

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSEPH ARPAIO,

Plaintiff,

v.

BARACK OBAMA, ET AL.

Defendants.

Case 1:14-cv-01966

**SUPPLEMENTAL DECLARATION OF SHERIFF JOE ARPAIO,
IN SUPPORT OF PLAINTIFF'S MOTION FOR INJUNCTION**

Pursuant to 28 U.S.C. §1746, I, Sheriff Joe Arpaio, hereby declare under penalty of perjury that the following is true and correct:

- 1) I am over the age of 18 years old and mentally and legally competent to make this affidavit sworn under oath.
- 2) I am the elected Sheriff of Maricopa County, State of Arizona. I have held the Office of Sheriff since 1993. Previously, I served as a Regional Director for the Department of Justice in the Drug Enforcement Agency fighting crime and drug trafficking around the world, after serving as a police officer for five years in Washington, D.C. and Las Vegas, Nevada. I infiltrated drug organizations from Turkey to the Middle East to Mexico, Central, and South America to cities around the United States. I also served as head of the Drug Enforcement Agency for Arizona.
- 3) By this lawsuit, I am seeking to have the President and the other Defendants obey the U.S. Constitution and the immigration laws, which prevents the Obama Administration's Executive Order (hereinafter "Executive Actions") from having

been issued in the first place.

- 4) I am aware that President Obama has acknowledged repeatedly prior to November 20, 2014 that his actions of granting Executive Actions are unconstitutional.
- 5) Specifically, I am aware that on March 28, 2011, President Obama stated: “America is a nation of laws, which means I, as the President, am obligated to enforce the law. I don’t have a choice about that . . . Congress passes the law. The executive branch’s job is to enforce and implement those laws. And then the judiciary has to interpret the laws. There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.”
- 6) I am also aware that on May 10, 2011, President Obama stated: “. . . sometimes when I talk to immigration advocates, they wish I could just bypass Congress and change the law myself. But that’s not how a democracy works.”
- 7) I am aware that on July 25, 2014, President Obama stated: “[n]ow, I swore an oath to uphold the laws on the books Now, I know some people want me to bypass Congress and change the laws on my own Believe me, the idea of doing things on my own is very tempting. I promise you. Not just on immigration reform. But that’s not how – that’s not how our system works. That’s not how our democracy functions. That’s not how our Constitution is written.”
- 8) I am aware that on July 1, 2014, the President stated: “[t]here are those in the immigrants’ rights community who have argued passionately that we should simply provide those who are [here] legally with legal status, or at least ignore the laws on

the books and put an end to deportation until we have better laws I believe such an indiscriminate approach would be both unwise and unfair.”

- 9) The unconstitutional act of the President’s Executive Actions must be enjoined by a court of law on behalf of not just myself and my Office which represents the people of Maricopa County, Arizona, but all of the American people.
- 10) As a result of President Obama’s Executive Order, which was announced on November 20, 2014, my Sheriff’s Office responsible for Maricopa County, Arizona, and the people of Maricopa County has already suffered and will suffer significant harm.
- 11) This unconstitutional act by the President has had and will continue to have a serious detrimental impact on my carrying out the duties and responsibilities for which I am charged as elected Sheriff of Maricopa County, Arizona.
- 12) Specifically, President Obama’s Executive Actions have and will continue to severely strain our resources, both in manpower and financially, necessary to protect the citizens I was elected to serve.
- 13) For instance, among the many negative effects of Defendants’ Executive Actions is the increased release of criminal aliens back onto the streets of Maricopa County, Arizona, and the rest of the nation.
- 14) In addition, the flood of illegal aliens into Arizona has cost and will cost my Sheriff’s Office money and resources.
- 15) Based on my personal and professional experience, President Obama’s June 15, 2012 Executive Order concerning adults who arrived illegally as children, which Obama has called Deferred Action for Childhood Arrivals (DACA), is likely to cause an

- increased flood of illegal aliens into Arizona.
- 16) The increased flow of illegal aliens into U.S. border states has been stimulated by the hope of obtaining U.S. citizenship because of President Obama's six (6) years of promising what is in effect amnesty to those who make it to the United States.
 - 17) Based on my experience, with President Obama's Executive Actions, even if new illegal aliens coming into Maricopa County, Arizona may not qualify under the Executive Actions, floods of new illegal aliens have and will swarm across the border because they are attracted to the idea of what is, in effect, amnesty.
 - 18) The increased flow of illegal aliens has caused and will cause in the future an increase in property damage, crime, and burdened resources in Maricopa County, throughout Arizona, and across the border region.
 - 19) Landowners report large-scale trespassing on their land by illegal aliens transiting from the border into the interior of the country, associated with destruction of property, theft, crimes of intimidation, trespassing, and disruption of their use of their own land.
 - 20) Within my jurisdiction, my Office must respond to all such reports and investigate such criminal activity.
 - 21) My deputies must be out on the streets, risking their lives, to police Maricopa County, Arizona.
 - 22) In October 2014, 307 illegal immigrants were arrested by my deputies and officers in Maricopa County and given detainers by Immigration and Customs Enforcement ("ICE"). Of that number, 96 are repeat offenders (31.2%), having had prior bookings with detainers placed on them. Among those include two illegal aliens who have been

booked into my jail 19 times each, one of which had 11 prior detainers, and extraordinarily, within the last year. These statistics mirror what has happened in every month of 2014.

- 23) Because of serious harm to my Office and the duties I was elected to fulfill as a law enforcement officer, on November 3, 2014, I met with Congressman Matt Salmon (AZ-05) to discuss the possibility of launching a congressional hearing into why ICE keeps releasing illegal aliens charged of crimes back onto the streets of our communities. (Exhibit 1).
- 24) I also wrote the Honorable Jeh Johnson in June of 2014 – after he had visited Arizona just a week before I mailed the letter and failed to meet with me – extending the invitation to meet with him again, hoping to improve local/federal cooperation. (Exhibit 2 and Exhibit 3).
- 25) My duty is to investigate fraud and where appropriate, refer for prosecution. This will necessarily increase expenditures by my Office in policing employment related fraud in Maricopa County, since some of the illegals being hired are likely to be convicted criminals under the President's Executive Actions.
- 26) I performed a survey for the last 3 months.
- 27) I found out that over 1,200 illegal aliens were booked in our jails over the last three (3) months, arrested for committing crimes in Maricopa County under Arizona law, such as child molestation, burglary, shoplifting, theft, etc. These statistics do not include illegal aliens charged for violating immigration laws. Legal recourse with regard to immigration law violators rests with the federal government. Our jurisdiction relates to state crimes.

- 28) I found that over one-third (over 400) of these 1,200 illegal aliens arrested recently in Maricopa County had already been arrested by law enforcement in the past for committing different crimes earlier within Maricopa County under Arizona law.
- 29) These are criminals whom I turned over to ICE for possible deportation. However, based on my experience, many of these illegals are not deported and are still committing criminal acts in Maricopa County.
- 30) Over one-third of the criminals law enforcement had arrested who were illegal aliens had been released in the past. Some of them had incurred criminal records within Maricopa County at least 6, 7, or 8 times. However, they keep coming back. I want to know why they are not being deported.
- 31) I am aware that an Immigration Enforcement Report for the fiscal year of 2013, by ICE, indicates that ICE reported 722,000 encounters with illegal aliens, most of whom came to their attention after incarceration for a local arrest. <http://cis.org/catch-and-release>.
- 32) I am also aware that the ICE officials followed through with immigration charges for only 195,000 of these individuals. Among those released by ICE, 68,000 had criminal convictions. <http://cis.org/catch-and-release>.
- 33) The total number of inmates booked into Maricopa Sheriff's Office custody with INS "detainers", some of whom are illegal aliens, since February 1, 2014 until December 17, 2014 is 3,816. (Exhibit 4).
- 34) The booking and first day cost to book an inmate into jail is \$266.41. The total cost of booking, including the first day in jail is \$1,016,620.56 (3,816 x \$266.41). (Exhibit 4).

