer took b6 out of the patrol car and told b6 to go. The policeman said he had all the information on him, and they were going to use it to give it to ICE so they would detain him and all of his family. The man hasn't filed a complaint, and the incident happened about 2 weeks ago. Chairperson Jason Martinez asked which police department was involved and whether the officer spoke Spanish. b6 stated that it was Sheriff Arpaio's Office and the officer spoke some Spanish.

At this point, Chairperson Jason Martinez asked b6 to leave for disrupting the meeting.

16. b6 recently came back from Geneva and the Committee to Eliminate Racism and Discrimination. All police departments in one way or another are involved in racial profiling, but if you are undocumented then there is almost a license to engage in racial profiling. He recommends independent bodies instead of internal investigations by the police departments because the police departments won't monitor themselves.

17. John Norris, Arizona ACORN (Association of Community Organizations for Reform Now).

John Norris stated that he was speaking on behalf of a co-worker named b6 who is of African descent and who could not make it to the board meeting. According to Mr. Norris b6 was outside a grocery store in Glendale registering people to vote. He was approached by a man who was wearing civilian clothes and who told b6 to let him have the voter registration cards. b6 refused. The man then grabbed b6 clipboard with some of the cards on it and pulled it away. b6 grabbed the clipboard back. The man told b6 "Now I have you for assaulting an officer" and pulled out a Glendale police badge. b6 put the clipboard down and put his hands behind his back, and the officer put him in handcuffs. The officer made b6 call his supervisors to verify that he was working to register voters instead of stealing people's identities. b6 reached John Norris who spoke to the man, who failed to identify himself as a police officer. Afterwards, the officer let b6 go and said that there have been a lot of identity theft cases, and that the reason b6 was stopped was because he was the wrong color.

18. b6 is a citizen in the community. She states that she experiences racial profiling everyday because people assume she is Caucasian when she is half Native American. She wants to make a point that we have a society that has grown away from diversity and understanding diversity. She learned from working at South Central LA with the Youth Gang Task Force before the Rodney King incident and by working on the Women's Commission to Rebuild LA after that incident. We learned that without training and without strong leadership, issues of race will not get resolved. We have a community today that is fearful about a lot of things: their inability to pay the mortgage, their frustration about whatever it is, feeling disenfranchised, and they need someone to utilize as a scapegoat right now. It is the Latino Community here. It is the African American Community. It is the community that's different from them. There is very poor leadership from the top down in the community that is addressing this, and saying there is zero tolerance for this in our community. Instead, what we witness are people like b6 b6 As a women who went through a riot based on racial profiling, we need programs and advisory boards here. There is a citizen's committee in Los Angeles that can be looked at that is doing good work. There are committees on the East Coast that can also serve as models. We need that now.

19. Sylvia Rena, Tonaterra Indigenous Peoples Community Development Institute.

Sylvia Rena states that racial profiling is happening by the criminalization of migratory workers and their families. Migratory workers and their families who come here from the South have the right under UN Convention 169 to come here. Our rights are being violated by Sheriff Arpaio, and other police agencies. The Sheriff engaged in discretionary, selective enforcement in stopping people because they look different during the Thomas Rd. sweeps. She notes that police internal affairs offices are now calling themselves professional standards offices, but even with the different name, they are still looking at their own offices. The complaint process needs to be restructured so that the community has the ability to process complaints.

Discussion by Board.

Jason Martinez thanked those who spoke for sharing information. Jesus Cordova stated that it was important to point out that the board members and Attorney General's Office, Civil Rights Division attempted to invite the Sheriffs Department, but they decided not to come. Ken Moore stated that these hearings should be held more and thanks the people for bringing the information to the Board's attention. Daisy Flores stated that she is the elected County Attorney from Gila County and stated that it is beneficial to have this perspective brought to the Board so that changes can be made. Laura Mims and Jeff Lavender thanked the group for the information they provided. Jason Martinez stated that he, personally, has been stopped by a Phoenix police officer and that the officer followed none of the stop recommendations given to the police. In DPS' own words, minorities are more than twice as likely to be stopped, searched, and detained. Mr. Martinez stated that he appreciated the offer of solutions from the people who attended the Forum. Racial profiling is everyone's problem and the Board in conjunction with the Attorney General's Office will work toward combating this, but a solution will take time and effort by everyone.

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

Wednesday, May 21, 2008

Board Members Present

Jason Martinez, Chairperson
Daisy Flores
Jesus Cordova
Laura Mims, Vice Chairperson
Beverly Dupree

Board Members Absent

Jeffrey Lavender
Kenneth Moore

Staff Members Present

Sandra R. Kane, Legal Counsel
Melanie Pate, Division Chief Counsel
Kathy Grant, Legal Secretary
Selenia Martinez, Board Liaison

I. Call to Order.

Chairperson Jason Martinez called the meeting to order at Tucson City Hall, Council Chambers, 255 W. Alameda St., Tucson, AZ 85701, at 5:30 pm.

II. Approval of Minutes.

Following introductions of Board members, upon motion made by Jesus Cordova and seconded by Laura Mims, the minutes of the March 6, 2008 Board meeting were unanimously approved. Upon motion made by Daisy Flores and seconded by Laura Mims, the minutes of the April 18, 2008 Board meeting were also unanimously approved.

III. Procedures for the Racial Profiling Forum.

The Board discussed the procedures to be used for the Tucson Forum, including using the 5-minute timer for speakers. Sandra Kane advised the Board to remind speakers to fill out speaker cards and advise the Board of recommendations.

IV. Planning for Future Meetings.

The Board decided to meet via telephone conference on June 17, 2008 at 2:00 pm to consider what action to take as a result of the Tucson and Phoenix racial profiling forums. Sandra Kane suggested that the Board may wish to consider the recommendations of the Governor's Citizen Traffic Stop Advisory Board when they are issued, but that those recommendations have not yet been issued and it is not known when they will be issued. Sandra Kane also recommended that in preparation for the next meeting, the Board may wish to review two reports on racial profiling that Lou Moffa had referenced at the March 6, 2008 racial profiling forum in Phoenix and has provided to the Board. Sandra Kane distributed copies of the reports to the Board.

V. Legislation.

Melanie Pate reported that HB2625, which would prohibit landlords from renting or leasing dwellings to illegal aliens, reappeared as a striker but is not going anywhere this

year. HB2002 which would expand civil rights laws to include gender expression, gender identity, and sexual orientation was assigned to the House Judiciary Committee and never received a hearing. It is also not going anywhere. Another bill that would have expanded civil rights laws to include immutable characteristics, such as height and weight, also appears dead. Melanie Pate reminded the Board that it has the authority to express opinions and make recommendations about possible future legislation for the next legislative session.

VI. Old Business.

Sandra Kane advised that with Beverly Dupree on the Board, all seven Board positions have been filled.

VII. Announcements and Current Events.

Melanie Pate advised the Board about an article which recently appeared in the Apartment News, a publication of the Arizona Multihousing Association. The article was written by Denny Dobbins and Matt Koglmeier, who are defense attorneys that represent housing providers. The article recognizes that crime free lease addendums, when applied to domestic violence victims, can have a disparate impact upon women with children and on minority women. The article provides an analysis about what a housing provider should look for before evicting people in abusive situations, and provides a hopeful sign that, in the wake of the Board's letter on crime free housing, the housing industry has become more cognizant that crime free addendums need to be applied in a thoughtful, reasonable way, particularly with respect to women victims of domestic violence. Sandra Kane stated that copies of the article will be provided at the next Board meeting.

Melanie Pate provided the Board with copies of two letters addressed to the Arizona Civil Rights Advisory Board, which were received by the Civil Rights Division. Following these announcements, Jesus Cordova moved to adjourn the business portion of the meeting, Daisy Flores seconded the motion, and the Board unanimously voted to adjourn the business meeting at 5:55 pm.

VIII. Racial Profiling Public Forum.

Chairperson Jason Martinez opened the Arizona Civil Rights Advisory Board's Public Forum on Racial Profiling at 6:00 p.m. Mr. Martinez advised that the Board held a public forum on racial profiling in Phoenix and wishes to do the same in Tucson. The Board will be listening and recording public comments regarding racial profiling, but will not be taking action at this meeting. The comments are important to the Board and will be taken into consideration in making recommendations at a later date. Jason Martinez advised of the procedures for filling out speaker cards and explained that speakers will be limited to 5 minutes but may return to the microphone after all speakers have had a chance to speak. He requested that everyone be respectful and direct their comments to the Board. After introduction of Board members and staff, the following speakers addressed the Board.

