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Friday, July 17, 2015

Justice Department Reaches Settlement in Civil Rights Lawsuit Against Maricopa County, Arizona, and Maricopa County Sheriff

The Department of Justice's Civil Rights Division announced today that it has reached a partial settlement in its civil rights lawsuit against Maricopa County, Arizona, and Maricopa County Sheriff Joseph M. Arpaio. The settlement resolves the United States' claims that the Maricopa County Sheriff's Office (MCSO) conducted unlawful detentions of Hispanics during worksite raids of local businesses in violation of the Fourth and 14th Amendments, and retaliated against critics of Sheriff Arpaio and MCSO in violation of the First Amendment. The parties have filed a joint motion requesting that the federal district court in Arizona approve and agree to enforce the settlement agreement. The parties also reached a separate settlement resolving the United States' claim that MCSO failed to provide adequate language access for limited English-proficient Hispanics in MCSO jails in violation of Title VI of the Civil Rights Act of 1964.

"The resolution of these claims, with the important safeguards against future constitutional violations included in these agreements, is in the best interests of the people of Maricopa County," said Deputy Assistant Attorney General Mark Kappelhoff of the Justice Department's Civil Rights Division. "The Maricopa County Sheriff's Office changed many of their practices after the commencement of our litigation, and these agreements ensure that progress continues and the Constitutional rights of the people of Maricopa County will be protected for the long term."

Under the agreements, MCSO will comply with the following measures, ensuring that its activities comport with federal law and the Constitution:

- Before MCSO may conduct any worksite raids, it must first establish a set of written policies and protocols and submit them to the Civil Rights Division for review, to ensure that the worksite raids comply with all applicable laws and constitutional protections. If MCSO conducts a worksite raid, the Civil Rights Division may request any information and documents to determine whether the operation was conducted consistently with federal law and the Constitution.
- MCSO will prohibit retaliation against individuals engaging in First Amendment protected activity, such as public criticism of Sheriff Arpaio or the MCSO.

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- MCSO must ensure that limited English-proficient (LEP) Hispanic inmates in MCSO jails have adequate language access and are protected from unlawful, national origin-based discrimination. These measures include:
 - Improving MCSO's policies and practices for identifying LEP inmates;
 - Ensuring that LEP inmates have adequate access to language assistance services, such as bilingual staff, telephonic interpretation services and Spanish-language translations of important written policies and postings in the jails; and
 - Requiring that all vital announcements in MCSO facilities be made in both English and Spanish; and

Requiring MCSO to take reasonable steps to ensure that medical staff are informed if an inmate needing medical attention is LEP and requires language assistance.

As part of today's agreements, if the Civil Rights Division determines that MCSO is not in substantial compliance with any provision of the agreements, it will attempt to first resolve the issue with MCSO; if the Civil Rights Division is unable to cooperatively resolve the compliance issues, however, it may bring appropriate enforcement actions before the federal district court in Arizona.

Today's agreements resolve the majority of the claims involved in the division's lawsuit, filed in May 2013, against Sheriff Arpaio and Maricopa County. That lawsuit alleged four patterns or practices of unconstitutional conduct: (1) discriminatory policing against Hispanic persons in MCSO's saturation patrols, general traffic enforcement and worksite operations targeting Hispanic immigrants, (2) detentions in violation of the Fourth Amendment during MCSO's worksite raids targeting Hispanic immigrants, (3) failures in the provision of language access to Hispanic LEP jail inmates and (4) retaliatory police action against critics of Sheriff Arpaio and MCSO. Last month, the federal district court of Arizona granted the United States' motion for partial summary judgment on its discriminatory policing claim, finding that the United States was entitled to judgment on its claims that MCSO had engaged in discrimination against Hispanics in its enforcement of traffic laws. A remedy on that issue is still to be determined by the court. The parties are in ongoing discussions to resolve the remaining claims in the division's lawsuit.

The agreements, as well as a description of the division's previous investigation of and litigation against the Maricopa County Sheriff Arpaio and Maricopa County, will be available at:

<http://www.justice.gov/crt/about/spl/>.

[Maricopa Settlement Agreement and Attachment A.pdf](#) (1.03 MB)

[Maricopa Proposed Order.pdf](#) (23.54 KB)

[Maricopa Joint Motion to Approve.pdf](#) (37.86 KB)

15-901

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Updated February 4, 2016

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