- 35) For all bookings, the average stay in jail is 27.5 days and the daily housing cost is \$81.85. The first day in jail has already been accounted for. (Exhibit 4).
- 36) For 3,816 total inmates to stay in jail for 26.5 days, it costs \$8,276,999.40. (Exhibit 4).
- 37) The total cost for 3,816 inmates to be booked into jail and stay for 27.5 days is \$9,293,619.96. (Exhibit 4).
- 38) Based on the average length of stay, I estimate that Maricopa County incurred an additional expense of \$9,293,619.96 from February 1, 2014 through December 17, 2014 for inmates flagged with INS detainees. (Exhibit 4).
- 39) Under current law, I turn over those committing crimes in Maricopa County who turn out to be citizens of foreign countries to DHS to be deported. But by contrast, under President Obama's new Executive Action, those illegal aliens will not be subject to deportation once the inmates complete their sentences. At that time, they are turned over to ICE for possible deportation. This costs an enormous amount of time and money.
- 40) As demonstrated by Exhibit 5, I have personally been threatened several times by persons with bodily injury and death because of my stance on illegal immigration. It therefore stands to reason that illegal aliens are inclined to target me. This directly impacts my constitutional rights and causes me and my Sheriff's Office harm. (Exhibit 5).
- 41) I am aware that the President claims that he must enforce these Executive Actions for illegal aliens because of a lack of resources for enforcing the immigration laws.
- 42) However, from my perspective and experience, the federal government is simply

shifting the burden and the expense to the states, the counties, and the county offices such as mine.

43) I am also aware that the President claims he must enforce these Executive Actions to some illegal aliens in order to focus deportation efforts on those illegal aliens who have criminal records or are dangerous.

44) However, I know from my experience in law enforcement in Maricopa County, Arizona that this argument is false.

45) The Obama Administration is frequently not deporting dangerous criminals, even when I hand them over to ICE.

46) Even when my Sheriff's Office arrests illegal aliens for committing crimes in Maricopa County under Arizona State law, and hands those criminals over to ICE to be deported, the Obama Administration still does not deport those criminals.

47) In these cases, my Sheriff's Office has undertaken the work and expended the considerable resources to apprehend these persons for violating Arizona law.

48) Therefore, the problem is not a lack of resources by the Department of Homeland Security, but a lack of desire by the Obama Administration to enforce the law.

49) When you look at the interior of the United States, where ICE is responsible for enforcement, and take the 11 million illegal aliens estimated to be in the country, ICE has locked up only about 1% of that total.

I hereby swear under oath and penalty of perjury that the foregoing facts are true and correct to the best of my knowledge and belief:

Dated: December 19, 2014

A handwritten signature in black ink, consisting of a series of loops and curves, positioned above a horizontal line.

Mr. JOE ARPAIO, Elected SHERIFF of
Maricopa County, State of Arizona
550 West Jackson Street
Phoenix, Arizona 85003

Exhibit 1



Maricopa County Sheriff's Office
Joe Arpaio, Sheriff

NEWSRelease

For Release: November 5, 2014

CONTACT: Sheriff Joe Arpaio

SHERIFF ARPAIO MEETS WITH U.S. REPRESENTATIVE SALMON ON POSSIBLE CONGRESSIONAL HEARING ON FEDERAL GOVERNMENT RELEASE OF CRIMINAL ALIENS ONTO AMERICAN STREETS

*SHERIFF COMPILES FIGURES TENTH MONTH IN A ROW
DOCUMENTING RELEASE OF CRIMINAL ALIENS BACK INTO
MARICOPA COUNTY BY IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE)*

(Maricopa County, AZ, November 4, 2014): Sheriff Joe Arpaio of Maricopa County, AZ met with Congressman Matt Salmon (AZ-05) on Monday, November 3, to discuss the possibility of launching a congressional hearing into why Immigration and Customs Enforcement (ICE) keeps releasing illegal aliens charged of crimes back onto the streets of our communities. The Sheriff had previously called for a congressional hearing into this matter.

For the tenth month in a row, Maricopa County Sheriff Joe Arpaio has compiled the disturbing figures that reveal the number of criminal aliens taken by ICE who are arrested again and return to the Maricopa County jail system.

In October 2014, 307 illegal immigrants were arrested by Sheriff's deputies and police officers in Maricopa County and given detainers, or holds by ICE. Of that number, 96 are repeat offenders, having had prior bookings with detainers placed on them, or 31.2% of the total. Among those are two illegal aliens who have been booked into the Sheriff's jails 19 times each, one of which had 11 prior detainers, and, extraordinarily, 4 within the last year. These statistics mirror with rather remarkable consistency what has happened every month of 2014.

During that same month, two California deputy sheriffs were shot and killed by an illegal alien who had previously been incarcerated in Maricopa County jails four times, going back a number of years, and had been deported by ICE twice.

“An individual with this history,” Arpaio says, “convicted and deported more than once, should not have been able to get back into this country to commit these murders.”

Adding the figures from October onto the numbers already accumulated means that of the 4,172 ICE detainees placed on incoming criminal offenders, 1478, or 35.4%, are repeat offenders.

“We have been compiling and presenting these figures over and over, month after month,” says Sheriff Arpaio, “and it seems that no one is paying attention, because of the underlying issues. These policies are contentious and difficult, and it’s easier to bury your head in the sand and ignore them. But that’s not good enough, not good enough for the public and the public safety, not good enough for national policy.

“Politicians and other officials have to stand up,” states Arpaio, “and do their duty, popular or not. The situation is untenable and unacceptable, and that’s why, after trying to get a real response from Homeland Security and ICE for months, I contacted Representative Salmon to see what he can do. We met and I will say, without going into specifics at this time, that his response was most encouraging, and I am confident we will be working together to resolve this serious problem before long.”

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Maricopa County Sheriff's Office

Joe Arpaio, Sheriff



NEWSRelease

For Release: October 27, 2014

CONTACT: Sheriff Joe Arpaio

ARPAIO CONCERNED WITH FEDS AFTER TWICE DEPORTED ILLEGAL ALIEN KILLS TWO CALIFORNIA SHERIFF'S DEPUTIES

Suspect Arrested in Maricopa County Four Times

(Maricopa County, AZ) The controversy surrounding an illegal alien who has been charged with killing two California sheriff's deputies and wounding another has taken on fresh urgency as Sheriff Joe Arpaio reveals the details of his prior four arrests by Maricopa County local law enforcement.

Moreover, says the Sheriff, the history surrounding this one illegal alien exposes the inherent dishonesty and ineptitude surrounding the federal government approach to illegal immigration.

For the past 9 months, Sheriff Arpaio, whose jails constitute the third largest system in the country, has been demanding that Immigration and Customs Enforcement (ICE) explain why the agency keeps releasing illegal aliens convicted of crimes back onto the streets of Maricopa County, located just 30 miles from the border. In pursuit of answers, the Sheriff has written to DHS Secretary Jeh Johnson, the head of ICE, and the DHS Inspector General, never receiving an adequate response.

"I am calling for a congressional hearing," states Arpaio, "to find out why illegal aliens arrested by my deputies and other police officers for often serious crimes are handed over to ICE, only to end up back in my jail, arrested again on more charges. Either ICE is letting these individuals go out the back door, free to commit more crimes, or is the border so open that even though they're being deported they turn around and immediately return?"

The statistics are daunting: For the past 9 months, back to the beginning of 2014, of the approximately 4,000 ICE detainees placed on incoming criminal offenders arrested by local police and Sheriff's deputies in Maricopa County, a stunning 1,382, translating to 38% of the total, were repeat offenders. Nor were these necessarily minor crimes, but encompass the full range of criminal offenses, including kidnapping, aggravated assault with a deadly weapon, armed robbery, child molestation, sexual abuse, conspiracy, dangerous drugs, and more.