1. John Leavitt, Assistant Chief, Tucson Police Department.

He has been with the PD for 26 years. The Tucson PD began working on the issue of racial profiling in earnest with then Attorney General Janet Napolitano, when they worked on the model policy that was adopted by the Attorney General's office and signed

onto by the major Police Chief's Association of the State of Arizona. Tucson PD Chief Miranda was the only police chief to sign onto that policy, which is indicative of the commitment the PD has dealing with racial profiling. Officer b6,b7c advised the Board that they are re-energizing efforts to re-engineer what they are doing to get better information. Racial bias affects every police department. They are addressing it in Tucson and are not perfect, but they are working at resolving issues. The key is the ability of citizens to come forward and voice concerns. They try to make the Tucson PD the most approachable department in the country when it comes to making complaints. People can make complaints in the following ways: by telephone, by calling to have a supervisor to respond to their house, by mail, by email, by using the website, by contacting any police officer or any member of the PD, Independent Police Auditor's Office of the City Manager's Office receives complaints, and by Citizens Police Advisory Review Board. The biggest problem with race bias in law enforcement is communicating what they are trying to do with the public. Detective b6,b7c of Professional Standards is present tonight to take complaints from the public about service delivered by the Tucson PD. The Tucson PD has been a leader in data gathering and has been gathering data for 10 years, but does not believe that the data being gathered by the majority of police departments in the country is as indicative of race bias as it might be. They are working with Knowledge Computing in Tucson, the developers of the sophisticated Cop Link program, to develop new software to do a better job of predicting bias among police officers. Statistics on arrests, searches and stops can be adjusted to hide racial profiling behavior and probably won't get to the root of the problem. It is more indicative to see the relative time that police officers spend with Black or Hispanic victims. The new software will enable the PD to look at deviators among officers in how they treat victims. Randall Kennedy of Harvard Law School has stated that the greatest threat to minority communities is not of civil rights abuse but of under-protection by law enforcement. The PD's goal is to provide the greatest amount of protection for all of its citizens. The PD will be going to meetings of other groups in the community to provide information to people and get information from them.

2. b6 addressed the Board as a private citizen. He expressed concern regarding law enforcement following vehicles based on the skin color of the occupants and then waiting until an infraction occurs. The minority occupants are least able to defend themselves. They are categorized as a number from one to five, based upon their status as: Hispanic, Indian, Black, Other, or White. This practice of stopping minorities who are least able to defend themselves results in plea deals, seizure of vehicles, increased revenues from the forfeitures going to reward law enforcement for making race-based stops and career advancement for officers for making the race-based stops, rather than having the revenues used to benefit the community as intended when the forfeiture laws were passed. b6 pleaded for law enforcement to stop picking on minorities for the gain of job status or notoriety.

3. **Sandy Fagan, Deputy Director, Southwest Fair Housing Council.** SWFHC is primarily based in Tucson and is a statewide agency working to identify and eliminate housing discrimination. Racial profiling is pervasive in our society and adversely affects housing opportunities and housing choice, as well as the issue of law enforcement. Practices such as "red lining" and predatory lending are race-based

practices in which lenders or insurance companies treat certain neighborhoods differently due to the demographics in providing loans and homeowners insurance. Racial steering is also a concern in housing. These practices are additional examples of how people are treated differently in our society based on race.

4. **b6 Assistant Vice President, University of Arizona.**

b6 is an eighth generation Arizonan who addressed the Board on a personal issue. An incident occurred last Saturday evening as she and a companion were returning from Nogales, Arizona. **b6** and her companion passed the 25 mile check point through the Border Patrol, and the agent was courteous and professional. Within 5 minutes, they were pulled over by a law enforcement vehicle with flashing red lights. The agent approached the passenger side of their vehicle with a large blinding flashlight and did not identify herself or her agency. **b6** later observed that the badge indicating that the agent was from the Border Control. The agent treated them with hostility, rudeness and improper language. **b6** companion had been driving properly and weren't doing anything wrong. **b6** asked why they had been stopped, and the agent responded that their car had fit the profile that they were looking for. They were driving a 1990 Mercedes Benz. **b6** asked why they weren't questioned more thoroughly at the border checkpoint a few minutes earlier. The only conclusion that **b6** could reach is that they were racially profiled. She was treated courteously during a recent trip to three European countries and never once was she asked about her citizenship, but in her own country, she experienced "Gestapo tactics" when stopped by the Border Patrol. She can only imagine how people with less education and means are being treated. She recommends examining the training of officers and monitoring the behavior of the Border Patrol. She does not understand their tactics, their violation of citizen's rights, and lack of courtesy. Daisy Flores asked if **b6** **b6** had reported this to the Border Patrol, and **b6** stated that she intends to do so.

5. **b6 University of Arizona student**

b6 has attended the University of Arizona for about 3 ½ years as an international student from Jordan on a student visa. He has a Fulbright Scholarship from the American Government, is studying for his PhD, and is an employee of the University. His experience is similar to what other international students are experiencing. Upon his arrival at Reagan International Airport in DC, he was directed to a different place when the officer saw his passport. The officer informed him that this was because he was a citizen of a one of eight countries on a list and that this meant that he would have to go through a different process. He sat in an office for eight hours, away from his luggage, and missed his flight to Tucson. Less than thirty seconds into the interview by the police officer, he was asked about Osama Bin Laden. After he finally boarded the plane, the flight attendant again asked for his passport and he had to wait for twenty minutes without knowing what was happening. His luggage had been selected to be searched. Since then, he experiences racial profiling on a daily basis. After a year and a half in this country, he went to Jordan to visit his family, but was not permitted to return to the US for three months and missed school and work. His American wife did not have to go through this difficulty when she visited his family in Jordan. On the way back to the US, he had a similar experience with being questioned, delayed and searched. This is called the special registration procedures to which citizens of Jordan are subjected at the US.

He wants to make the public aware of the setbacks that he feels he is facing in this country based on his name, religion and his country of origin. Beverly Dupree asked whether this issue is outside the jurisdiction of the State, and whether other federal agencies should be informed about this.

6. Isabel Garcia, Representative of Derechos Humanos and Director of Pima County Legal Defenders.

Ms. Garcia informed the Board that the forum was not done appropriately with good timing, preparation and outreach. It conflicted with other events including meetings on racial profiling. Ms. Garcia asked the Board to consider holding another racial profiling forum in Tucson. Racial profiling is a big issue in Arizona and is the law enforcement technique of choice. The issue needs to be discussed further due to the large impact in society. The consequences of racial profiling sometimes result in thousands of people being separated from their families, loss of legal equities in this country, and suffering. She suggested that the Board members make recommendations that end any trend to deputize local police to enforce immigration laws or to have immigration agents acting as police officers. She disagrees that under-protection is the greatest threat; she believes that fear is the greatest threat. Ms. Garcia believes that a weekend forum would bring greater participation from working class people. Ms. Garcia referenced a report documenting abuse and racial profiling in which her group participated. Racism by vigilante and hate groups is rampant in Arizona, and government groups have not addressed it.

7. Jennifer Allen, Executive Director, Border Action Network.

The organization is a human rights organization in Southern Arizona which launches a yearly intensive campaign to inform members of the community on how to document incidents of human rights violations. They then gather information and make recommendations on changing policies. She provided written comments indicating that racial profiling is one of the most often reported abuses received by Border Action Network and including sample information that her group gathered during its 2006 and 2007 campaigns from people subjected to law enforcement stops in Arizona resulting from suspected racial profiling. Law enforcement agencies involved include: local police, MVD, the Sheriff's Office, Border Patrol and Customs. This has had adverse incidents on families and results in fear and lack of trust of law enforcement so that other crimes go unreported. It also results in less confidence in laws, our system of justice, and in our government as a whole. Based on the information gathered her group recommends the following actions to reinstate trust in law enforcement and minimize the disastrous effects of racial profiling: (a) that all law enforcement officers working in Arizona (including Border Patrol agents) receive ongoing training and certification on constitutional rights and ethics, civil rights, human rights and community relations; (b) strengthening of the complaint process for racial profiling in Arizona through improved investigations, monitoring, and consequences; and (c) education of community members regarding their constitutional rights and the responsibilities that state law enforcement agencies have to abide by the constitution.

8.

b6 has concerns regarding racial profiling which extends beyond "driving while black" to "working while black." She has been treated unconscionably in an open,

arrogant manner as a Department of Corrections employee in Florence, Arizona where black employees are held to a higher standard and subjected to bigoted comments. Management and other employees blatantly make racial comments at staff meetings and otherwise during working hours. This increases stress, is unhealthy and unconstitutional and takes a toll on personal health and faith in the system. People are afraid to speak out for fear of reprisal and because they must support their families. She asks if this is how employees of color are treated, then how are incarcerated people of color being treated. She recommends that an unbiased and objective team to go into these workplaces to take corrective action to foster an attitude of trust, and remove those who are engaging in the bigoted conduct so that a different, welcoming, safe environment can be established for people of color, without reprisal for bringing up this issue. She believes that the current internal grievance process is corrupt and that people who complain are moved, ostracized and forced to quit.

