

# **EXHIBIT 5**

## **Paul Chagolla - SHERIFFX**

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**From:** Tamra Ingersoll [Tamra.Ingersoll@kpho.com]

**Sent:** Wednesday, December 12, 2007 3:09 PM

**To:** Paul Chagolla - SHERIFFX

### **Law suit filed against Maricopa County Sheriff's Office for civil rights abuse**

PHOENIX (December 12, 2007) - A law suit has been filed against the office of the Sheriff of Maricopa County, claiming discriminatory and unauthorized enforcement of federal immigration laws against Hispanic persons in Maricopa County, Arizona.

Lou Moffa, lead attorney for the case, filed the suit with the county on the afternoon of Dec. 12.

"Our investigations show that the Sheriff's Office has routinely exceeded their authority and shown a blatant disregard for the civil rights of individuals in Maricopa County," said Moffa. "With this suit we hope to demonstrate that no matter how politically popular an issue is, the Sheriff's office does not have the right to trounce haphazardly over an individuals rights."

Louis R. Moffa, Jr. is a partner in the Litigation Department and a member of the Product Liability and Mass Tort Group, Construction Group, Labor, Employment & Immigration Group, and Insurance Group of Ballard, Spahr, Andrews & Ingersoll, LLP. He is resident in the Firm's Voorhees, New Jersey office.

For the past twenty-five years, Mr. Moffa has been an active trial and appellate litigator representing major corporations, banks, manufacturing firms, professional partnerships, construction companies and individuals. His complex litigation practice has focused on commercial and construction contracts, lender liability, business torts, professional liability, civil rights and employment/wrongful discharge cases.

Mr. Moffa is an Adjunct Professor of Law at Rutgers School of Law- Camden where he has taught courses in Civil Rights and Appellate Advocacy and Litigation.

Mr. Moffa is a member of the American Bar Association, New Jersey Bar Association, District of Columbia Bar Association, and Camden County Bar Association.

**A copy of the filed suit is available upon request.**

12/12/2007

Melendres  
MCSO 073089

# **EXHIBIT 6**

Just recently a group from Wash, CAO did on site inspection over 287G to determine in compliance, no deficiencies.

ICE states that they received 1 comp. during the past months, about us profiling, which came into ICE or homeland security about profiling., they inv. found unfounded. on site inspection, that is it

This is not blanket complaint against 287G, this is a specific complaint by one individual, Ortega.

Ortega by own admission was violating his visa status, by stating he was a worker ~~but the visa was only a visitor.~~ <sup>seeking employment here</sup> ~~DATE: 11/11/09~~ <sup>DATE: 11/11/09</sup> took him to ICE to check status, ice decided not to take action. which is a violation of Fed law.

The lawyer from N.J. should read the fine print of our agreements, before he starts criticizing ~~who~~ how we do things in Az. I have complete confidence <sup>well trained</sup> in my deputies enforcement of immigration law, including the state law, and the fed. law.

I will continue to enforce all aspects of the immigration laws and will not be intimidated by anyone, including lawyers. *FROM NEW JERSEY*

*Traffic Stop  
only  
Miranda Question  
For PARTICULAR CRIME  
SEEKING Employment under  
VICIEN VISA VIOLATION  
OF LAW*

Statement: The lawyer from New Jersey should read the fine print in our agreement with ICE (immigration, Customs Enf. before filing frivolous law suits. ~~My trained ice deputies are professional~~

I have complete confidence in my trained deputies enforcing all aspects of the State and federal immigration laws, and I will continue to do my job as sheriff.

# **EXHIBIT 7**

**Paul Chagolla - SHERIFFX**

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**From:** Joseph Sousa - SHERIFFX  
**Sent:** Thursday, October 04, 2007 4:48 PM  
**To:** Paul Chagolla - SHERIFFX  
**Subject:** FW: [SPAM:] - [new imagecheck] FW: Corner of Queen Creek & Ellsworth - embedded images  
**Importance:** High  
**Attachments:** image001.gif

FYI

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**From:** John D'Amico - SHERIFFX  
**Sent:** Wednesday, October 03, 2007 9:26 AM  
**To:** Joseph Sousa - SHERIFFX  
**Subject:** FW: [SPAM:] - [new imagecheck] FW: Corner of Queen Creek & Ellsworth - embedded images  
**Importance:** High

Hi Joe,  
Here is one of the e-mails complaining about the day laborer problem. There is an e-mail address but no phone number. They are looking for more e-mails.