Now we have the case Marcelo Marquez, known by his alias Luis Bracamonte to the Maricopa County Sheriff's Office (MCSO), which has had him in custody 4 times. Incarcerated for the first time in the county in 1996 for the sale of narcotic drugs and other felonies, he spent 4 months in Arpaio's Tent-City Jail before being released to ICE in 1997. His fate from that point on, whether he was deported or released, is unknown.

In the very next year, 1998, Marquez/Bracamonte was arrested for possession of narcotic drugs and misconduct involving weapons and possession of marijuana. For reasons unknown, he was not held buy ICE but instead released from jail to the streets.




Marquez/Bracamonte was arrested yet again on May 4, 2001 for the sale of narcotic drugs and possession of marijuana for sale. He was released to ICE 3 days later.

What ICE did with him is unknown, but what is certain is that not even 3 months later, on July 26, 2001, he was arrested for failure to appear on drug charges. Marquez/Bracamonte posted bond and was released.

At that point, it appears that Marquez/Bracamonte left Arizona for California or another state, for that is where his history with MCSO ends.

"Now this situation," Arpaio states, "which has always been intolerable, has resulted in tragedy, with 2 sheriff's deputies dead and a third wounded. Now, maybe, I will get the answers I have been calling for month after month. Now, maybe, ICE and the federal government will be called to account for their actions."

MUG SHOTS

<p>Polaroid Picture not Available</p>			
<p>09/27/1996</p>	<p>01/05/1998</p>	<p>05/04/2001</p>	<p>07/26/2001</p>

Maricopa County Sheriff's Office

Joe Arpaio, Sheriff



NEWSRelease

For Release: October 6, 2014

CONTACT: Sheriff Joe Arpaio

SHERIFF JOE ARPAIO DEMANDS FEDERAL GOVERNMENT STOP RELEASING CRIMINAL ALIENS IN MARICOPA COUNTY

*THE SHERIFF STATES THIS IS A FORM OF "BACKDOOR
AMNESTY" BY THE ADMINISTRATION, TO BE FOLLOWED BY
OBAMA'S ISSUING BROADER AMNESTY AFTER ELECTION*

*ARPAIO STANCE IN STARK CONTRAST TO HUNDREDS OF JAILS
NATIONWIDE REFUSING TO HOLD ILLEGAL ALIENS FOR ICE*

(Maricopa County, AZ) For the ninth month in a row, Maricopa County Sheriff Joe Arpaio is demanding that Immigration and Customs Enforcement (ICE) explain why the agency keeps releasing illegal aliens convicted of crimes back onto the streets of Maricopa County, located just thirty miles from the border.

The Sheriff's call comes in the face of a growing national refusal by local law enforcement agencies to hold illegal aliens in jail after disposition of their crimes for 48 hours on behalf of ICE. According to published reports, two hundred twenty-five jails from coast to coast have so far adopted this posture.

Sheriff Arpaio could not help but note the irony that as increasing numbers of local law enforcement agencies refuse to work with the federal government, his attempts to do exactly that, including his offer to assist ICE in halting the release of criminal aliens and, beyond that, construct a workable, smart policy to deal with this issue, are ignored. Having served in the Drug Enforcement Administration for over twenty-five years, including stints as the regional director and diplomatic attaché in Mexico, Central and South America, and then as the director in Texas and then Arizona, Arpaio contends he is uniquely qualified to help in this effort.

"The law is being flouted by both the federal government and local law enforcement," states the Sheriff, "for different reasons, to suit their own purposes. That is simply not right. The law needs to be enforced because it is the law and because it is the right thing to do. Deport illegal aliens, and especially criminal aliens, and secure the border so we make sure they don't come

back. Until this is accomplished, I repeat my demand, as I have repeatedly done in letters to the Secretary of Homeland Security Johnson, the DHS Inspector General, and the head of Immigration Control and Enforcement, for an investigation as to how and why these criminal aliens are neither kept in jail nor deported.

Meanwhile, criminal aliens continue to plague the streets of Maricopa County, as demonstrated by the Maricopa County Sheriff's Office, which has compiled figures that show that of the 318 illegal immigrants arrested by local law enforcement in Maricopa County in September 2014, 105, or 33% of the total group, are repeat offenders. This mirrors what has happened every month of this year, when at least one-third of all illegal immigrants arrested by Sheriff's deputies and police officers are repeat offenders. In fact, adding the totals for 2014 together, of the 3,865 ICE detainees placed on incoming criminal offenders, a stunning 1,382, translating to 36% of the whole, were repeat offenders.

The release of criminal aliens back in the community is a form of "backdoor amnesty," says the Sheriff, "to be followed after the November elections by President Obama issuing an executive order granting widespread amnesty to millions of illegal aliens."

Nor are the crimes committed by criminal aliens insignificant. One such individual arrested in September, a verified Mexican Mafia prison gang member with seven prior arrests including aggravated assault with a weapon, arson, riot, and five INS detainees, had also been charged with six counts of murder in 2004. He received a seventeen-year sentence. Now somehow out of prison, he has been arrested again.

That individual is hardly alone in his multiple arrests. This month alone, two different criminal aliens have each had fifteen prior arrests, while two others account for eleven each. Another has fifteen and one more has sixteen, a total topped last month by one individual who had been arrested twenty-five times. Furthermore, as has been noted month after month, the offenses committed by criminal aliens have run the gamut of serious crimes, including kidnapping, aggravated assault with a deadly weapon, armed robbery, child molestation, sexual abuse, conspiracy, dangerous drugs, and more.

"The situation is not only intolerable," says Sheriff Arpaio, "but it is also getting worse. The growing conflict between the federal government and local law enforcement over what to do about illegal aliens and criminal aliens is endangering the citizens of the United States. Combine that with the ongoing threat of an open border, through which not only criminals but also terrorists can enter this country, and we have a major problem that demands immediate attention. My office and I stand ready, as always, to help in any way possible to protect the American people and the integrity of our nation."



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

550 West Jackson Street
Phoenix, AZ 85003

Ph: 602-876-1801
Switchboard: 602-876-1000
www.mcso.org

September 23, 2014

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, DC 20258

Dear Secretary Johnson:


Thank you for your response dated September 3, 2014.

I appreciate your offer to meet in Washington, DC. Prior to that meeting I would like to stress, once again, that what I primarily seek is not a procedural review by DHS, but a thorough investigation into a very serious and pressing problem. The situation to which I have referred several times in my letters, to not only you, but also to ICE Principal Deputy Assistant Secretary Winkowski and DHS Inspector General John Roth, in which Immigration and Customs Enforcement keeps releasing illegal aliens who have already been convicted of crimes and then arrested, yet again, by local law enforcement back on the streets of Maricopa County. This policy endangers both law enforcement officers and the public by not keeping such criminal offenders in jail or deporting them and making sure they cannot so readily cross the border again.

As I have previously written, I am ready to deploy the considerable resources of my agency to help in this investigation. I have ICE officers in my jails and ICE agents are cross-certified by me to function as deputy sheriffs in order to enforce the laws of Maricopa County. It should be noted that, in the past, your organization trained and certified 150 of my deputies, giving them the authority to enforce our illegal immigration laws; a partnership that highlighted my commitment to assist the federal government in taking on this most serious issue.

As for me, after serving as the regional director for the U.S. Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as, in Texas and Arizona, and 22 years as the elected sheriff of the third largest Sheriff's Office in the country - located only thirty miles from the border, I understand the difficulties in securing that border, as well as, dealing with the complex issue of illegal immigration. I agree to assist in any way possible in order to resolve these problems.

Sincerely,



Joseph M. Arpaio
Sheriff

Maricopa County Sheriff's Office

Joe Arpaio, Sheriff



NEWSRelease

For Release: September 4, 2014

CONTACT: Sheriff Joe Arpaio

SHERIFF ARPAIO PETITIONS THE FEDERAL GOVERNMENT TO STOP RELEASING ILLEGAL ALIENS CHARGED WITH CRIMINAL OFFENSES

(Phoenix, AZ.) For the eighth time in as many months, Maricopa County Sheriff Joe Arpaio is pressing his demand in a letter expedited to the Inspector General of Homeland Security that Immigration and Customs Enforcement (ICE) explain why the agency continually releases illegal aliens convicted of crimes back onto the streets of Maricopa County, the most populated Arizona county located just thirty miles from the border. In addition, Arpaio's letter reiterates his intention to renew his call for a congressional investigation if answers and action are not forthcoming.