9. Terry Goral.

Ms. Goral is an attorney at the Cochise County Public Defenders Office and is a member of the local NAACP. She agrees that statistics can be manipulated, but believes that they are an essential starting point in assessing what is occurring. She stated that if she is speeding and her African American spouse is speeding, he will be more likely to be pulled over and deemed the criminal. She sees a large number of African Americans defendants in her caseload, but there are very few African Americans in the Cochise County jury pools. She believes there is something inherent in the system that causes this. African American employees are being searched on their way out of the court and this is a problem. Ms. Goral invited the Board to visit Cochise County and possibly provide guidance on how to implement some policies and procedures in her county on keeping statistics and accountability, as initiated in response to the lawsuit against DPS. She recommends keeping statistics on who is pulled over, and installing video cameras in law enforcement vehicles in Cochise County to see if the statistics match up to what is actually occurring.

10. b6,b7c Assistant Chief, Tucson Police Department.

Officer b6,b7c clarified that the Tucson PD began gathering statistics in 1998 as a result of requests at public forums, and not because government officials requested that they do it. They were one of the first agencies to collect statistics, and continue to do so. However, it is easy to manipulate statistics. The new software that they are developing will be more accurate in identifying racial bias. They will share the software when it is available. He does not know when the software will be available, but they are working on a prototype. The Tucson PD believes that racial profiling is an inefficient method of law enforcement and that officers will change their behavior when they recognize this.

Discussion by Board.

Jason Martinez asked the board members if they had any additional comments to add. Daisy Flores thanked everyone in attendance and informed the public that they would take all recommendations into consideration. Beverly Dupree asked that the public provide the Board with contact information to help in their outreach efforts for future forums. Laura Mims thanked everyone for coming. Jason Martinez stated that he recognizes that law enforcement has an extremely difficult job, but that does not excuse violation of civil rights and we know that is a problem from DPS. He thanked the Tucson

PD for their candor, and stated that the Board is trying to collect data and make recommendations. He stated that the information gathered is reviewed by the Board and may identify certain themes and the Board will then make recommendations and forward them to the Civil Rights Division of the Attorney General's Office and to others. Executive Director Melanie Pate explained that the Arizona Civil Rights Advisory Board is a 7-member citizen advisory board appointed by the Governor whose purpose is to gather information, have an impact on the community, and hold discussions that foster cooperation and eliminate discrimination in the State of Arizona. The Board followed this procedure with respect to crime free housing and is now focusing on racial profiling.

11. Clarence Boykins

Mr. Boykins stated that he represents a lot of groups and is pleased with what the Tucson PD and Pima County Sheriff's Office are doing to avoid racial profiling. He stated that 6 years ago there was a similar forum done by then Attorney General Napolitano and law enforcement officials. He pointed out that there are no laws that give authority to the Attorney General or the Governor to address these problems, short of hate crimes. Melanie Pate confirmed this. Absent that legal authority, he questioned what can be done to address the problem, either through legislation or some other method. He expressed concern about what will happen if these elected officials, who are sensitive to the problem, leave office and are replaced with others who are not receptive. Beverly Dupree responded that the Board is collecting facts from citizens which will help it formulate a plan on how to move forward.

Upon motion by Jesus Cordova, seconded by Beverly Dupree, the Board unanimously voted to adjourn the meeting at 7:20 pm.

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

Tuesday, October 21, 2008

Board Members Present

Jason Martinez, Chairperson
Daisy Flores
Jesus Cordova
Kenneth Moore (arrived late)
Jeffrey Lavender
Beverly Dupree (arrived late)

Board Members Absent

Laura Mims, Vice Chairperson

Staff Members Present

Melanie Pate, Executive Director
Sandra R. Kane, Legal Counsel
Selenia Martinez, Board Liaison
Kathy Grant, Legal Secretary

I. Call to Order.

Chairperson Jason Martinez called the meeting to order at Mesa Community College, 1833 W. Southern Ave., Mesa, AZ 85202, at 5:30 pm.

II. Approval of Minutes.

Upon motion made by Daisy Flores and seconded by Jeffrey Lavender, the minutes of the September 24, 2008 telephonic board meeting were unanimously approved.

III. Old Business: Status of the Governor's Citizen's Traffic Stop Advisory Task Force.

Melanie Pate reported that an ACLU attorney who attended the Task Force's last full meeting advised the Division that the Task Force had voted to make three recommendations. The ACLU attorney is expected to provide information to the Board about the Task Force's recommendations during the racial profiling forum. Melanie Pate stated that Task Force Chair Mel Hannah advised her that the Task Force needs to send its recommendations to the Governor for approval. Mel Hannah requested that Board Chairperson Jason Martinez attend the Task Force's next full meeting in November to update the Task Force about the Board's racial profiling forums and racial profiling surveys, including providing a copy of the Executive Summary regarding the surveys, and any recommendations made by the Board regarding racial profiling. Jason Martinez stated that he would attend the November full Task Force meeting and Melanie Pate will ask Mel Hannah for the date of that meeting..

IV. Planning for Racial Profiling Forum and Future Meetings.

The Board decided to use the same format for the Mesa Community College Racial Profiling Forum that it has used for its previous racial profiling forums. Jason Martinez suggested that the Board should meet before the end of the year but after the Board members have had a chance to review the information and recommendations from the three racial profiling forums and the racial profiling surveys, including the Executive

Summary. He thanked the Division for its work in compiling the racial profiling survey responses and Executive Summary. Ken Moore arrived at the meeting. The Board will meet in person on Thursday, November 13, 2008 at 9:00 am at a Conference Room in Phoenix for a debriefing and to make recommendations as a result of the racial profiling forums and surveys.

V. Announcements and Current Events.

No new announcements or current events were reported. Beverly Dupree arrived at the meeting.

VI. Racial Profiling Public Forum.

Chairperson Jason Martinez opened the Arizona Civil Rights Advisory Board's Public Forum on Racial Profiling at 6:00 p.m. After introduction of Board Members, Mr. Martinez welcomed attendees to the Board's third public forum on racial profiling. He stated that the Board held public forums on racial profiling in Phoenix and in Tucson and wishes to obtain information from community at this forum in Mesa. He explained that the Board is an advisory board and doesn't have jurisdiction to pass laws or take action, but can make recommendations. Jason Martinez requested that Executive Director Melanie Pate make a presentation regarding the Board's Racial Profiling Survey and Executive Summary of the survey results.

A. Report and Discussion of Racial Profiling Surveys.

Melanie Pate is the Executive Director of the Board and the Chief Counsel of the Arizona Civil Rights Division. She reported that the Board recently conducted a racial profiling survey during which it sent surveys to approximately 209 law enforcement agencies and 588 community organizations throughout the State. The Board received approximately 57 responses from community organizations and 60 responses from law enforcement agencies from throughout the State. She stated that the survey responses appeared to be balanced. An approximately 6-page executive summary of the racial profiling survey results was made available to everyone attending the Forum.

B. Call to Public re Racial Profiling.

Jason Martinez made a call to the public regarding racial profiling. He asked that everyone be respectful because this is a sensitive topic, and advised of the procedures for completing speaker cards. He explained that speakers will be limited to 5 minutes, and requested that they direct their comments to the Board, and include any information they have about racial profiling and any solutions or recommendations that they may have. The following persons addressed the Board:

1. Dr. Ed Valenzuela, Executive Director, Arizona Fair Housing Center.

Dr. Valenzuela stated he has been a civil rights activist in Arizona for over 45 years, including: 20 years as a federal executive of the U.S. Equal Employment Opportunity Commission in Phoenix, as Executive Director of the Arizona Fair Housing Center, and as an EEO Advisor to the National Latino Peace Officers Association. Dr. Valenzuela stated that he grew up in a barrio in Oakland, California where almost all Chicano kids were stopped by police for being brown. He stated that a Latino police officer informed him of being stopped and questioned by a patrol officer while dressed in civilian clothes on his way home late at night after his shift. The Latino peace officer told Dr.

Valenzuela that the only apparent reason for the stop was that he was Hispanic. According to Dr. Valenzuela, racial profiling is insidious, unlawful and violates the dignity of the victim and harms the individual's peaceful enjoyment of life, liberty and the pursuit of happiness. Racial profiling is used by persons of power or authority as a form of diminishing the social and economic status of the victim. He explained how racial profiling is discrimination based upon disparate treatment, disproportionate impact, retaliation, and pattern or practice theories. Dr. Valenzuela referred to newspaper reports regarding racial profiling by the Maricopa County Sheriff's Office in Guadalupe and a Traffic Stop Study regarding racial profiling by the Arizona Department of Public Safety (DPS). He submitted written copies of his prepared remarks to the Board. When asked for his recommendations, Dr. Valenzuela stated that that police should have internal safeguards and that training regarding avoiding racial profiling and other types of discrimination would be most helpful.

2. Sheree Peshlakai, Navajo Nation Human Rights Commission.

Ms. Peshlakai is a Commissioner for the Navajo Nation Human Rights Commission in Window Rock, AZ. In the short time that the Commission has been in existence, they have received citizen complaints that Navajo drivers in border towns near the Navajo Nation have been pulled over for being Navajo. The police verbally accused the drivers being under the influence of alcohol, but no sobriety tests were done. The Commission is gathering data regarding racial profiling issues and wants to be proactive in working with other agencies in the State to address this problem.

