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Department of Justice Releases Investigative Findings on the Maricopa County Sheriff's Office

Findings Show Pattern or Practice of Wide-ranging Discrimination Against Latinos and Retaliatory Actions Against Individuals Who Criticized MCSO Activities

WASHINGTON— Following a comprehensive investigation, the Justice Department today announced its findings in the ongoing civil rights investigation of the Maricopa County Sheriff's Office (MCSO). The Justice Department found reasonable cause to believe that MCSO, under the leadership of Sheriff Joseph M. Arpaio, has engaged in a pattern or practice of misconduct that violates the Constitution and federal law. The investigation, opened in June 2008, was conducted under the provisions of the Violent Crime Control and Law Enforcement Act of 1994 and Title VI of the Civil Rights Act of 1964, and the Title VI implementing regulations.

The department found reasonable cause to believe that a pattern or practice of unconstitutional conduct and/or violations of federal law occurred in several areas, including:

- Discriminatory policing practices including unlawful stops, detentions and arrests of Latinos;
- Unlawful retaliation against individuals exercising their First Amendment right to criticize MCSO's policies or practices, including but not limited to practices relating to its discriminatory treatment of Latinos; and
- Discriminatory jail practices against Latino inmates with limited English proficiency by punishing them and denying them critical services.

The Justice Department found a number of long-standing and entrenched systemic deficiencies that caused or contributed to these patterns of unlawful conduct, including:

- A failure to implement policies guiding deputies on lawful policing practices;
- Allowing specialized units to engage in unconstitutional practices;
- Inadequate training;

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- Inadequate supervision;
- An ineffective disciplinary, oversight and accountability system; and
- A lack of sufficient external oversight and accountability.

In addition to these formal pattern or practice findings, the investigation uncovered additional areas of serious concern, including:

- Use of excessive force;
- Police practices that have the effect of significantly compromising MCSO's ability to adequately protect Latino residents; and
- Failure to adequately investigate allegations of sexual assaults.

While no formal findings of pattern or practice violations have been made in connection with these issues, the investigation remains ongoing.

"MCSO's systematic disregard for basic constitutional protections has created a wall of distrust between the sheriff's office and large segments of the community, which dramatically compromises the ability to protect and serve the people," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "The problems are deeply rooted in MCSO's culture, and are compounded by MCSO's penchant for retaliation against individuals who speak out."

The department's thorough and independent investigation involved an in-depth review of MCSO practices, as well as extensive community engagement. Department attorneys, investigators and experts conducted interviews with more than 400 individuals including, 75 current and former MCSO supervisors and deputies, including Sheriff Arpaio, and 150 former and current MCSO inmates. In addition, the department reviewed thousands of pages of documents. Many of the interviews and much of this review was delayed when MCSO refused to provide required documents and access. MCSO finally provided the required access and documents after the department filed a lawsuit under Title VI in September 2010.

Addressing the findings, and reforming MCSO, requires a sustained commitment to long term structural, cultural and institutional change. MCSO must develop and implement new policies and procedures and train its officers in effective and constitutional policing. In addition, MCSO must implement systems to ensure accountability, and eliminate unlawful bias from all levels of law enforcement decision making.

The department will seek to obtain a court enforceable agreement and will attempt to work with MCSO and Maricopa County officials to develop and implement a comprehensive reform plan with the judicial oversight needed to address the violations of the Constitution and federal law.

"Effective policing and constitutional policing go hand in hand. Developing and implementing meaningful reforms will assist in reducing crime, ensuring respect for the Constitution, and ensuring that the people of Maricopa County have confidence in MCSO's commitment to fair and effective law enforcement," said Thomas E. Perez. "We hope to resolve the concerns outlined in our findings in a collaborative fashion, but we will not hesitate to take appropriate legal action if MCSO chooses a different course of action."

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This investigation was conducted by the Special Litigation Section and the Federal Coordination and Compliance Section of the Civil Rights Division with the assistance of law enforcement professionals, including former police chiefs, a jail practices consultant and a consultant on statistical analysis. Members of the Maricopa County community who may wish to provide information to the department in furtherance of this investigation may call 1-877-613-2137 or email community.maricopa@usdoj.gov.

The full report can be found at www.justice.gov/crt/about/spl/mcso.php For more information on the Justice Department's Civil Rights Division, please visit www.justice.gov/crt

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