



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.

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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.

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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.

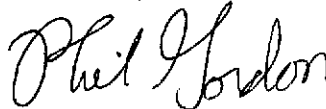
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3) Section 809(c) of the Omnibus Crime Control and Safe Streets Act of 1968. "No person in any State shall on the ground of race, color, religion, national origin, or sex ... be subjected to discrimination ... in connection with any programs or activity 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