John

*John D'Amico  
Maricopa County Sheriff's Office  
Lieutenant  
District 1-Queen Creek  
Office: (480) 458-5408  
Fax: (480) 458-5415*

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**From:** REDACTED  
**Sent:** Tue 10/2/2007 9:54 PM  
**To:** John D'Amico - SHERIFFX  
**Cc:** Joe La Fortune; Maria Gonzalez  
**Subject:** [SPAM:] - [new imagecheck] FW: Corner of Queen Creek & Ellsworth - embedded images

10/5/2007

Melendres  
MCSO 075244

John,

Here is one of the emails we received about the situation in downtown. We I try to find others. Thanks, John



REDACTED

E-mails that board members or staff generate pertaining to the business of the public body are public records. Therefore, the e-mails must be preserved according to a records retention program and generally be made available for public inspection. The recipient of this message is hereby notified that participation in email discussions with this sender can and will result in all information contained therein being reviewed by any interested parties, including media outlets and reporters. To ensure compliance with the Open Meeting Law, Town Council recipients of this message should not forward it to other members of the Council. Members of the Council may reply to this message, but they should not send a copy of the reply to other members. Any questions may be directed to the Town of Queen Creek's Assistant Town Attorney: (480) 358-3503

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**From:** REDACTED  
**Sent:** Monday, September 17, 2007 7:12 PM  
**To:** REDACTED  
**Subject:** Fwd: Corner of Queen Creek & Ellsworth

Sent from my iPhone

Begin forwarded message:

**From:** REDACTED  
**Date:** September 17, 2007 7:31:14 AM PDT  
**To:** REDACTED  
**Subject:** Corner of Queen Creek & Ellsworth

Dear Honorable Mayor Sanders and Council Members,

Last Friday morning a peculiar thing happened when I was at the stop light at Ocotillo and Ellsworth facing South. As I was waiting for the light to turn green a Hispanic man who was standing on the SW corner with other Hispanic men came up to my passengers side window and, for the lack of a better description, jeered at me. He then ran back to another Hispanic man and exchanged high fives while both laughed. Then he walked in front of my car. I hadn't noticed them until he came up to my window. I cannot think of what would have prompted this behavior. I don't think he was trying to intimidate

10/5/2007

Melendres  
MCSO 075245

me, it just looked like he was being silly. Then as I turned right another Hispanic man on the same corner, gave me what I would describe as a very intimidating look.

Kids passing this area when on the school bus have seen Hispanic man take out cell phones and look like they were taking a picture of the kids. These men have whistled or made other such noises at very young teenage girls.

I think a lot of people feel uncomfortable with the situation that exists on the corners of Ellsworth and Ocotillo. But many others take advantage of the situation and employ these men. It is true they offer a convenient service. But that service is illegal if the men are illegal immigrants. Loitering for safety reasons, in many areas is illegal. This is the corner that most of our high school and junior high kids pass every day to get to school. The congestion at this area combined with the men loitering on the corners does not create a great situation.

These men are highly suspected of being illegal immigrants, but the town turns a blind eye to the situation. These men see our cars and children pass everyday. Many do feel intimidated by the situation but say nothing.

It is the Mayor's and Town Council members to protect the interests of this community. This undoubtedly is a difficult situation, however, the difficulty of the situation should not detour our elected officials from doing the right thing in upholding the law and protecting its citizens.

Thank you for your excellent service as our Mayor.

Sincerely,

Deborah B REDACTED

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Gear up for Halo® 3 with free downloads and an exclusive offer.  
[http://gethalo3gear.com?ocid=SeptemberWLHalo3\\_MSNHMTxt\\_1](http://gethalo3gear.com?ocid=SeptemberWLHalo3_MSNHMTxt_1)

10/5/2007

Melendres  
MCSO 075246



DAY LOBORES  
CARED HOW TRYING TO BECOME  
LEGAL -

IS ALREADY A CRIMINAL  
GO BACK TO HIS COUNTRY  
AND FIND A JOB

# **EXHIBIT 8**

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

MANUEL de JESUS ORTEGA MELENDRES, )  
et al., )  
Plaintiffs, )  
vs. ) No. CV  
JOSEPH M. ARPAIO, et al., ) 07-2513-PHX-  
Defendants. ) GMS

VIDEOTAPED DEPOSITION OF SHERIFF JOSEPH M. ARPAIO

Phoenix, Arizona  
November 16, 2010  
9:00 a.m.

JOB NUMBER: 34429  
PREPARED BY:  
Robin L. B. Osterode, RPR, CSR  
AZ Certified Reporter No. 50695

1 then I believe "chain gangs." And I can't -- "I will  
2 be going over into Mesa." I'm not sure that that was  
3 in a letter. It was notes to Brian Sands.

4 Q. Okay. Well, you've got a cc Brian. That  
5 was you're sending this letter on to Chief Sands,  
6 correct?

7 A. Yes.

8 Q. And then you have, "Thank you for support."  
9 Are the two words under that and to the left "illegal  
10 immigration"?