The Maricopa County Sheriff's Office, headed by Arpaio, has compiled figures showing that of the 379 illegal immigrants arrested by local law enforcement in Maricopa County in August 2014, 128, or 33.7% of the total group, are repeat offenders. This mirrors what has happened every month of this year, when at least one-third of all illegal immigrants arrested by Sheriff's deputies and police officers are repeat offenders. In fact, adding the totals for 2014 together, of the 3,547 ICE detainees placed on incoming criminal offenders, a stunning 1,277, translating to 36% of the whole, were repeat offenders.

These crimes are not insignificant.

In August alone, one illegal alien with 12 prior arrests, including four ICE detainees, was arrested yet again, and this time on attempted murder charges. That crime was hardly unique in its violence or seriousness, for many illegal aliens have been charged with committing every variety of crime including kidnapping, aggravated assault with a deadly weapon, armed robbery, child molestation, sexual abuse, conspiracy, dangerous drugs, and more.

And it is not just the severity of the offense but also the number of times many offenders have been arrested.

Again this August, one illegal alien had 25 prior arrests, with nine prior ICE detainers, before being arrested this time. He is hardly alone: Some illegal immigrants have been arrested, not once, not twice, but multiple times, some more than a dozen. In point of fact, the 128 repeat offenders in July account for 214 separate charges.

Arpaio notes that he has no doubt the Department of Homeland Security Secretary Johnson, the head of ICE and the DHS Inspector General, are tired to receiving his letters. Nevertheless, the Sheriff has pledged to not give up and to make certain that appropriate action is taken.

Arpaio, who has worked in Mexico and on the US border for twelve years as the top US Drug Enforcement Administration official, and for the past twenty-two years as the Sheriff of Maricopa County, vows to continue fighting international crime – and that includes keeping the people of Maricopa County safe from the serious criminals that ICE keeps releasing on our streets.

The answer is not complicated, says Arpaio: “Do what the law says by deporting these criminals, and then make sure they don’t come back.”

Now, notes Arpaio, we face another issue on our border - the potential that terrorists will enter America to attack us.

“Everyone in the world knows the border is open,” says Arpaio. “Don’t you think the terrorists know it, too?”

In his letter to the Inspector General, the Sheriff offered to help the federal government in any way possible to get these criminals put away or deported, and beyond that, to construct a workable, smart policy to deal with these issues. The Sheriff’s Office already has ICE officers working in his jail system, and other ICE agents cross-certified by the Sheriff to act as deputy sheriffs in order to enforce the laws of Maricopa County.

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Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

September 3, 2014

Joseph M. Arpaio
Sheriff, Maricopa County
550 West Jackson Street
Phoenix, Arizona 85003

Dear Sheriff Arpaio:

Thank you for your June 30 and August 4, 2014 letters.

You are correct that on June 25 I visited the U.S. Customs and Border Protection's Processing Center in Nogales, Arizona. While there I met with Governor Jan Brewer and Nogales Mayor Arturo Garino.

Since taking office, I have been reviewing our existing immigration and border enforcement practices and procedures in order to assess how the Department of Homeland Security can conduct its important enforcement mission more humanely within the confines of the law. As part of that effort, we have been meeting with a range of external stakeholders including Members of Congress, law enforcement, and non-governmental organizations. If you visit Washington, I would be pleased to meet with you to discuss the issues you raise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jeh Charles Johnson

September 3, 2014

Inspector General John Roth
Office of Inspector General/Mail Stop 0305
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Inspector General Roth:

I am writing to you once again in the matter of illegal aliens being summarily released back by Immigration Control and Enforcement (ICE) into my jurisdiction of Maricopa County, Arizona, without undergoing the due process of law, despite so many having had prior criminal records, despite being in this country illegally.

For the eighth month in a row, the facts reveal that of the 379 illegal immigrants arrested by local law enforcement in Maricopa County in August 2014 and given detainers by ICE, no fewer than 128, or 33.7% of the total, are repeat offenders. Furthermore, those 128 repeat offenders account for a total of 214 prior bookings. Over the months their crimes span the range of serious offenses, including aggravated assault with a deadly weapon, armed robbery, kidnapping, molestation of a child, sexual abuse, dangerous drugs, conspiracy and even attempted murder.

In fact, August saw one illegal alien with 12 prior arrests, including 4 ICE detainers, arrested once more on a charge of attempted murder. Another illegal alien, also arrested in August, had already totaled 25 prior arrests, including 9 detainers.

After eight months of looking into this issue and adding up the numbers, the Maricopa County Sheriff's Office has found 2014 that of 3,547 ICE detainers placed on individuals arrested by local law enforcement in Maricopa County and booked into my jails on criminal charges, a stunning 1,277, or 36%, more than one-third, were repeat offenders.

These statistics point to only two contingencies: First, ICE is quietly releasing them rather than detain and either charge them and try them here or deport them to their own countries, and second, that the border is so porous that even for those deported, they quickly return to this country to break more laws. The truth is that both of these situations are happening: ICE is releasing illegal aliens back onto the streets, and the border is open for easy passage.

Putting aside the outrageous flaunting of both the law and ICE's own protocols, I am personally concerned because ICE's actions endanger both my deputy sheriffs and the county's other law enforcement officers who are keeping our streets safe and the public they protect. This situation is hardly a new development, extending far beyond the 8 months covered in this study. My office's investigation shows that

many of these individuals were released, sometimes many times, some more than a dozen, some more than twenty times, going back years. Thus, the problem and the awareness of the problem is not a recent matter, but a long-term issue.

In the course of 2014, I have written to you, to ICE Principal Deputy Assistant Secretary Winkowski and to Homeland Security Secretary Jeh Johnson. Replies, on the rare occasions when they have been forthcoming, are limited to benign, bureaucratic statements, designed to lead nowhere. I want real responses to a very serious problem, and I once more ask that your office conduct an investigation.

As I written over and over, I am ready to deploy the considerable resources of my organization to help in this investigation. I will state once again that I have ICE officers in my jails, and ICE agents are cross-certified by me to function as deputy sheriffs in order to enforce the laws of Maricopa County. As for me, after serving as the regional director for the US Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as in Texas and Arizona, I understand very well both the difficulties in securing the border as well as dealing with the complex issue of illegal immigration, and am always ready to work to resolve these problems.

I look forward to hearing from you.

Thank you.

Exhibit 2



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

550 West Jackson Street
Phoenix, AZ 85003

Ph: 602-876-1801
Switchboard: 602-876-1000
www.mcso.org

June 30th, 2014

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20258
Fax (202) 282 8408

Dear Secretary Johnson,

I am aware through various published reports that you visited Arizona last week in response to the crisis over the thousands of children pouring over the U.S-Mexico border. Unfortunately, you did not take the opportunity to meet with me while you were visiting the southernmost area of the state for, as my previous letters to you have indicated, there is another calamity unfolding as a result of the federal government's unwillingness to secure the homeland.

As my preceding correspondence suggests, Immigration and Customs Enforcement (ICE) continues to release illegal immigrants who have been arrested by local law enforcement in Maricopa County, returning them to the streets of this community. Many of these illegal aliens, if not most, have been previously arrested on a broad range of serious criminal charges. In fact, this month saw that of 375 detainees placed on criminally charged illegal aliens, 141 had prior bookings with detainees. That means that the total for the past six months equals 2,775 ICE detainees placed on incoming criminal offenders, and of those, a stunning 1,010 were repeat offenders.

We know this because by my order, the Maricopa County Sheriff's Office has been compiling and analyzing the data on a continual basis. We have also sent the uncovered information to Homeland Security asking the department to review the facts and alter its strategy which, by the way, violates its own policies.