3. b6

b6 stated that he is an indigenous person. He asked the Board about Maricopa County arrest record statistics based on race. He also asked about whether people caught up in the psychiatric system were being racially profiled. The Board did not have responses to either question. **b6** asked the Board to look into those issues.

4. Lisa Gopalan, Council on American-Islamic Relations.

Ms. Gopalan stated that most of the racial profiling incidents involving her group occur in the workplace where people's jobs have been threatened because of the way they dress. People are also afraid to talk to their employers about taking time off for prayer on Fridays. She has been told that the NYC Police Department is training its officers on how to racially profile, and was asked if that was happening in Arizona. She is concerned about a DVD entitled "Obsession" which portrays Muslims in a very negative way. She is also concerned about another DVD entitled "The Third Jihad" which paints a very dark picture of Muslims. She recommended education regarding the correct ideals of Muslims and having people come to CAIR to get more information and learn the truth about Muslims.

5. Dr. George Brooks, Executive Director, Arizona Commission on African American Affairs.

Dr. Brooks advised the Board that he was born and raised in Phoenix and has personally experienced racial profiling because of his color. This happens when someone drives through the wrong neighborhood with a nice car. The cause of racial profiling can be fear. After 9/11, racial profiling became worse. Dr. Brooks recommended looking for the cause to be able to treat the disease of racial profiling, and to expand beyond

justice/legal issues.

6. Annie Lai, Racial Justice Fellow, Arizona Civil Liberties Union of Arizona.

Ms. Lai addressed the Board on behalf of ACLU. The ACLU Executive Director, Ms. Meetze previously addressed the Board at a racial profiling forum regarding results of a report analyzing statistics on traffic stops by DPS in Arizona. Ms. Lai gave an update on other ACLU activities. She gave an update on MOU's between local law agencies and Immigration Customs Enforcement (ICE"). There are currently seven 287(g) agreements in force providing for a total of 319 officers in the State who could be deputized to enforce federal immigration laws, and there are seven 287(g) applications pending from Mesa, Bullhead City, Florence, Prescott, Lake Havasu City, Williams, and Mohave County. As Ms. Meetze previously discussed, there are harms when local police agencies enforce federal immigration laws. ICE has said that 287(g) agreements do not give unlimited authority to law enforcement. ICE has said that the authority should not be used for minor violations like traffic stops and that no one should ever be targeted solely based on the color of their skin. These issues are at the heart of a class action lawsuit that ACLU and others filed against the Maricopa County Sheriff's Office charging that law enforcement went beyond the 287(g) agreement. The defendants have argued that plaintiffs have to show that a similarly situated white driver would have been treated differently by the defendants. The plaintiffs argue that this is not a proper standard and would be impossible for plaintiffs to meet without data collection regarding who else is on the road at a given time and who else has broken windshields, etc. This argument highlights the importance of requiring law enforcement agencies to collect data on every stop and every encounter with citizens, specifically to capture data on what motivated the stop and what caused the stop to extend for longer periods of time. Their April report regarding DPS has shown that minority drivers are stopped for significantly longer periods of time than white drivers. ACLU continues to participate in the Citizens Traffic Review Board which arose out of the settlement of a lawsuit with DPS. The Board reached consensus on a few issues last week, and are continuing to look at the issues of data collection and third party review of civilian complaints. ACLU will be holding a Racial Profiling Forum for the Flagstaff community on Thursday, November 13 at 7 pm, and they are continuing to participate in a coalition doing "Know Your Rights Trainings" for the Latino community. Ms. Lai provided copies of ACLU's racial profiling report. The ACLU lawsuit against Maricopa County Sheriff's Office is for violation of the Fourth Amendment and Equal Protection.

7. Salvador Ongaro, Attorney, Los Abogados.

Mr. Ongaro is the incoming President for Los Abogados Hispanic Bar Association. There is strong concern that civil rights are being violated and that the community has to step in because government is not doing anything. He believes that the situation has gotten much worse since he spoke at the Board's racial profiling forum at Phoenix College seven months ago. At that time, he advised the Board regarding round ups where people were being stopped for non-working tail lights or other moving violations that would never have been enforced before and questioned about their immigration status. Since then, the Maricopa County Sheriff's Office has been going into places of business and holding people for hours until they can prove that they are not undocumented. Those being held are Latinos, many of whom can prove they are here legally. A woman reported to Mr. Ongaro that at the Gold Canyon factory raid, people in black ski masks,

flak jackets and assault rifles came into the building and she thought it was a terrorist raid. It turned out to be the Sheriff's Office and they took over operations, rounded everyone up with dogs, questioned people, and held everyone from 8 am to 5 pm without letting them contact their families, speak to each other, or even go to the bathroom without supervision. The same situation happened at the Sheriff's Office's raid at Mesa City Hall about a week ago. There, a female employee was required to prove that she was here legally and able to work for the company legally. When she didn't have the documents with her, she was taken downtown but released several hours later when she provided proof of her legal status. Most of the employees were able to provide documentation proving they were here legally. Their only crime was being brown and working for a company suspected of hiring undocumented aliens. Mr. Ongaro believes that the situation is worse now than seven months ago and that MCSO is doing these things for political reasons. He asks the Board to take note of the changing nature of the MCSO's activities, and implores the Board to make a recommendation for an investigation of MCSO's practices in the recent employment raids. When asked by Ken Moore whether he could get a court to provide a cease and desist order against MSCO, he stated that he is working with other organizations and exploring that option. In response to a question from Jason Martinez, Mr. Ongaro stated that there is an ongoing investigation as to whether law enforcement organizations are violating 287(g) agreements. He states that fact gathering with respect to violations will assist those federal investigations.

8. b6
 b6 is a private citizen who moved from Maricopa County to La Palma in Pinal County. He worked in law enforcement for 20 years and left based on medical disability. Since living in Pinal County, he has been stopped numerous times by the police. The most recent incident occurred on Oct. 17, 2008 and is the reason he came to this forum. At that time, he walked out of a restaurant in Casa Grande and saw a Casa Grande police vehicle going past him. When he got to his car, the police car had turned around and was following him. Another vehicle sped right past him, but the police officer stayed behind
 b6 The police trailed him for a mile. During that time, he didn't speed or weave, but the Casa Grande police officer stopped him anyway and asked for proof of insurance and his driver's license. The officer said b6 could go, but then asked where he had come from and where he was going. He advised the Board that he has been stopped 7-8 times by various police agencies within the last year. He said that people have told him that Casa Grande police frequently stop people because they are black. b6 believes that he gets stopped just to check if he is drinking, has warrants or no insurance. He recommends training at the police academy, lawsuits, and having someone to hold the police accountable and "police the police." b6 also stated that if there were more black and Hispanic officers that would be helpful. Jeff Lavender encouraged b6 to raise his issue with the Casa Grande Advisory Board on which the Police Chief sits.

9. b6
 b6 is a US citizen. He wanted to bring to the Board's attention and seek guidance regarding what happened to a 22- year old colleague of his who was here legally from India working for a large company in Chandler. He believes that his colleague was discriminated against based on his race, religion, and nationality and victimized by

Arizona residents, the Maricopa County Attorney's Office, Chandler Police Department, and the judicial system. This began when his colleague was at a bowling alley with other Indian co-workers and accidentally bumped into an adult female while outside smoking, and apologized. The Chandler Police Department arrested his colleague at the bowling alley for inappropriately touching the female, and kept asking if he was here legally. The Maricopa County Attorney's Office vigorously pursued the incident, treating it like a sexual assault, and asking if INS had cleared him and if he was here legally. A jury found him guilty. The manager of his apartment complex saw him wearing an ankle monitoring device due to the criminal case and said that she wanted to evict him before he was convicted. The Chandler Police Dept. responded to a complaint that he was harassing other tenants, and a judge imposed a \$10,000 cash bond for bail. The Maricopa County Attorney's Office made false statements about the charges against the colleague.

b6 believes that the County Attorney's Office refused to drop the case because his colleague is not a citizen. Now all the colleague's Indian co-workers and their families who have heard what happened are afraid to go outside of their homes because they are fearful and believe that Arizona is a racist state. b6 asked what he or the Board could do to help his colleague or other members of the community who are being racially profiled. Jason Martinez stated that the Board cannot make any recommendations without seeing documentation regarding the matter addressed to the Civil Rights Advisory Board. Melanie Pate added that if his friend believes that he was discriminated against in housing, he can file a charge of housing discrimination with the Civil Rights Division. With respect to false statements allegedly made by the County Attorney's Office in a report, Melanie Pate stated that they complain to the County Attorney's Office. Daisy Flores recommended that he contact a supervisor in the County Attorney's Office.

11. b6, National Day Labor Organizing Network.

b6 and her co-worker b6 have been listening to stories of human rights abuses and civil rights violations in the last few days and she has noticed a pattern of excessive use of force and inability to distinguish between actual crime and minor infractions. She has seen instances of people getting stopped for minor infractions, honking their horn, broken tail lights. She has noticed a pattern of Sheriff's blatantly lying about basis for stopping people, taking vindictive action against people who speak out, and entering private property without a warrant. b6 stated that people are afraid of getting law enforcement involved, even when they who are here legally. She urges the Board to bring up this issue to the US Congress for investigation of these allegations. She is also working with ASU to document all the testimonials and getting video documentation to present to the US Congress. These allegations relate to actions by various police agencies. Daisy Flores asked how the Board could get a copy of the testimonials. b6 stated that b6 would have them available when they are done.

