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Department of Justice Files Lawsuit in Arizona Against Maricopa County, Maricopa County Sheriff's Office, and Sheriff Joseph Arpaio

The Department of Justice filed a civil lawsuit in federal court today against Maricopa County, the Maricopa County Sheriff's Office (MCSO) and Sheriff Joseph M. Arpaio, arising from unconstitutional and unlawful actions by the defendants.

The lawsuit follows a comprehensive and independent investigation initiated, in June 2008, under Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994 and Title VI of the Civil Rights Act of 1964. On Dec. 15, 2011, the department issued a 22 page letter of findings, which found reasonable cause that MCSO and Sheriff Arpaio were engaged in a pattern or practice of unconstitutional conduct and/or violations of federal law. Following the issuance of the letter of findings, the department attempted to reach a resolution with MCSO and Sheriff Arpaio and provided them with a comprehensive draft settlement agreement. The proposed agreement contained a number of key reforms that had been successfully implemented elsewhere. However, negotiations were unsuccessful, primarily because MCSO and Sheriff Arpaio refused to agree to any independent oversight by a monitor.

The complaint alleges that Maricopa County, MCSO and Sheriff Arpaio engaged in and continue to engage in a pattern or practice of:

- Discriminatory and otherwise unconstitutional law enforcement actions against Latinos who are frequently stopped, detained and arrested on the basis of race, color, or national origin;
- Discriminatory jail practices against Latino inmates with limited English skills; and
- Illegal retaliation against their perceived critics, subjecting them to baseless criminal actions,

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unfounded civil lawsuits, or meritless administrative actions.

According to the complaint, since approximately 2006, MCSO and Sheriff Arpaio have intentionally and systematically discriminated against Latinos. They have accomplished this by stopping Latinos in their vehicles four to nine times more often than similarly situated non-Latino drivers. In addition, MCSO stops Latinos on the county's roads without the required legal justification. Also, MCSO detains and searches Latinos on the roads, in their homes, and in their workplaces without legal justification for doing so. Further, MCSO mistreats Latino detainees with limited English proficiency by ignoring important requests if they are not made in English and punishing detainees if they fail to understand orders given in English. Finally, MCSO files baseless administrative actions, civil actions and criminal cases against its perceived critics in an attempt to chill free speech.

The conduct of MCSO dramatically departs from standard law enforcement practices in numerous ways. As described in the complaint, "MCSO promotes and is indifferent to the discriminatory conduct of its law enforcement officers, as is demonstrated by inadequate policies, ineffective training, virtually non-existent accountability measures, poor supervision, scant data collection mechanisms, distorted enforcement prioritization [and] an ineffective complaint and disciplinary system."

Additionally, the complaint alleges that the conduct is the product of a culture of disregard for Latinos that starts at the top and pervades the organization. MCSO employees frequently use derogatory terms to refer to Latinos, and Sheriff Arpaio and MCSO supervisors, through their words and actions, set the tone and create a culture of bias that contributes to unlawful actions.

In the complaint, the department seeks declaratory and injunctive relief that would ensure that MCSO implements policies and procedures to prevent the pattern or practice of unconstitutional conduct identified in the complaint.

"At its core, this is an abuse of power case involving Sheriff Arpaio and a sheriff's office that disregarded the Constitution, ignored sound police practices, and did not hesitate to retaliate against perceived critics in a variety of unlawful ways," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "Constitutional policing and effective policing go hand in hand. The complaint outlines how Sheriff Arpaio's actions were neither constitutional nor effective. No one in Maricopa County is above the law and the department will fight to ensure that the promise of the Constitution is realized by everyone in Maricopa County."

This complaint was filed after a thorough and independent investigation of MCSO's policies and practices. 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 these 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.

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Section 14141 prohibits law enforcement agencies, such as MCSO, from engaging in activities that amount to a pattern or practice of violating the Constitution or laws of the United States. Title VI and its implementing regulations provide that recipients of federal financial assistance, such as Maricopa County and MCSO, may not discriminate on the basis of race, color or national origin.

Since releasing its findings in December 2011, the department has repeatedly reached out to MCSO in an effort to achieve voluntary compliance with the Constitution and Title VI. MCSO ended these efforts in April 2012. In light of the deeply rooted nature of the problems facing MCSO, the complaint seeks a host of reforms, including a court order requiring that the defendants:

- Develop and implement new policies and procedures and train MCSO officers in effective and constitutional policing;
- Implement systems to ensure accountability and improve the quality of policing throughout the county; and
- Eliminate unlawful bias from all levels of law enforcement decision.

In addition, the Justice Department's experience has shown that the most effective path to sustainable reform includes the appointment of an independent monitor to work collaboratively with the department and the community to ensure the effective implementation of the provisions of any court order.

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. The investigation into the handling of sexual assaults by MCSO remains ongoing at this time. Members of the Maricopa County community who may wish to provide information to the Justice Department may call 1-877-613-2137 or email community.maricopa@usdoj.gov.

For more information on the Justice Department's Civil Rights Division, please visit www.justice.gov/crt

Related Materials:

[Remarks by Assistant Attorney General Thomas E. Perez at the Maricopa County Press Conference MCSO Complaint](#)

12-602

Civil Rights Division
Civil Rights - Federal Coordination and Compliance

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