Of course, despite our monthly requests, complete with our data, for an investigation, we have received nothing other than one letter that could generously be described as perhaps a half-step above a form letter from – frankly – a relatively low-level official assuring us, in typical bureaucratic language, that ICE is “committed to sensible, effective immigration enforcement that focuses on public safety, national security threats, and individuals apprehended at the border while attempting to unlawfully enter the United States.”

As actions still speak louder than words, this assertion is simply nonsensical, given ICE's flouting of its own stated priorities and responsibilities.

Regardless, we will continue to press ICE to investigate and conform to not only its policies, but to what is right and necessary for the people of Maricopa County who are placed in danger, every day, by the U.S. government's casual disregard for their safety. In addition, the Maricopa County Sheriff's Office is the fourth largest Office and jail system in the nation. Therefore, the actions by Homeland Security impact my Office on both ends: from the deputies who must confront these criminals without knowledge of their criminal history, to the Sheriff's detention officers who deal with them in this federally caused revolving door. Of course, the extra burden on my Office's resources cost considerable funds, an unfair penalty on taxpayers.

Given that our appeals for an inspection by Homeland Security have gone unheeded, I am now requesting a more direct approach, specifically, a meeting between you and me. I welcome the chance to explain to you the problem and to talk about solutions. Remember, that while you are still new on your job, I have extensive federal experience as the head of the U.S. Drug Enforcement Administration (DEA) in Mexico, Central and South America, and also in Texas and then in Arizona, with more than a dozen years on one side of the border or another. I have been Sheriff of Maricopa County, the fifth largest county in the nation (which incidentally extends to within 30 miles of the border) for 22 years. Between these experiences running sizeable operations for both local and federal government, you might find that I have something of value to impart to you as you become familiar with your new position.

Thus, in order to best serve the public interest, not to mention to improve local/federal cooperation, it is important for us to meet.

I await your response.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized first name and a more complex second name.

Joseph M. Arpaio
Sheriff



MARICOPA COUNTY SHERIFF'S OFFICE

550 West Jackson Street, Phoenix, Arizona 85003

Joseph M. Arpaio
Sheriff



Facsimile Transmittal Cover Sheet

To: The Honorable Jeh Johnson, Secretary of Homeland Security,
Washington, D.C. 20258

Facsimile Telephone: (202) 282-8408

From: Desk of Sheriff Arpaio

MCSO File Number: none

Left with Fax Operator

Date: 05/30/14

Time: 05:00 PM

Total Pages Transmitted, Including this Cover Page: 3 pages

Comments or Instructions to Receiver: Please see attached correspondence.

To be completed by fax operator	
Transmitted	Date: <u>June 30, 2014</u> Time: <u>5:05 pm</u>
MCSO Return Facsimile Number: <u>(602) 876-0067</u>	
If there was a problem with this transmission, please call: <u>Amy Lake</u> <u>(602) 876-1827</u>	

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

MAY 02 2014



U.S. Immigration
and Customs
Enforcement

JMA
5-9-14

Joseph M. Arpaio
Sheriff, Maricopa County
550 West Jackson Street
Phoenix, Arizona 85003

Dear Sheriff Arpaio:

Thank you for your April 1, 2014 letter to Secretary Johnson regarding individuals arrested by local law enforcement in Maricopa County and then subsequently transferred to U.S. Immigration and Customs Enforcement (ICE) custody. Your letter was referred to ICE for response.

While we continue to work with Congress to enact common sense immigration reform, ICE remains committed to sensible, effective immigration enforcement that focuses on public safety, national security threats, and individuals apprehended at the border while attempting to unlawfully enter the United States. Over the past several years, ICE has focused and prioritized its immigration enforcement efforts. In particular, ICE implemented civil enforcement priorities, refined the use of prosecutorial discretion, and implemented a sustained focus on the identification and removal of convicted criminals and other priority removable individuals.

ICE exercises discretion on a case-by-case basis to focus its resources on the agency's enforcement priorities. Such decisions are based on individualized assessments of the facts, including any criminal history, length of presence in the United States, ties to the community, and other relevant factors. ICE reviews every case to ensure that dangerous criminals and national security threats are detained and removed from the United States, with a particular emphasis on violent criminals, felons, and repeat offenders. ICE's partnerships with local law enforcement are a crucial part of advancing our agency's public safety mission, and we look forward to collaborative partnership with local law enforcement throughout the United States.

Again, thank you for your letter. Should you have any further questions or concerns, please do not hesitate to contact my office at (202) 732-3000.

Sincerely,

A handwritten signature in blue ink that reads "Thomas S. Winkowski".

Thomas S. Winkowski
Principal Deputy Assistant Secretary



Maricopa County Sheriff's Office
Joe Arpaio, Sheriff

NEWSRelease

For Release: March 20, 2014

CONTACT: Joaquin Enriquez (480)318-4846

Arrest Data Suggests Disturbing Recidivism Rate
Amongst Illegal Immigrants

Sheriff on Deportations:
Are Feds Dishonest, Incompetent or Both?

(Phoenix, AZ) Maricopa County Sheriff Joe Arpaio says a review of arrest data by his Office revealed that one in three illegal aliens booked into jail over a recent three-month period were previously arrested by local law enforcement on various criminal charges, despite being turned over to the federal government for deportation proceedings.

This alarming rate of recidivism by illegal immigrants leads to an undeniable deduction: The federal policy of stopping illegal immigration through arrest and deportation is failing through an apparent combination of incompetence and intention.

“One of two things is happening,” said Sheriff Arpaio, “either the federal government is quietly ushering illegal aliens out its back doors and back onto our streets, or our border is still so wide open that deportees continue to re-enter the country illegally with remarkable ease.”

This situation leads to an unavoidable conclusion, Arpaio reasons, and one with far-ranging political consequences for law enforcement in general and for the entire nation as a whole.

Arpaio contends that the federal government authorities stopped the Sheriff from enforcing immigration laws in order to allow them to take over the task of immigration enforcement in Arizona.

Furthermore, as the data suggests, the federal government assumed the responsibility of controlling the arrest and disposition of illegal immigrants to ensure that no enforcement of the law would actually occur.

The government's intent, Arpaio says, was to quietly achieve its broader agenda: to stop Arpaio's enforcement of immigration laws and loudly discourage all other law enforcement agencies from doing the same.

Their refusal to do the job of enforcing immigration laws translates to a high level of frustration by local law enforcement which faces a large revolving population of criminal illegal aliens who appear to be violating laws with minimal fear of deportation or being held accountable for their crimes.

In fact recent congressional testimony points to a further shell game by the Obama administration which loudly claims record numbers of deportations. Congress heard just this week that the administration has been employing a misleading methodology to inflate deportation numbers.

This serious and disturbing state of affairs, says Sheriff Arpaio, has remained unaddressed by the federal government since the Maricopa County Sheriff's Office began enforcing immigration laws over eight years ago.

A three-month snapshot of jail records indicated that 31% of illegal alien criminal offenders booked into the Maricopa County Jail system were returning to jail shortly after being turned over to the federal government with immigration holds.

Of the 1348 illegal immigrants held by MCSO at the request of Immigration Customs and Enforcement in the examined three-month period, 419 (31%) were previously arrested despite being turned over to ICE for deportation proceedings. Many of the reoffending 31% had *several* previous bookings into the county jail – some more than twenty times. The recidivism data has Sheriff's officials concerned that local tax dollars are wasted by placing immigration holds and turning illegal alien offenders over to the federal government only to find that they are coming back as often as they are.

A cursory look at the records of some of those arrested again is revealing, both in regard to the quantity of arrests and the nature of those arrests.

Many illegals had 5 or 6 arrests, while others had far more. One man had 9 prior arrests; another numbered 15; and still another totaled an astonishing 19 previous arrests and bookings. Many of the cases examined had been charged with 'level one' crimes – the criteria by which the federal government says would mandate their deportation.