11 A. I know the "chain gangs" referring to the  
12 chain gangs in this letter, or whatever this is, this  
13 note.

14 Q. Is that -- does that actually say, just to  
15 group the words there on the right side of your  
16 handwriting, did you write, "Chain gangs are all  
17 over"?

18 A. I don't know. I don't recall.

19 Q. Did you write in this note, "I will be  
20 going into Mesa"?

21 A. I may have. I don't know if I was talking  
22 about chain gangs, because we're talking about chain  
23 gangs here.

24 Q. Well, just the grouping of that wording  
25 there, this letter asks that you do a sweep in Mesa,

1 correct?

2 A. According to this letter, it talks about  
3 state, federal law.

4 Q. Well, just look at the note on the right  
5 side where it says, "Sheriff Joe, sweep Mesa, sweep  
6 Chandler, sweep southeast Chandler, sweep Guadalupe  
7 again, sweep Cave Creek and the church hiding them,  
8 sweep everywhere." Do you see that?

9 A. This is on the right side?

10 Q. Yes.

11 A. Oh, I see. Yes.

12 Q. Now, you have done crime suppression  
13 operations in all of those areas, correct?

14 A. I don't know if we went into Chandler. I  
15 don't think so. Not an operation.

16 Q. How about the others?

17 A. Guadalupe, yes. I believe Cave Creek, as I  
18 mentioned before, and Mesa.

19 Q. And, in particular, Mr. Sellner writes to  
20 you, on the first page of his letter on the left side  
21 of this sheet, in all caps and underlined, "Do the  
22 Mesa, Arizona sweep. It needs it terribly." Do you  
23 see that?

24 A. Yes.

25 Q. Now, in response to that -- and I'm looking

1 Q. Have you ever discussed with anyone the  
2 fact that the chief of police at Mesa, Chief Gascon,  
3 was Hispanic?

4 A. No.

5 Q. Never?

6 A. I don't recall.

7 (Marked for identification Exhibit 23.)

8 BY MR. YOUNG:

9 Q. Let's go on to Exhibit 23. That's a letter  
10 dated May 8th, 2008, from Mike Saudinaitis to Sheriff  
11 Arpaio, Melendres MCSO 075403 to 404. That's your  
12 note at the top indicating that a thank-you letter  
13 will be sent to Mr. Saudinaitis?

14 A. Yes.

15 Q. And you sent this letter on to Chief Sands?

16 A. Yes.

17 Q. That's your initials there underneath Brian  
18 S.?

19 A. Yes.

20 Q. And the date that's indicated there under  
21 your initials is the date that you sent it on to  
22 Chief Sands?

23 A. Yes.

24 Q. Now, at the bottom of the first page  
25 there's a line or a bracket drawn there. Is that

1 your handwriting?

2 A. I believe it may be. You mean the last  
3 paragraph?

4 Q. Yes. And the sort of the mark next to the  
5 paragraph that begins "Living in Mesa."

6 A. It may be.

7 Q. Was it your intention to draw Chief Sands'  
8 attention to that paragraph?

9 A. Maybe.

10 Q. Now, one of the things that's in that  
11 paragraph is a statement with respect to day laborers  
12 in Mesa. "I have yet to see the police stop in order  
13 to determine whether these laborers are here under  
14 legitimate circumstances." Do you see that?

15 A. You mean where -- "The full view of the  
16 Mesa Police would continuously patrol these  
17 streets" --

18 Q. Correct.

19 A. -- "but I have yet to see the police stop"?  
20 Okay.

21 Q. Did you send this letter with that language  
22 to Chief Sands so that he could take it into account  
23 in his decision-making about his operations?

24 MR. LIDDY: Objection; form.

25 THE WITNESS: Once again, as I mentioned

1 THE WITNESS: No, other than the fact  
2 there's many hygiene problems with all walks of life.  
3 It doesn't matter where you're from.

4 BY MR. YOUNG:

5 Q. Why, then, does your note refer to illegals  
6 from Mexico and hygiene practices?

7 MR. LIDDY: Objection; foundation.

8 THE WITNESS: Excuse me. When I said  
9 "illegals from Mexico," I made notes after the arrest  
10 that the majority of people that were arrested in  
11 that operation were illegally here from Mexico. If I  
12 said hygienic, I'm talking about the violations of the  
13 health code of selling products that had not been  
14 approved, contaminated food.

15 BY MR. YOUNG:

16 Q. Sheriff Arpaio, if you want to take a break  
17 at any time --

18 A. I'm okay.

19 (Marked for identification Exhibit 30.)

20 BY MR. YOUNG:

21 Q. Exhibit 30 is a set of e-mails that was  
22 part of your immigration file. It's Melendres  
23 MCSO 075244 to 247. Please turn to the last page of  
24 the e-mail. It's actually a set of pages. Is that  
25 your handwriting?