12. b6 (b6 interpreting).

b6 works with the National Day Labor Organizing Network and is here to document abuses that are occurring here. He addressed the Board in Spanish regarding the abuses of people by law enforcement in Arizona. He compares what is happening here with what is happening in El Salvador. He states that people have fear of law enforcement. Harassment is not only affecting adults, but children as well. There was one

instance where the Maricopa Sheriff's Office got onto a school bus and asked all the children if they had papers. The indigenous people and Latinos also have suffered greatly. They have received a lot of testimonials from Yaquis in Guadalupe. He feels that it is important for everyone who works as a civil rights activist to come together and bring forth these issues so that they are known.

Discussion by Board.

All of the Board members thanked the speakers for the information and solid recommendations that they provided. The Board looks forward to making recommendations next month. Jesus Cordova encouraged everyone to reach out to others and come together as one to push forward these issues. Beverly Dupree asked that facts, data and testimony of actual situations be sent to the Board. Jason Martinez stated that has known that racial profiling exists, and has experienced it, but had not realized the breadth of it. He agrees with Francisco Pacheco that all of the civil rights groups need to come together and be persistent so that law enforcement agencies are held accountable.

The meeting was adjourned at 8 pm.

ARIZONA CIVIL RIGHTS ADVISORY BOARD
RACIAL PROFILING SURVEY RESULTS
OCTOBER 2008

EXECUTIVE SUMMARY

The Arizona Civil Rights Advisory Board (“the Board”), which consists of Arizona citizens who come from diverse political parties and are appointed by the Governor, has authority pursuant to A.R.S. § 41-1402(A) to foster, through community effort, in cooperation with both public and private groups, the elimination of discrimination based on race, color, religion, sex, age, disability, familial status or national origin, and to issue publications of the results of studies, investigations and research as in its judgment will tend to promote goodwill and the elimination of discrimination between persons because of race, color, religion, sex, age, disability, familial status or national origin.

In accordance with its authority, the Board held public forums at Phoenix College on March 6, 2008 and at Tucson City Hall on May 21, 2008 to hear from community members, organizations and law enforcement representatives about the existence of racial profiling* in Arizona, specific incidents of racial profiling, the impact of racial profiling upon the lives of Arizona citizens, and suggestions for addressing it. Speakers at the forums suggested that the Board should reach out to people in rural and urban areas across the state to better assess the scope of racial profiling in Arizona and what to do about it. Based on those suggestions and to get a broader view of the issue, the Board developed racial profiling surveys for community organizations and for law enforcement agencies.

On August 21, 2008, the Board sent out approximately 800 racial profiling surveys to community organizations and law enforcement agencies throughout Arizona. Approximately 209 surveys went to law enforcement agencies, and approximately 588 surveys went to community organizations. To maximize responses to the survey, the Board requested that recipients forward copies of the surveys to any other groups or individuals who might be interested in responding and sent email reminders to all email recipients. The Board also accepted survey responses beyond the September 19, 2008 due date, until October 10, 2008.

1. Responses from Community Organizations.

The Board received a total of 57 responses to the community organization survey. The responders self-identified with the following demographic groups: White – 22%, Hispanic - 15%, African American – 9%, Asian – 5%, Native American – 5%, Mixed – 9%. Except for the Mixed group, all responders had greater than 12 years of education.

*Racial profiling is the reliance on race and/or ethnicity in articulating reasonable suspicion for police stops and is prohibited, except in investigations in which race or ethnicity is part of an identifying description of a specific suspect. *U.S. v. Montero-Camargo*, 208 F.3d 1122, 1134 (9th Cir. 2000).

To better view trends, the survey responses received from community organizations have been separated and summarized by race.

In response to Question No. 1, 26% of all responders stated that they were either experts or had personal experience with racial profiling. This response came from 14% of Whites, 40% of Hispanics, 34% of African Americans, 20% of Mixed-race responders, 34% of Native Americans, and 34% of Asians responding.

In response to Question No. 2, 28% of responders stated that racial profiling is definitely an issue in their area. When divided among demographic groups, this response came from 17% of Whites (several of whom referred to problems experienced by people of color), 67% of Native Americans, 44% of African Americans, 40% of Mixed responders, 33% of Asians, and 27% of Hispanics. However, 68% of all responders stated that racial profiling was either definitely an issue, that there have been some issues, or that racial profiling is somewhat of an issue in their area. That response came from 100% of Native Americans and Asians, 89% of African Americans, 67% of Hispanics, 59% of Whites, and 40% of Mixed-race responders.

In response to Question No. 3, 74% of all responders stated that they had either personally experienced or been made aware of racial profiling instances. In response to Question No. 4, regarding how many people have you known personally who were affected by racial profiling incidents in the past year, either directly or indirectly, 16% of all responders stated that they have known more than 10 people. However, 65% of all responders stated that they personally knew between 1 and 10 people who were affected by racial profiling incidents in the past year. That response came from: 100% of the Native American and Asian responders, 80% of Hispanics, 67% of African Americans, 55% of Whites, and 20% of the Mixed-race responders.

In response to Question No. 5 regarding what observations/experiences have you had with racial profiling, 32% of White responders stated that they have not had such observations and experiences and other White responders stated that they observed that those of different races were treated differently in the exact same situation based on race or ethnicity. Hispanic responders reported being pulled over for no reason while driving or being subjected to immigration roundups. Of the African American responders, 34% reported being followed in stores, and 34% reported being stopped by the police due to their skin color. Native American responders reported experiencing racial profiling at Border Patrol stops, while driving, or during air travel. In response to Question No. 6 regarding what actions/activities led to your racial profiling incident, White responders generally referred to different treatment of other people based on race in housing, employment, schools, and immigration sweeps. Among other groups, driving was a major theme: 60% of Hispanic responders referred to driving, walking, Maricopa County Sheriff's Office ("MCSO") roundups, or stated that no actions on their part led to the incident; 56% of African American responders referred to driving or stated that no actions on their part led to the incident other than appearance; 20% of Mixed-race responders referred to driving; and 34% of Native American responders referred to Border Patrol stops.

In response to Question No. 7 regarding what law enforcement entity or entities have you had concerns about with regard to racial profiling, 21% of responders mentioned MCSO, 9% mentioned DPS, 7% mentioned Border Patrol, and 4% of responders mentioned various other law enforcement agencies, including: Tucson PD, Pima County Sheriff's Office, UA PD, Tohono O'odham PD, Marana PD, Oro Valley PD, Phoenix PD, Mesa PD, Gilbert PD, Holbrook PD, Winslow PD, ICE, TSA, and Mexican police.

The effects of racial profiling upon the lives of those who have experienced it and upon your community are the subjects of Questions 8 and 9. Many who responded stated that racial profiling has caused fear and distrust of law enforcement, and reluctance by those in minority communities to report crime or information regarding crime or to seek medical care due to fear of deportation. Others cited adverse impact upon business, racism, a feeling that people can't succeed based upon their skin color, a feeling of being constantly at risk and under siege to the point that people don't go outside, loss of income, division of the community, and diversion of police resources to immigration enforcement and away from responding to and investigating serious crimes.

In response to Question No. 10 regarding what is being done to address racial profiling in your community, many responders knew of little or nothing being done. The ACLU stated the following: DPS settled a lawsuit and a citizens' advisory board is reviewing DPS practices and will be making recommendations to combat racial profiling; the ACLU and others initiated litigation against the Maricopa County Sheriff's Office to challenge the Sheriff's immigration sweeps as a violation of equal protection; the ACLU won a permanent injunction against the town of Cave Creek prohibiting the town from enforcing its anti-solicitation ordinance on First Amendment grounds; the ACLU is engaged in public education and advocacy efforts and will be hosting town hall meetings to collect stories and provide assistance to individuals who have experiences with racial profiling by DPS; and the ACLU plans to partner with local community-based organizations to train volunteers and conduct "know your rights" presentations. Others stated that the Border Action Network and Derechos Humanos are working to address racial profiling; there is a pending FBI investigation; and specific training for sheriff's deputies and police officers is being provided.

Asked in Question No. 11 whether something should be done to address racial profiling incidents more aggressively in their community, 44% of all responders stated that something should definitely be done. An additional 28% of all responders believe that there should either be a response to specific incidents or a more proactive approach to racial profiling in their community, for a total of 72% of responders who believe that some action regarding racial profiling is appropriate. By contrast, 67% of Hispanic and Asian responders, and 56% of African American responders definitely believe that racial profiling incidents should be addressed more aggressively in their community.