Then there are the actual charges, which span a wide range of major crimes, from kidnapping to sexual abuse to organized retail theft to molestation of minors to forgery to aggravated assault to DUI to weapon possession to resisting arrest to the

entire scope of drug-related offenses, from possession to sale to conspiracy, on and on.

These are not minor crimes, but dangerous and destructive to individuals and society. And the issue does not end there, as Sheriff Arpaio pointed out. Compounding the problem is the significant impact that the recidivism data has on taxpayers.

“Clearly, local tax dollars are being wasted,” declared the Sheriff. “Law enforcement across the county arrests these offenders, officers place immigration holds to keep the offenders in jail, and then they are turned over to the federal government that brags about ‘record deportations.’ Yet our statistics paint a very different picture. These ‘deportations’ are either not happening or are exceptionally ineffective and that means Washington is failing the American people and hiding the truth.”

Arpaio said Maricopa County taxpayers need to demand answers from responsible federal authorities.

“Every time we place a hold on criminal aliens at the request of Immigration and Customs Enforcement,” said the Sheriff, “it translates into money and manpower. Why are we wasting our valuable resources in the jails and on the streets if there is no intention on the federal government’s part to either deport these people or to increase security on the border?”

“Let me make this clear,” said Arpaio, “this might be politics for the President but for law enforcement this is a practical issue, because law enforcement cannot protect the community if critical facts are being withheld by the federal government. We want ICE to open its records and tell us who they are releasing onto our streets and why. Going forward, we need to establish rational reporting procedures. On our behalf, we are going to publish statistics showing how many illegal aliens are arrested and then released every month until this situation is resolved.”

Arpaio concluded, “American citizens who commit crimes also re-offend at an alarming rate, so this problem is not unique to illegal aliens. However, the difference is while we can’t absolutely stop US citizens from re-offending, we can with illegal aliens. Simply stated: they cannot commit crimes if they are no longer in the country. The solution is that simple.”



Maricopa County Sheriff's Office

Joe Arpaio, Sheriff

NEWSRelease

For Release: April 1, 2014

CONTACT: Sheriff Joe Arpaio

SHERIFF JOE ARPAIO CALLS ON DHS SECRETARY TO INVESTIGATE WHY HIS DEPARTMENT VIOLATES OWN DEPORTATION POLICIES

THE SHERIFF DEMANDS EXPLANATION

(Phoenix, AZ) Sheriff Joe Arpaio today sent US Secretary of Homeland Security Jeh Johnson a letter demanding an explanation as to why Immigration and Customs Enforcement (ICE) is violating its own policies in releasing illegal immigrants booked into Maricopa County jails by local enforcement on a variety of criminal charges instead of processing them for deportation.

Accompanying the letter is a list of 419 criminally charged individuals, along with those charges, to assist in his investigation.

As previously noted by the Maricopa County Sheriff's Office, a review over a recent three-month period that one out of three illegal immigrants arrested by local law enforcement in Maricopa County and booked into jail had previously been arrested on a wide range of serious criminal charges – most multiple times, many more than a dozen times - despite being turned over to ICE. The aforementioned 419 individuals constitute 31% of a total of 1,348 illegal aliens arrested and booked during the three-month period examined.

“ICE might want to ignore this situation, or dismiss it as unimportant,” asserted Sheriff Arpaio, “but it is not unimportant to my deputies and other law enforcement officers who put their lives in danger confronting these criminals on the streets every day. Nor is it unimportant to the citizens of Maricopa County, who, with hundreds of people whose actions necessitate their incarceration or deportation but are instead walking our streets essentially free and clear, pay first in diminished public safety, and then financially, as this revolving door wastes taxpayer money.”

Furthermore, stated the Sheriff, "these 419 people are not only charged with breaking the law but have reached ICE's own criteria for deportation as Level 1 and 2 violators."

Arpaio pledged to evaluate and release to the public the numbers of those illegal immigrants arrested and turned over to ICE every month until this matter is resolved.

"This entire issue puts a spotlight on the federal government's hiding its true intentions on immigration," stated the Sheriff. "And I will continue to press for answers until the people of Maricopa County can be satisfied that the Obama Administration is acting in their best interests, and not using immigration for cheap political gains."



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

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April 1, 2014

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The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20258

Dear Secretary Johnson:

As someone who spent years serving as the regional director for the US Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as in Texas and Arizona, I am well aware of the difficulties in securing the border and contending with the complex issue of illegal immigration. Nonetheless, I am distressed to find that these difficulties and complexities are not being addressed in a manner that the law demands, but rather that the will of the both the people and the intent of the law is being circumvented by Immigration and Customs Enforcement (ICE), an agency under your command.

A review by my office over a recent three-month period revealed that one out of three illegal immigrants arrested by local law enforcement in Maricopa County and booked into my jails had previously been arrested on a wide range of serious criminal charges, despite being turned over to ICE. Four hundred nineteen out of 1,348 illegal aliens, fully 31%, who had been arrested and charged often multiple times – many more than a dozen times – in our county, who should have been deported as a minimal, automatic response to their arrests. This recidivism rate means one of two things: either ICE is choosing not to detain, let alone deport, these prisoners, and instead quietly releasing them back onto our streets, or the federal effort to control the border is a spectacular failure, with many of these illegal immigrants crossing and recrossing the border at will.

This flagrant disregard of the law, or incompetence in enforcing it, endangers both my deputies, other police officers, and the entire community when ICE releases dangerous individuals, a problem compounded when ICE doesn't bother to alert law enforcement beforehand. In addition, this is costing the taxpayers a fortune to pay for this charade of arresting, releasing, re-arresting, so on, causing law enforcement to spend its officers' time on this pointless carousel instead of stopping and investigating other crimes.

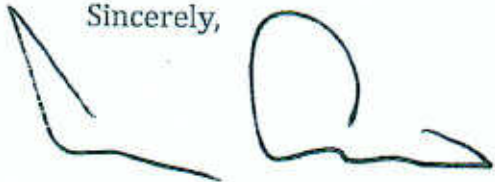
The federal government, and presumably your department, must address and fix these issues. A real policy must be put into place concerning illegal immigration, a policy that is aboveboard, consistent, and in compliance with the law. As a start, I request that you investigate and provide information that explains how and why ICE has acted as it has, and what it intends to do moving forward.

I am enclosing the names of those 419 illegal immigrants booked into our county jail, who had previously been criminally charged, and who have met ICE's own criteria for deportation as Level 1 and 2 offenders, only to appear in our custody again, for your investigation.

For my part, I will continue to evaluate the numbers of those arrested with illegal immigration charges placed on them, and see how many are neither deported nor detained, and simply let go back into Maricopa County without penalty. I will release these figures every month so we can all stay on top of this matter.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a large 'A' and a horizontal line extending to the right.

Joseph M. Arpaio
Sheriff

Exhibit 3



Maricopa County Sheriff's Office
Joe Arpaio, Sheriff

NEWSRelease

For Release: August 14, 2014

CONTACT: Sheriff Joe Arpaio

SHERIFF JOE ARPAIO DEMANDS DHS INSPECTOR GENERAL INVESTIGATE FEDERAL GOVERNMENT'S ONGOING RELEASE OF ALIEN CRIMINALS IN MARICOPA COUNTY

(Phoenix, AZ) After monthly studies going back seven months, and sending the statistics showing how Immigration and Customs Enforcement (ICE) is releasing illegal aliens convicted of crimes back onto the streets of Maricopa County to DHS Secretary Jeh Johnson in an attempt to get answers, Sheriff Joe Arpaio is now demanding an investigation by the DHS Inspector General.

The seven-month total compiled by the Maricopa County Sheriff's Office reveals that for 2014 thus far, of the 3,168 ICE detainees placed on incoming criminal offenders arrested by local law enforcement, incarcerated in the county jail, and passed to ICE, a stunning 1,149, or 36.3%, were repeat offenders. The crimes committed by these individuals included the range of serious and dangerous crimes, including though not limited to kidnapping, aggravated assault with a deadly weapon, armed robbery, child molestation, sexual abuse, conspiracy, various drug felonies, and more. Some of the immigrants have been arrested multiple times, some more than a dozen.