1           A.       It looks like it.

2           Q.       Could you read to me what you wrote there?

3           A.       It looks like "day laborers could have  
4       tried to become legal, is already a criminal" -- "go  
5       back to his" -- whatever -- "try to find a job,"  
6       looks like.

7           Q.       Do you think that says, "Go back to his  
8       country and try to find a job"?

9           A.       Could be, yeah.

10          Q.       In your experience, Sheriff Arpaio, are all  
11       day laborers illegal immigrants?

12          A.       In my experience?

13          Q.       Correct.

14          A.       I don't know how to answer that. I don't  
15       come across day laborers that much.

16          Q.       Your office --

17          A.       I don't have contact with day laborers.

18          Q.       Your office deals with day laborers, right?  
19       I mean, you've received complaints about day  
20       laborers. You have some exposure to the fact that  
21       there are day laborers in the areas where your  
22       officers patrol; isn't that right?

23                 MR. LIDDY: Objection; form and foundation.

24                 THE WITNESS: On information that we  
25       receive from the public or other sources?

1  
2  
3  
4 THE VIDEOGRAPHER: This concludes tape  
5 number 6, Volume 1, of the video deposition of  
6 Sheriff Joseph M. Arpaio, taken November 16th, 2010.  
Please note plaintiffs' counsel reserves the right to  
7 resume this deposition at a later date.

8 The time is 6:09 p.m. And we are off the  
9 record.

10 (Deposition concluded at 6:09 p.m.)  
11  
12  
13

14  
\_\_\_\_\_  
15 SHERIFF JOSEPH M. ARPAIO  
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25

## 1 CERTIFICATE

2 I, ROBIN L. B. OSTERODE, Certified  
3 Reporter for the State of Arizona and Certified  
4 Shorthand Reporter for the State of California  
5 certify:

6 That the foregoing deposition was taken  
7 by me; that I am authorized to administer an oath;  
8 that the witness, before testifying, was duly sworn  
9 by me to testify to the whole truth; that the  
10 questions propounded by counsel and the answers of  
11 the witness were taken down by me in shorthand and  
12 thereafter reduced to print by computer-aided  
13 transcription under my direction; that deposition  
14 review and signature was requested; that the  
15 foregoing pages are a full, true, and accurate  
16 transcript of all proceedings and testimony had upon  
17 the taking of said deposition, all to the best of my  
18 skill and ability.

19 I FURTHER CERTIFY that I am in no way  
20 related to nor employed by any of the parties hereto,  
21 nor am I in any way interested in the outcome hereof.

22 DATED this 23rd day of November, 2010.

23  
24 \_\_\_\_\_  
ROBIN L. B. OSTERODE

25 AZ CR No. 50695

# **EXHIBIT 9**

# News Release

## Maricopa County Sheriff's Office Joe Arpaio, Sheriff



Date: October 4, 2007

### Sheriff Arpaio Goes After Day Laborers

(Phoenix, AZ) Today, Maricopa County Sheriff's Joe Arpaio's Office Illegal Immigration Interdiction Unit (Triple I), responding to Queen Creek citizen complaints regarding day laborers harassing school children at a bus stop, arrested 16 more illegal aliens under the federal immigration laws.

Citizens complained that day laborers are shouting at the children and photographing them at the bus stop. Sheriff's deputies contacted the 16 illegals during traffic investigations.

The Queen Creek operation comes on the heels of Sheriff Arpaio's enforcement efforts in Wickenburg, and most recently in Cave Creek where day laborers sought sanctuary at the Good Shepherd of Hills church. Sheriff's deputies trained by Immigration and Customs Enforcement to enforce federal immigration laws arrested 34 illegals in those operations. The Maricopa County Sheriff's Office has 160 trained officers who enforce immigration law pursuant to and in the course of their duties.

The Sheriff recently initiated an Illegal Immigration Hot Line (602.876.4154) to help citizens report information regarding illegal immigration. Since the tip line was implemented, over 120 calls of 2,100 have been received specifically about day laborers. Since the hot line began operating, 96 illegal aliens have been arrested by Sheriff's deputies.

"My Office continues to enforce state and federal immigration, not for cosmetic purposes but because I take the problems of illegal immigration seriously," says Sheriff Arpaio. "There is no sanctuary in this county for those who violate the law. As far as I am concerned the only sanctuary for illegal aliens is in Mexico."

"Those elected officials and activists who criticized me and my Office, stating that it was a 'throw back to the Third Reich,' that the illegal immigration hot line would not be a success, and even portraying me as a member of the KKK, might be surprised by our achievements with the tip line," says Sheriff Arpaio.

<end>

100 West Washington, Suite 1900, Phoenix, Arizona 85003

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Media Pager: (602) 238-8097 E-mail: [SheriffsMediaRequests@MCSO.Maricopa.Gov](mailto:SheriffsMediaRequests@MCSO.Maricopa.Gov)