In response to Question No. 12 regarding proposed methods by which government should address and attempt to eliminate racial profiling, community

organization responders had the following reactions: 51% agree that a written policy condemning racial profiling is appropriate; 42% agree with traffic stop procedures designed to avoid racial profiling; 19% agree with obtaining written consent when requesting a search during a traffic stop; 39% agree with videotaping of all traffic stops and maintaining the tapes or disks; 65% agree with mandatory training regarding racial profiling; 49% agree that data collection, analysis and monitoring of data collection is needed; 44% agree with follow-up to indicia of possible racial profiling; 72% agree with a complaint process that is accessible and understandable by the public; and 51% agree with having citizen involvement in a review board. Other suggestions received for addressing and eliminating racial profiling include: taking action against MCSO for racial profiling; having all facets of the community and all constituencies be involved; having a true third party agency or institution to monitor subpoenas and investigate all complaints against Tucson PD; providing written information in Spanish and other languages for handouts; enacting legislation on racial profiling for all state and local law enforcement agencies; and public recognition of racial profiling by the police with a clear plan of action being made known.

2. Responses from Law Enforcement Agencies.

The Board received 60 responses to its racial profiling survey from law enforcement agencies and officers throughout Arizona. Demographically, the responders self identified as follows: 70% White, 18% Hispanic, 8% African American, 2% Native American, and 2% self-identified as Other. Survey responses from law enforcement agencies were summarized by the race of the responder to view trends.

With respect to training, 47% of responders strongly or moderately believe that the training academy that they attended provided an adequate amount of training related to racial profiling, 23% strongly or moderately disagree, and the remainder stated that they were neutral. When asked whether their department provides adequate training related to racial profiling for all sworn police officers, 72% of responders strongly or moderately agree, 3% strongly or moderately disagree, and the remainder were neutral. However, when asked whether additional training for all sworn police officers would reduce the incidents of racial profiling by police, 53% strongly or moderately agreed, 17% disagreed, and 35% were neutral.

Of those responding, 42% of law enforcement responders strongly or moderately believe that racial and/or ethnic bias policing or profiling exists in their county, 45% strongly or moderately disagree, and the remaining responders were neutral. On data collection on arrests, 50% stated that they strongly or moderately believe that their department has been collecting racial and ethnic data on arrests, and 37% strongly or moderately disagree. On data collection regarding traffic tickets that are issued, 37% stated that they strongly or moderately agree that their departments have been collecting racial data, but 50% strongly or moderately disagree. 28% of responders strongly or moderately agree that their department has been collecting racial or gender data on all traffic stops, but 60% strongly or moderately disagree.

With respect to having written policies in place that address the issue of racial profiling, 80% of law enforcement responders strongly or moderately agree that their department has such policies in place, but 12% strongly or moderately disagree. 6% of law enforcement responders strongly or moderately agree that they are required to “call in” the basis (probable cause) to their Communications Center when stopping a motor vehicle, but 83% strongly or moderately disagree. 40% of responders stated that they strongly or moderately agree that they are required to advise the driver of the reason(s) they are being stopped before obtaining their driver’s license and insurance card, but 40% also stated that they strongly or moderately disagree.

62% of law enforcement responders stated that they strongly or moderately believe that there could be a connection between the cultural background of police officers who might be involved in incidents of racial profiling, and 27% strongly or moderately disagreed. Of law enforcement responders, 32% strongly or moderately agreed that their agency conducts a periodic review of arrests to evaluate any trends, but 34% strongly or moderately disagreed.

Those who strongly or moderately agreed that they have taken measures to prevent racial profiling in their department constituted 73% of responders, but 12% strongly or moderately disagreed. None of the responders stated that they had been disciplined for racial profiling. 8% of responders strongly or moderately agreed that they have not stopped minorities even when probable cause existed because of the racial profiling controversy, but 85% of responders strongly or moderately disagreed with that statement. Only 1 responder strongly agreed that he or she had stopped minorities without probable cause due to racial profiling, 1 was neutral, and 80% strongly or moderately denied doing so.

With regard to video cameras, 63% of law enforcement responders strongly or moderately believe that video cameras in all police cars would be beneficial in addressing racial profiling allegations, but 12% strongly or moderately disagree.

13% of law enforcement responders stated that racial profiling occurs in their police department, but 80% strongly or moderately disagree. When asked whether racial profiling occurs in law enforcement in general, 23% of responders moderately agreed, 38% moderately or strongly disagreed, and 35% stated that they were neutral.

32% of law enforcement responders stated that they strongly or moderately believe that the media (TV, radio, and print) is the cause of the racial profiling controversy, 35% strongly or moderately disagreed, and 33% were neutral. 22% of law enforcement responders strongly or moderately agreed that they had received complaints from the public about racial profiling by their department, 62% strongly or moderately disagreed. Two law enforcement responders comprising 3% of all law enforcement responders moderately agreed that they had observed racial profiling incidents in their department, 95% strongly or moderately denied this, and 1 responder or 2% of total responders was neutral. 15% of responders strongly or moderately agreed that sometimes racial profiling is a useful tool in police work, but 65% strongly or moderately disagreed,

and 20% were neutral. 55% of law enforcement responders stated that racial profiling has no place in police work, but 25% strongly or moderately disagreed.

On the subject of who would be best to provide racial profiling training, 15% of law enforcement responders strongly or moderately agreed that individuals trained in cultural sensitivity, who are themselves minorities, would be best suited to train police officers on the topic of racial profiling. But 38% strongly or moderately disagreed with that proposition, and 47% of responders were neutral.

Law enforcement responders had the following opinions regarding the most effective ways to address racial profiling by law enforcement officers: 72% approve of a written policy condemning racial profiling, 28% approve traffic stop procedures designed to avoid racial profiling, 15% approve obtaining written consent when requesting a search during a traffic stop, 47% approve of videotaping of all traffic stops and maintaining the tapes or disks, 75% approve of mandatory training regarding racial profiling, 40% approve of data collection, analysis and monitoring of data collection, 47% approve of follow-up to indicia of possible racial profiling, 58% approve of having a complaint process that is accessible and understandable by the public, and 20% approve of citizen involvement in a review board. Other suggestions include: supervisory or management audit of contacts and results, periodic review of arrest data, media and other civil liberty organizations being trained in police procedures and have mandatory ride-alongs before doing any articles on this topic, and open and honest dialogue with the community.

Law enforcement supervisors responded to the final section of the law enforcement survey. The responses revealed that law enforcement agencies have a variety of procedures for making and handling complaints regarding officers. All responders stated that complaints of racial profiling are handled in the same manner as other complaints. In most responding law enforcement agencies, complaints made about officers are addressed internally by supervisors, higher level supervisors or internal affairs. In some agencies, administrative staff conducts investigations. In others, the reviewer or the reviewing entity may vary depending upon whether the complaint is considered minor or serious. Some agencies have procedures involving: a discipline review board which includes citizens, "community HR", Department of Special Standards, or another review entity.

Training provided to officers related to civil rights, diversity and/or avoidance of racial profiling varies substantially among law enforcement agencies from those that provide only police academy training, those that provide annual training, those that provide ongoing training, and those that receive AZ Post training. Some provide only ethics training. Others reportedly provide cultural awareness, civility training, bias-based profiling training, civil rights and immigration issues training, or policy and documentation of stops training.

The number and disposition of complaints related to racial profiling received in the past two years varied among responders. Some agencies received no complaints;

others reportedly received from 1 to 32 complaints. All stated that the complaints were investigated. None reported that a complaint of racial profiling had been substantiated following an investigation, but one agency substantiated that a department member had directed an obscene gesture at a group of peaceful Hispanic demonstrators. A few agencies reported having racial profiling complaints that are still under investigation, including one agency that is still investigating a complaint filed in 2003.



City of Phoenix
OFFICE OF THE MAYOR

MAYOR PHIL GORDON

April 4, 2008

Honorable Michael B. Mukasey
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Request for Civil Rights Investigation of the Maricopa County Sheriff

Dear Mr. Attorney General:

I write to request that you direct the Civil Rights Division and the Federal Bureau of Investigation to initiate an investigation into Maricopa County Sheriff Joe Arpaio for potential civil rights violations. I do not make this request lightly. This request is based on Sheriff Arpaio's pattern and practice of conduct that includes discriminatory harassment, improper stops, searches, and arrests.

I understand these are serious allegations.

As Mayor of the City of Phoenix, I must speak out when the rights of our residents are violated and the safety of our neighborhoods threatened. In order that you may understand the gravity of the situation in our city, I provide you with this background and following examples of Sheriff Arpaio's activities in our city.

Phoenix is the fifth largest city in the nation. We are a diverse community that believes the role of law enforcement should be to pursue crime and protect its residents. Our Police Department is second to none in professionalism and ability to meet this goal. We reside within the boundary of Maricopa County, where Joe Arpaio is the elected Sheriff. State law provides Sheriff Arpaio with concurrent jurisdiction over offenses committed in Phoenix.

Over the past few weeks, Sheriff Arpaio's actions have infringed on the civil rights of our residents. They have put our residents' well-being, and the well-being of law enforcement officers, at risk.