As Sheriff Arpaio has pointed out to Secretary Johnson in his four letters accompanying the figures, this dismal situation can only exist if ICE is not deporting criminals, as required by law, or if the borders are so open that the deported criminals easily return to the U.S.

Of course, the answer is some combination of the two factors.

"I've been writing to Secretary Johnson, offering my help and asking for answers and receiving nothing but bureaucratic form letters in return," says the Sheriff. "This is more than a serious situation, this is dangerous and intolerable, and I have no choice but to request that the Inspector General for Homeland Security look into the matter. And if I receive the same sort of useless response from the Inspector General as I have received the past seven months," states the Sheriff, "then I will no option but to call for a congressional investigation."

The Department of Homeland Security just admitted that it did wrongly release hundreds of criminal aliens in 2013, blaming congressional budgetary constraints for the reason. In the wake of that admission, politicians have called for changes to ICE's actions.

Regardless, as the Sheriff points out, DHS's explanation does not account as to why the releases persist, what criteria is used to determine which criminals are released, how far back these practices can be traced, and more – and the Sheriff is not satisfied.

The Sheriff's letter sent today to DHS Inspector General John Roth is attached.



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

550 West Jackson Street
Phoenix, AZ 85003

Ph: 602-876-1801
Switchboard: 602-876-1000
www.mcso.org

August 13, 2014

Inspector General John Roth
Office of Inspector General/Mail Stop 0305
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Inspector General Roth:

Despite the report released today by your office - or, more accurately because of it - I am writing you to insist that your office conduct a more thorough and broad-reaching investigation.

Your report covers the actions of Immigration Customs and Enforcement (ICE) for one year, 2013, and the agency's release of thousands of illegal aliens, including hundreds with criminal records, instead of pursuing prosecution or deportation. The reason given for these transgressions, to cut to the chase, is budgetary.

The Maricopa County Sheriff's Office has conducted our own investigation into the matter for the past seven months, from the beginning of 2014, and has recorded that of 3,168 ICE detainees placed on individuals arrested by local law enforcement in Maricopa County and booked into my jails on criminal charges, a stunning 1,149, or 36.3%, more than one-third, were repeat offenders.

The significance of this cannot be overstated, as ICE has released these people who end up back on the streets of my county, endangering both my deputy sheriffs and police officers who keep those streets safe and the public they protect. And we are not talking about 2013 and those budget constraints, for our seven-month investigation covers 2014. Furthermore, our study shows that these individuals were released, sometimes many times, some more than a dozen, some more than twenty times, going back years. Thus, the problem and the awareness of the problem is not a recent matter, but a long-term issue.

This is far from my first attempt to ask the Department of Homeland Security to take notice. As you will see by the accompanying letters, I have written to Secretary Jeh Johnson four times, (the most recent having been dispatched August 4) each letter accompanied by a new set of statistics that bolster our case. Though ICE Principal Deputy Assistant Secretary Winkowski has sent replies, they have been general, bureaucratic statements and thus nonresponsive in any meaningful way. I want real answers to a very serious issue, and so I request that your office conduct an investigation, in the hope that answers will be forthcoming and I will not have to demand a congressional inquiry.

As I wrote Secretary Johnson, I am prepared to deploy the considerable resources of my organization to help in this investigation. As you might know, I have ICE officers in my jails, and ICE agents are cross-certified by me to function as deputy sheriffs in order to enforce the laws of Maricopa County. As for me, after serving as the regional director for the US Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as in Texas and Arizona, I understand very well both the difficulties in securing the border as well as dealing with the complex issue of illegal immigration, and am always ready to work to resolve these problems.

I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

Joseph M. Arpaio
Sheriff



NEWSRelease

For Release: August 5, 2014

CONTACT: Sheriff Joe Arpaio

FOR 7TH MONTH IN ROW, SHERIFF JOE ARPAIO DEMANDS FEDS EXPLAIN WHY THEY CONTINUE TO RELEASE ALIEN CRIMINALS IN MARICOPA COUNTY

**SHERIFF MAY CALL FOR CONGRESSIONAL INVESTIGATION
IF DHS KEEPS STALLING**

(Phoenix, AZ, August 5, 2014): For the seventh time in seven months, Maricopa County Sheriff Joe Arpaio is pressing his demand in letters sent to Secretary of Homeland Security Jeh Johnson that Immigration and Customs Enforcement (ICE) explain why the federal government keeps releasing illegal aliens convicted of crimes back onto the streets of Maricopa County. This time, however, the Sheriff may insist on a congressional investigation if answers and action are not forthcoming.

Figures compiled by the Maricopa County Sheriff's Office show that in July 2014 of the 393 illegal immigrants arrested by local law enforcement in Maricopa County, 139, or 35.3% of the total group, are repeat offenders. This continues the unbroken pattern recorded by the Sheriff's Office since the start of the year. In fact, adding the totals for 2014 together, of the 3,168 ICE detainees placed on incoming criminal offenders, a stunning 1,149, translating to 36.3% of the whole, were repeat offenders.

Furthermore, the crimes committed by these individuals spanned the range of serious and dangerous offenses, including though not limited to kidnapping, aggravated assault with a deadly weapon, armed robbery, child molestation, sexual abuse, conspiracy, various drug felonies, and more. Some illegal immigrants have been arrested multiple times, some more than a dozen. In point of fact, the 139 repeat offenders in July account for an astonishing 500 separate charges.

As the Sheriff has written to Secretary Johnson month after month, the only way this situation can exist is if ICE is not deporting criminals, as the law requires, or if the borders are so porous that the deported criminals virtually immediately return to the U.S. Of course, the answer is some combination of those two factors.

“I have said it before and I will say it again,” states Sheriff Arpaio, “this situation is intolerable. It violates federal policy. It knowingly, needlessly places the citizens of Maricopa County in danger. I have written Secretary of Homeland Security Jeh Johnson several times always sending him the facts and figures that we have assembled, asking for an explanation. While I have received perfunctory responses from a deputy official, we have not received anything resembling a satisfactory answer.

“The Obama Administration is going to great lengths to ensure the well-being of the young illegal immigrants crossing our borders, and a reasonable case can be made for that on humanitarian grounds. The people of Maricopa County should be worthy of the same concern. Don’t we deserve real answers? Don’t we deserve real action?”

In addition to asking for a meeting with Secretary Johnson, Sheriff Arpaio has also offered to assist ICE, which has officers working in his jail system and whose agents are cross-certified by the Sheriff to act as deputy sheriffs in order to enforce the laws of Maricopa County, in investigating and resolving these issues.

“I previously served as the regional director for the US Drug Enforcement Administration (DEA), which was part of the U.S. Department of Justice. I served in Mexico, Central and South America, as well as in Texas and Arizona,” says the Sheriff. “I know the border, I know the issues, I know the people on both sides of the border. I am ready to help solve the problems this country faces.”

In his letter to the Secretary, Arpaio relates the story of one illegal immigrant to personify the horrific reality behind these statistics. Armando Rodriguez was arrested on February 13, 2014 and charged with theft and giving false information to a law enforcement officer. This was not Mr. Rodriguez’s first arrest; indeed, he had been previously arrested on two separate occasions, beginning some thirteen years ago – a long time, not incidentally, to be living illegally in this country. In those instances, the charges included a variety of drug and burglary offenses. Thus, by the time of his February 13, 2014 arrest, Mr. Rodriguez, in addition to his

current charges, had already compiled a record worthy of deportation under ICE guidelines. Nonetheless, he was released, for whatever reason, despite being given an ICE detainer. The result was that just five months later, on July 29, 2014, Mr. Rodriguez was arrested yet again and this time his charges were two counts of sexual conduct with a minor, three counts of attempted sexual conduct with a minor, kidnapping, aggravated assault, sexual abuse, molestation of a child, and furnishing obscene material to a child. It is hard to think of more terrible crimes, crimes that in this instance, assuming the charges are proved true, could not have been committed if the federal government had done what it should have done - deported Armando Rodriguez.

