



U.S. Department of Justice
Civil Rights Division

JP:LS JYJ:AA:WG:TA:SL:ES:NG:dj
DJ 207-8-8

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

August 25, 2010

Via Electronic and First Class Mail

Robert Driscoll
Alston & Bird LLP
950 F Street N.W.
Washington, D.C. 20004

Re: Maricopa County Sheriff's Office Investigation

Dear Mr. Driscoll:

This letter is to memorialize the content of our meeting yesterday regarding the resolution of the Maricopa County Sheriff's Office's ("MCSO") non-cooperation with the Title VI portion of the United States' Title VI, Section 14141, and Safe Streets Act investigation.

I. **MCSO's Deliverables**

As we agreed, you will provide us with confirmation regarding each of the following items by close of business Friday, August 27, 2010:

1. Whether MCSO will produce all updated and current documents and information responsive to the United States' First Request for Documents and Information ("First Request"), identify those requests for which responsive documents and information have been previously produced in the matter of Melendres v. Arpaio, CV-07-2513-PHX-GMS, or indicate that no responsive documents exist. To be clear, we discussed all 51 requests and except for questions related to streamlining and clarification needs for some requests (e.g., Requests #28 and 34 and some of the Requests related to the 287(g) MOA), all 51 requests are appropriately requested under the United States' Title VI authority.
2. Assuming MCSO agrees to comply with our requests, we expect the applicable response to #1 above to be provided as soon as possible, but no later than September 10, 2010.
3. Whether MCSO will make the appropriate representative(s) available to the Special Litigation Section to provide clarification and instruction on MCSO operations, policies, and procedures as soon as possible, but no later than September 10, 2010. Such representative(s) should have operational knowledge about MCSO traffic stops, arrests, and searches; specialized units (e.g., Human Smuggling Unit, Criminal Employment Squad (formerly, Employee Sanctions

Unit), and Gang and Immigration Intelligence Unit); internal affairs; and dispatch and communications.

4. Whether MCSO will make all command and line staff, facilities, and inmates available to the Special Litigation and Federal Compliance Sections. Assuming MCSO agrees to provide access, we expect that we will be provided such access no later than September 27, 2010.

If we do not receive clear and specific agreement for all of the above items, we will conclude that compliance cannot be achieved by voluntary means.

II. United States' Deliverables

Next, as we agreed, we are hereby providing the following requested items and information:

1. The initial list of facilities for an on-site visit:¹
 - Fourth Avenue Jail, which includes the Central Intake Division
 - Durango Jail
 - Estrella Jail
 - Lower Buckeye Jail, which includes the Self-Surrender Center
 - Tents City, including both Con-Tents and In-Tents
 - Towers Jail
2. Proposed schedule and plan for on-site visit of MCSO detention facilities, as follows:
 - A. Meet with MCSO Jail command staff to review general processes and procedures, and discuss tour details;
 - B. Tour Central Intake Division at Fourth Avenue Jail – interview staff, identify forms/records used at each level/stage of intake and orientation;
 - C. Tour detention facilities at Fourth Avenue Jail;
 - D. Tour remaining jail facilities. We will provide a list of our expected order of tours ten (10) days in advance of the start of the on-site;
 - E. At all facilities, including the Central Intake and detention portions of the Fourth Avenue Jail, we would identify and review forms, records, and other documents (including hard copy, electronic, or any other format) pertaining to the programs, services, and subject areas listed below. We would also review specific processes with staff and other individuals familiar with pertinent subject

¹ Please note that this is not an exhaustive list. In addition, as we have made clear, we do not view access to these facilities as exclusive to our investigation of MCSO's jail operations, but consider them to be part of our investigation of MCSO's police practices as well. This list is being provided with the presumption that MCSO will provide complete and unequivocal agreement to all of the items listed in Section I of this letter by Friday, August 27, 2010.

areas. The tour would cover reviews and interviews involving the following subject areas and/or individuals, among others:

- (1) jail and watch command;
- (2) sergeants and shift supervisors;
- (3) detainee file management systems;
- (4) intake, booking, and orientation;
- (5) assessment and classification;
- (6) medical and psychiatric assessment and services;
- (7) inmate programming, including religion, treatment, and education (including LEP inmate language education);
- (8) disciplinary and due process hearings;
- (9) grievance procedures and appeals;
- (10) inmate work assignment processes;
- (11) general housing procedures;
- (12) visitation;
- (13) staff training;
- (14) bilingual and interpretation services; and
- (15) other general language access services provided to inmates.

F. In addition, as with all of our detention facility on-sites, we would require the flexibility to follow up on information we develop during each tour. Such information may require that we interview additional staff, inmates, or other individuals, or conduct additional document reviews. Recipient correctional and detention facilities are usually able to accommodate our need for flexibility, and we would expect the same of MCSO.

3. The names or titles of MCSO staff for additional interviews, including, but not limited to:
 - Additional command staff
 - Specialized units personnel
 - Dispatch personnel
 - FTO, other Training, and Range personnel
 - Records management system personnel
 - Cross-section of MCSO deputies in varying years of experience from six (6) months to 20+ years

4. Clarification regarding the United States' First Request #28:

"All current training curricula for new recruits and current officers (i.e., in-service training), including roll-call training."

It is our understanding that the Melendres plaintiffs' requests were limited to training materials in limited subject areas (i.e., traffic stops and the use of race, ethnicity, national origin, language ability, or names in carrying out law

enforcement activities). The United States' request #28 is broader and requests all training curricula for new recruits. This request should not, however, be burdensome as MCSO may simply produce a copy of the training curricula covered during basic police academy training. To the extent that all MCSO police academy training is limited to Peace Officers Standards and Training ("POST"), please advise and we will identify and review POST materials accordingly. In addition, the United States' request also seeks bulletins and/or roll-call training updates for current officers, which does not appear to be covered by the Melendres plaintiffs' requests. To the extent MCSO produced such responsive documents in response to another request, please advise us of the bates ranges and whether such production may be considered a complete and exhaustive response to this request and we will be happy to review them for responsiveness to the United States' request.

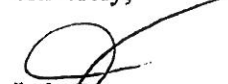
5. Clarification regarding the United States' First Request #34:

"Provide all documents relating to MCSO officer arrests, including, but not limited to, arrest reports, blotter entries, incident reports, arrest warrants and supporting materials, booking logs, patrol logs, radio logs, videotapes, and any other documents related to arrests by MCSO officers from January 1, 2008 to the present."

The United States is in possession of the CAD database for "traffic stops" as produced to the Melendres plaintiffs from 2005-October 31, 2009. First, we request an updated supplement to the CAD database to the present. Second, all of the CAD data provided is limited to CAD data with the initial call type of "T" (i.e., traffic related). To the extent that arrest data is maintained in the CAD database under a different code or call type, we would request that CAD information and data, as well. Third, we believe that production of an individual who could describe the operational and procedural requirements of an MCSO deputy related to arrests and dispatch, as requested in Section I.3. above, will help to clarify and narrow this request to the actual realities of MCSO policy and procedure.

Again, we are hopeful that MCSO will provide clear and unequivocal agreement to cooperate with the United States' investigation no later than close of business on Friday, August 27, 2010. If you have any questions, please do not hesitate to contact me at (202) 514-6258 or Deputy Chief Luis Saucedo at (202) 353-0299.

Sincerely,



Judy Preston
Acting Chief
Special Litigation Section

cc: USA Dennis Burke
AUSA Mike Walker
Tom Irvine