Mukasey letter
Page two

Over Easter weekend, Sheriff Arpaio announced he was going to target a specific Phoenix neighborhood by sending 200 posse members into a one square-mile area for "crime suppression". "We lock up murderers, we lock up everybody. We're here for crime suppression, and we're going to lock up everybody," according to the Sheriff.

But they didn't arrest murderers. Under his orders, they performed only routine traffic stops to check immigration status. According to our State's largest newspaper, *The Arizona Republic*:

"Shortly after 5 p.m., a Sheriff's detective pulled over one sedan for stopping in the middle of the street and for having a broken brake light. After questioning, both men admitted they were in the country illegally and were sent on their way to a processing center to await deportation. By 7:30 p.m., the efforts had netted 13 arrests, including nine people suspected of being in the country illegally and four U.S. residents with outstanding warrants or other legal issues."

All were Hispanic.

In announcing his "roundups" the Sheriff worded his news release in such a way – by naming groups of "bikers" who agree with him and will show up to support him (many with guns and rifles) – that he deliberately sets the stage for shouting matches, confrontations or worse. That's not acceptable behavior for anyone, let alone someone whose job is to help make our community safer.

He repeated the same "crime suppression" program this past weekend, targeting and holding 27 Hispanics he believes might be in this country illegally. Sixteen others who were stopped, according *The Arizona Republic*, were only "guilty of looking Latino". By my math, that means Latinos represented 100% of his stops. But even if it were 75%, that would still be of serious concern for a community that is one-third Latino, not three-fourths.

And just last night, the Sheriff, for the third week in a row, staged another roundup -- this time, in the Town of Guadalupe. According to our local ABC affiliate, his posse members were stopping Hispanics on the sidewalks and asking them to produce identification. Guadalupe, by the way, usually ranks at or near the bottom in violent crime. Last month, there was just one violent crime committed in the Town of Guadalupe.

His expansion of these roundups, with no end in sight, has compelled me to write this letter today.

Mukasey letter
Page three

The events of the last three weeks are not aberrations. On February 16, the Sheriff said "I wish that the Phoenix Police Department would arrest everybody, even if they're not sure (of that person's status)". That comment, reflective of others, resulted in widespread community outrage – including a strong rebuke from former Maricopa County Attorney Rick Romley.

Legitimate news media sources have been reporting apparent violations of civil rights statutes for some time now. Again, the *Arizona Republic* reported that on September 26, 2007, one of Sheriff Arpaio's deputies detained Manuel de Jesus Ortega Melendres for eight hours before determining that he was lawfully in the United States. That detention is now the subject of a civil rights lawsuit brought by Mr. Melendres.

A member of my own staff was one of six drivers recently detained by one of the Sheriff's deputies for "off-roading" in a restricted area (as they were completing a U-turn to correct their mistake). The first five drivers were asked to show a drivers' license and released without being cited. My staff member was asked not for her license, but for her Social Security card – and was issued a citation. She was the only Hispanic of the six. The other five were Anglo.

These are but two events out of too many others. I have enclosed, as background, a sampling of news reports and video clips.

I believe that these events represent situations in which a civil rights investigation should be initiated.

I specifically and respectfully ask that you investigate whether Sheriff Arpaio's actions constitute a violation of the following laws:

1) Section 210401 of the Violent Control and Law Enforcement Act of 1994 (42 U.S.C. § 14141, Police Misconduct Provision). As you know, this provision of federal law makes unlawful the deprivation, by a law enforcement agency, of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

2) Title VI of the Civil Rights Act of 1964. "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d.

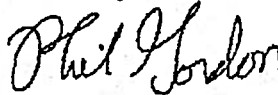
Mukasey letter
Page four

3) Section 809(c) of the Omnibus Crime Control and Safe Streets Act of 1968. "No person in any State shall on the ground of race, color, religion, national origin, or sex ... be subjected to discrimination ... in connection with any programs or activity funded in whole or in part with funds made available under this chapter." 42 U.S.C. §3789d(c)(1).

4) Such other statutes, including a "Color of Law" (18 U.S.C. § 242) violation, as you deem appropriate in the course of your investigation.

I have publicly spoken out against Sheriff Arpaio's actions. I will continue to do so, and to use my position as Mayor of Phoenix to oppose those who violate the civil rights of others. I, and the residents of Phoenix, now look to you to enforce the laws that ensure those rights. Should you need additional information, please do not hesitate to contact me.

Sincerely,



Phil Gordon
Mayor

Enclosures

cc: Hon. Diane Humetewa, U.S. Attorney, District of Arizona
John Lewis, Special Agent in Charge, Federal Bureau of Investigation

Stevens, Richard P

From: b6,b7c
Sent: Tuesday, January 06, 2009 6:28 PM
To:
Cc: b6,b7c
Subject: FW: Break down of the last seven large suppression ops
Attachments: break down last seven ops.doc

Not sure if you all saw this?

b6,b7c

Assistant Special Agent in Charge
Division II, SAC Phoenix, Arizona
Office
b2Low Cell

From: prvs= b6,b7c =243a51d2f@MCSO.maricopa.gov [mailto:prvs= b6,b7c 243a51d2f@MCSO.maricopa.gov] **On Behalf Of**
b6,b7c - SHERIFFX
Sent: Tuesday, December 30, 2008 10:48 AM
To: b6,b7c - SHERIFFX

b6,b7c

Subject: Break down of the last seven large suppression ops

Hi b6,b7c

Can you give Chief b6,b7c a hard copy of the attached break down? It's a break down of the large crime suppression details where multiple divisions and units assisted (total of seven ops).

Thanks,

b6,b7c



**Maricopa County Sheriff's Office
Sheriff Joe Arpaio**



**Break Down of Last 4 Ops
12-13-08**

Sun City / I-17 Op on 08-13-08 and 08-14-08:

- There was a total of 109 suspects taken into custody
- Of the 109 suspects, 79 were illegally in the country (287g)
- Of the 79 287g's, 32 were booked on state charges
- Of the 32 287gs booked on stats charges, 23 were booked on human smuggling charges
- 30 US citizens were booked on state charges

Mesa Op on 07-14-08:

- There was a total of 40 suspects taken into custody
- Of the 40 suspects, 26 were illegally in this country (287g)
- Of the 26 278g's, 4 were booked on state charges
- 14 US citizens were booked on state charges

Mesa Op on 06-26-08 and 06-27-08:

- There was a total of 63 suspects taken into custody
- Of the 63 suspects, 19 were illegally in this country (287g)
- Of the 19 287g's, 13 were booked on state charges
- 44 US citizens were booked on state charges

Fountain Hills Op on 05-06-08 and 05-07-08:

- There was a total of 20 suspects taken into custody
- Of the 20 suspects, 16 were illegally in this country (287g)
- Of the 16 illegal's, 1 was booked on state charges
- 4 US citizens were booked on state charges

Guadalupe Op on 04-03-08 and 04-04-08:

- There was a total of 45 suspects taken into custody
- Of the 45 suspects, 9 were illegally in this country (287g)
- Of the 9 Illegal's, 7 were booked on state charges
- 36 US citizens were booked on state charges

Cave Creek Rd and Bell Rd Op on 03-27-08 and 03-28-08:

- There was a total of 53 suspects taken into custody
- Of the 53 suspects, 27 were illegally in this country (287g)
- Of the 27 illegal's, 14 were booked on state charges
- 26 US citizens were booked on state charges

36 Street and Thomas Rd Op on 03-21-08 and 03-22-08:

- There was a total of 56 suspects taken into custody
- Of the 56 suspects, 39 were illegally in this country (287g)
- Of the 39 illegal's, 19 were booked on state charges
- 17 US citizens were booked on state charges.

Total break down for all seven Ops:

Total arrests:	386
Were illegal:	215
US citizens:	171
Illegal's booked on state charges:	90
Booked human smuggling:	23

Stevens, Richard P

From: b6,b7c
Sent: Tuesday, January 06, 2009 7:27 PM
To: b6,b7c
Subject: RE: RE: 287(g) Request
Attachments: Letters of Authorization for MCSO 287g.pdf; Letters of Authorization for MCSO 287g (1).pdf; Letters of Authorization for MCSO 287g (2).pdf; Letters of Revocation for MCSO 287g.pdf

b6,b7c

As requested, here are the letters for Maricopa County Sheriff's Office.

b6,b7c
SDDO/CAP
Phoenix Field Office [PHO]
[desk]
b2Low [cell]

From: b6,b7c
Sent: Tuesday, January 06, 2009 12:03 PM
To: b6,b7c
Subject: FW: RE: 287(g) Request

b6,b7c

Do either of you remember ever sending the Authorization/Revocation Letters to OSLC for all of the JEO's per the Ops Tasking that was sent out on 11/07/08? I have all of the TFO's from OI but do not have any for the JEO's from DRO. I have been entering the info into our database and noticed that all of the JEO's are missing. Please let me the status as soon as possible.