Once again, Sheriff Arpaio vows to maintain the pressure on the federal government to not only get answers but also force changes in policy and procedure to protect the people of Maricopa County and the entire United States.

"We're done just sending letters and waiting for a satisfactory response," Arpaio says. "If we don't get real action, not just the usual Washington bureaucratic refrain, may insist that Congress step up and look into the matter. We must solve this problem." (see attached for previous letters sent to Homeland Security Secretary Johnson) ###



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

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August 4, 2014

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20258

Dear Secretary Johnson:

Thank you for your organization's recent response, received July 10, 2014, to my letter. While I appreciate the detailing of ICE's enforcement priorities, it would seem that the issues I have raised, and continue to raise, directly impact, to quote your letter "the promotion of national security, border security, public safety, and the integrity of the immigration system." Yet Homeland Security and ICE have consistently pursued policies that contravene those goals. I am speaking in particular of the fact that some one-third of the illegal immigrants arrested by law enforcement in Maricopa County and booked into my jails have already been arrested on a wide range of serious criminal charges – and many of them multiple times.

For the seventh month in a row, the facts show that of the 393 illegal immigrants arrested by local law enforcement in Maricopa County in July 2014, no fewer than 139, or 35.3% of the total, are repeat offenders. Their crimes include a full range of serious offenses – aggravated assault with a deadly weapon, armed robbery, kidnapping, molestation of a child, sexual abuse, dangerous drugs, conspiracy, and more – just as we have seen every month we have looked at the statistics.

Finally, adding the numbers from the past seven months together, 3,168 ICE detainees were placed in incoming criminal offenders, and of those, a stunning 1,149, or 36.3%, more than one-third, were repeat offenders.

Let us use one example alone to exemplify the horrific reality behind these statistics. Armando Rodriguez was arrested on February 13, 2014, and charged with theft and giving false information to a law enforcement officer. This was not Mr. Rodriguez's first arrest; indeed, he had been previously arrested on two separate occasions, beginning some thirteen years ago – a long time, not incidentally, to be living illegally in this country. In those instances, the charges included a variety of drug and burglary offenses. Thus, by the time of his February 13, 2014, arrest, Mr. Rodriguez, in addition to his current charges, had already compiled a record worthy of deportation under ICE guidelines. Nonetheless, he was released, for whatever reason, despite being given an ICE detainer. The result was that just five months later, on July 29, 2014, Mr. Rodriguez was arrested yet again and this time his charges were two counts of sexual conduct with a minor, three counts of attempted sexual conduct with a minor, kidnapping, aggravated assault, sexual abuse, molestation of a child, and furnishing obscene material to a child. It is hard to think of more terrible crimes, crimes that in

this instance, assuming the charges are proved true, could not have been committed if the federal government had done what it should have done - deported Armando Rodriguez.

That case, together with all the statistics, demonstrate what I have said over and over: That when local law enforcement arrests illegal immigrants on criminal charges and turns them over to the federal government, the federal government, in the form of Homeland Security and ICE, either quietly releases them back onto our streets or deports them, the result being they quickly and with obvious ease make their way back to our community.

Both actions are unacceptable. The first, releasing those with immigration detainers from jail without consequences, free to commit new crimes, is an outrage against the people of Maricopa County. The second, allowing those deported to so readily return to this country, is an insult to all Americans.

I am once again requesting a meeting with you to discuss this intolerable situation. I am ready to work with ICE on this matter. As you know, I have ICE officers in my jails, and ICE agents are cross-certified by me to function as deputy sheriffs in order to enforce the laws of Maricopa County.

I am prepared to put the considerable resources of my organization to use in helping ICE identify, track and re-arrest those criminals released in our county. After serving as the regional director for the US Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as in Texas and Arizona, I understand very well both the difficulties in securing the border as well as dealing with the complex issue of illegal immigration, and am always ready to work to resolve these problems.

After ignoring the growing problem for so long, it is interesting to watch the Administration scramble to handle the thousands upon thousands of children crossing the border. As important as dealing with that issue is, it pales in comparison with the reality that the federal government, sworn to protect us, simply releases illegal immigrants charged with serious crimes to roam free on our streets.

It has been widely reported that President Obama intends to declare some form of summary amnesty for perhaps millions of illegal immigrants sometime after Labor Day. Can the federal government guarantee that many among that enormous number will not be criminals, charged and yet released by that government? Can the government guarantee that those given amnesty will not commit more crimes against American citizens?

All these questions demand answers, and the situation as it now stands cannot be allowed to continue. I am determined to see this through on behalf of the people of Maricopa County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph M. Arpaio', written over a white background.

Joseph M. Arpaio
Sheriff

Exhibit 4

Donald Marchand - SHERIFFX

From: Casey Price - SHERIFFX
Sent: Wednesday, December 17, 2014 2:04 PM
To: Mike Olson - SHERIFFX; Donald Marchand - SHERIFFX; Brandon Jones - SHERIFFX
Cc: Joseph LeGer - SHERIFFX; William Sciury - SHERIFFX
Subject: Price Tag

The total number of Inmate's booked into MCSO custody with INS Detainers since February 01, 2014 until December 17, 2014 is **3,816**.

The booking and first day cost to book a person into jail is \$266.41.

The total cost of booking, including the first day in jail is (3816 X \$266.41) = **\$1,016,620.56**

The average stay in jail is 27.5 days. The daily housing cost is \$81.85. We have already accounted for the first day in jail with the booking cost.

3,816 total inmates to stay in jail for 26.5 days is **\$8,276,999.40**.

The total cost for 3,816 inmates to be booked into jail and stay for 27.5 days is **\$9,293,619.96**.

Month	Detainers		
Feb	370	\$266.41	Booking Cost
March	394	3816	Total Inmates with Detainers
April	388	\$1,016,620.56	Total Cost of Booking
May	401		
June	390		
July	393		
Aug	379	26.5	Avarage Stay in Jail (Days)
Sep	318	3816	Total Inmates with Detainers
Oct	307	\$81.85	Daily Housing Cost
Nov	302	\$8,276,999.40	Total Cost of Inmates stay in Jail based on average stay
17-Dec	174		
Total	3816	\$9,293,619.96	Total cost for inmate to be booked and with avarage stay

Sergeant Casey Price A8356
 Administrative Sergeant
 Central Intake Division
 602.876.8011

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Exhibit 5

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Sheriff Joe Arpaio Threatened By Inmate Samuel Matta For Deporting Family

Reuters

Posted: 07/11/2012 11:02 pm EDT | Updated: 09/10/2012 5:12 am EDT



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PHOENIX, July 11 (Reuters) - An inmate has been indicted for allegedly plotting to kill a hard-line Arizona sheriff to hold him "personally accountable" for deporting his family members to Mexico, sheriff's officials said on Wednesday.

Comment

Samuel Matta, 29, was served with the indictment in prison on Wednesday stemming from an alleged scheme to assassinate Maricopa County Sheriff Joe Arpaio with a high-powered rifle, said Sergeant Brandon Jones, a sheriff's spokesman.

Matta, who authorities say is a documented gang member, planned to act on the plot once he was released from prison, Jones said.

Arpaio, who styles himself as "America's toughest sheriff," is one of the leading proponents of the Mexico border state's crackdown on illegal immigrants passed in 2010, but partially blocked by the courts.

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The tactics used by the sheriff, who has denied any abuses and has vowed to fight the suit, will come under scrutiny beginning July 19 when another racial profiling lawsuit is heard in U.S. District Court in Phoenix.

Sheriff's investigators said they were tipped to the assassination plot by a jail inmate and learned that Matta was angry that his family had been deported to Mexico from their home in El Mirage, Arizona, west of Phoenix.

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