Thanks.

b6,b7c
SDDO/287(g) National Program Manager
500 12th Street, S.W.
Washington, DC 20024
Office
Cell: (b2Low
b6,b7c

From: b6,b7c
Sent: Friday, November 07, 2008 11:24 AM
To: OPStasking

b6,b7c

Subject: RE: 287(g) Request

TO: OPSTASKING

FROM: OSLC

DUE: COB Friday, December 5, 2008

3/26/2009

PLEASE SEND TO:

287(g) POC's for all SAC offices

287(g) POC's for all FOD offices

To all:

The Office of State and Local Coordination (OSLC) has been in the process of reviewing various policies and procedures relating to the implementation of the 287(g) program. In order to ensure compliance with the existing 287(g) Memorandums of Agreements (MOA's) in the field, the following requests are being submitted to all SAC and FOD offices with 287(g) programs:

1. It is requested that a Letter of Authorization (attached to this request) is completed for each officer who is currently authorized to perform activities pursuant to their 287(g) training. All active 287(g) Task Force Officers (TFO's) will need to have this form completed and signed by the SAC for that AOR. All active 287(g) Jail Enforcement Officers (JEO's) will need to have this form completed and signed by the FOD for that AOR.
2. It is requested that a Letter of Revocation (attached to this request) is completed for each officer who was authorized to perform activities pursuant to their 287(g) training but later had that authority revoked for whatever reason (reassignment, retirement, etc.). All 287(g) TFO's who have had their authority revoked will need to have this form completed and signed by the SAC for that AOR. All 287(g) JEO's who have had their authority revoked will need to have this form completed and signed by the FOD for that AOR.
3. Once these forms are completed, please maintain the originals at the appropriate SAC or FOD office. Please scan and send copies of these forms to the OSLC to:

Name:

b6,b7c

E-Mail

Please complete and send these forms into the OSLC by COB Friday, December 5, 2008.

If you have any questions related to this request, please let me know. Thank you.

b6,b7c

b6,b7c

Special Agent/National Program Manager
U.S. Immigration and Customs Enforcement

3/26/2009

500 12th Street, SW, Office 5027
Washington, DC 20024

b2Low Office
Cell



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680 and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

The ICE Field Office Director (FOD) authorizes you, b6,b7c as a qualified law enforcement officer of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the Memorandum of Agreement (MOA) signed by ICE and the Maricopa County Sheriff's Office. Your authority as an immigration officer is valid for the period of one year from the date of authorization. This authorization can be suspended at any time by the Field Office Director. This delegation will be reviewed annually by the Field Office Director.

Sincerely,

b6,b7c

November 12, 2008



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

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Sincerely,

b6,b7c

November 12, 2008

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

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Sincerely,

b6,b7c

FIELD OFFICE DIRECTOR

November 12, 2008

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
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November 12, 2008

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

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The ICE Field Office Director (FOD) authorizes you, b6,b7c as a qualified law enforcement officer of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the Memorandum of Agreement (MOA) signed by ICE and the Maricopa County Sheriff's Office. Your authority as an immigration officer is valid for the period of one year from the date of authorization. This authorization can be suspended at any time by the Field Office Director. This delegation will be reviewed annually by the Field Office Director.

Sincerely,

b6,b7c

November 12, 2008

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
Enforcement**

LETTER OF AUTHORIZATION

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U.S. Immigration
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November 12, 2008

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



U.S. Immigration and Customs Enforcement

LETTER OF AUTHORIZATION

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Sincerely,

b6,b7c

November 19, 2008



**U.S. Immigration
and Customs
Enforcement**

LETTER OF REVOCATION

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680 and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

As authorized in the Memorandum of Agreement (MOA) between ICE and the Maricopa County Sheriff's Office, the 287(g) authorization of participating Law Enforcement Agency (LEA) personnel may be revoked at any time by ICE. After careful evaluation, the Field Office Director (FOD) is revoking the authority granted to you b6,b7c of the Maricopa County Sheriff's Office, to perform certain immigration enforcement functions as specified in the MOA. The Maricopa County Sheriff's Office has been notified that your immigration authorities conferred by the MOA have been revoked.

In accordance with the MOA, you must immediately return any issued Immigration Officer Identification, Immigration Officer designation form(s) and/or ICE issued equipment, if you have not done so already. You may retain your certificate of course completion from the authorizing ICE Training Division.

Your authorization to perform 287(g) immigration officer functions may be reinstated by the FOD at a later date and any reinstatement costs will be incurred by the Maricopa County Sheriff's Office.

Sincerely,

b6,b7c

November 12, 2008



**U.S. Immigration
and Customs
Enforcement**

LETTER OF REVOCATION

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), effective September 30, 1996, added Section 287(g), on performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act (INA). Section 287(g) of the INA, also codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of the Department of Homeland Security, acting through the Assistant Secretary of United States Immigration and Customs Enforcement (ICE), to enter into written agreements with state and local law enforcement agencies, so that qualified personnel can perform certain functions of an immigration officer. Pursuant to 287(g)(7), the officer is only treated as a Federal employee for the purposes of the Federal Tort Claims Act (28 U.S.C. sec. 2671-2680 and worker's compensation claims (5 U.S.C. sec. 8108 et seq) when performing functions authorized by Section 287(g).

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Sincerely,

b6,b7c

November 12, 2008

State Training Summary

State Agency Name	Class ID	FLETC	Start Date	End Date	Officers Trained*
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Non-Responsive

*Count only includes those officers who have received grade of "passed."
Friday, February 27, 2009

State Agency Name	Class ID	FLETC	Start Date	End Date	Officers Trained*
Maricopa County Sheriff's Office	CL013		2/27/2007	4/27/2007	38
Maricopa County Sheriff's Office	CL014	0705	4/2/2007	5/19/2007	2
Maricopa County Sheriff's Office	CL015		4/17/2007	5/15/2007	40
Maricopa County Sheriff's Office	CL018		5/28/2007	6/26/2007	38
Maricopa County Sheriff's Office	CL019		7/17/2007	8/14/2007	41
Maricopa County Sheriff's Office	CL030		7/15/2008	8/8/2008	23

*Count only includes those officers who have received grade of "passed."
Friday, February 27, 2009

State Agency Name	Class ID	FLETC	Start Date	End Date	Officers Trained*
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Friday, February 27, 2009

State Agency Name

Class ID

FLETC

Start Date

End Date

Officers Trained*

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Friday, February 27, 2009

287(g) Administrative Arrests

FY 2009

No. of Offices Reporting: 54

287G Office	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Program Total
					Non-Responsive								
Maricopa County Sheriff's Office	1,026	984	871	919	630								4,430

Arrest Stats Last Updated on 2/22/2009
Report Prepared on Friday, February 27, 2009

Source: ENFORCE

LAW ENFORCEMENT SENSITIVE

Page 1 of 2

Non-Responsive

The above ICE enforcement data/statistics reflects a "snap shot" of the data in the respective ICE Law Enforcement System (LES) at the time the report was compiled by the Executive Information Reporting Section. ICE enforcement data within the ICE LES may be modified at any given time by authorized personnel owning the data which may result in an increase or decrease of ICE data/statistics previously reported.

2007

22

MOA_Name

Oct

Nov

Dec

Jan

Feb

Mar

Apr

Non-Responsive

Non-Responsive

May Jun Jul Aug Sep Total

Non-Responsive

375 513 626 633 951 3,294

Non-Responsive

22-Feb-09

Immigration Authority Delegation Program Training Curriculum

Curriculum Topic
A File Review
Alien Encounters
Alien Processing
Alternate Methods of Removal
Asylees, Refugees, TPS, Orantes, Special Status Aliens
Authority to Detain
Civil Rights/Search & Seizure
Consular Officer Notification
Criminal Law
Cross Cultural Communications
Document Examination
DOJ Use of Race Guidelines
Enforce/IDENT
False Claim to USC
I-213 Preparation Lecture and Lab
ICE (Overview)
Immigration Law Review_Exam 1
Immigration Law Review_Exam 2
Immigration Law, Immigrants
INTEL
Juvenile Processing
Law Enforcement Service Center_LESC
MOA Review and Discussion
Nationality Law
Nationality Law Practice Test/Lab (Review)
Officer Liability/Giglio (Overview)
Orientation
Re-Entry After Removal
Removal Charges
Removal Charges Review
Restraints and Transport
Sources of Information
Statutory Authority

Immigration Authority Delegation Program Training Curriculum

Curriculum Topic
Sworn Statements
Use of Force
Use of Law Book
Victim/Assistance
Welcome

CONFIDENTIAL

AZ	Maricopa County Sheriff's Office	Maricopa County Sheriff's Office	Passed	Active	JEO	Active	CL034	3/3/2009
AZ	Maricopa County Sheriff's Office	Maricopa County Sheriff's Office	Passed	Active	JEO	Active	CL034	3/3/2009
AZ	Maricopa County Sheriff's Office	Maricopa County Sheriff's Office	Passed	Active	JEO	Active	CL034	3/3/2009

Grade	Passed
Vetted Type	(All)

Count of State Status

Vetted Status	Active	Inactive	Grand Total
Active	166		166
Inactive		19	19
Grand Total	166	19	185