

New York Times: Arizona Sheriff's Office Targeted Latinos, Justice Department Says

By Marc Lacey
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In a harshly worded critique of the country's best-known sheriff, the Justice Department has accused Joe Arpaio of the Maricopa County Sheriff's Office of engaging in "unconstitutional policing" by unfairly targeting Latinos for detentions and arrests and retaliating against those who complain.

After an investigation that lasted more than three years, the civil rights division of the Justice Department said in a 22-page report that the sheriff's office has "a pervasive culture of discriminatory bias against Latinos" that "reaches the highest levels of the agency." The department interfered with the inquiry, the government said, prompting a lawsuit that eventually led Sheriff Arpaio and his deputies to cooperate.

"We have peeled the onion to its core," said Thomas E. Perez, the assistant attorney general for civil rights, noting during a conference call with reporters on Thursday morning that more than 400 inmates, deputies and others has been interviewed as part of the review, including Sheriff Arpaio and his command staff. Mr. Perez said the inquiry, which included jail visits and reviews of thousands of pages of internal documents, raised the question of whether Latinos were receiving "second-class policing services" in Maricopa County.

Mr. Perez said he hoped Sheriff Arpaio would cooperate with the federal government in turning the department around. Should he refuse, Mr. Perez said, the government will file a lawsuit and the department could lose millions of dollars in federal money.

A separate federal grand jury investigation of Sheriff Arpaio's office is continuing, focusing on accusations of abuse of power by the department's public corruption squad.

Sheriff Arpaio was singled out for criticism in the report, which said that he had distributed racially charged letters he had received and that he helped nurture the department's "culture of bias."

Asked at a news conference about Sheriff Arpaio's role in the department's problems, Mr. Perez said, "We have to do cultural change and culture change starts with people at the top." Mr. Perez made a point of reaching out to Sheriff Arpaio's underlings. "These findings are not meant to impugn your character," he said to the department's deputies.

Sheriff Arpaio, 79, who calls himself "America's toughest sheriff," did not immediately respond to the charges, but he has brushed off similar accusations in the past.

Long a lightning rod for controversy, Sheriff Arpaio looms large over Arizona and beyond. His turf, Maricopa County, with 3.8 million residents, is one of the country's largest counties in terms of both area and population. Republican candidates clamor for his backing, aware that he has become a potent symbol of the antipathy many Americans feel about illegal immigration.

Before he endorsed Gov. Rick Perry of Texas for president last month, Mr. Arpaio was courted by much of the Republican field, including Representative Michele Bachmann, former Gov. Mitt Romney of Massachusetts and Herman Cain, a businessman who has since suspended his campaign.

The inquiry's findings, which Sheriff Arpaio is sure to contest, paint a picture of a department staffed by poorly trained deputies who target Latino drivers on the roadways and detain innocent Latinos in the community in their searches for illegal immigrants. The mistreatment, the government said, extends to the jails the department oversees, where Latino inmates who do not speak English are mistreated.

"The absence of clear policies and procedures to ensure effective and constitutional policing," the report said, "along with the deviations from widely accepted policing and correctional practices, and the failure to implement meaningful oversight and accountability structures, have contributed to a chronic culture of disregard for basic legal and constitutional obligations."

The report said Latino drivers were four to nine times more likely to be stopped in the sprawling county, which includes Phoenix and its environs, than non-Latino drivers. The expert who conducted the study called it the most egregious racial profiling he has ever seen in this country, said Mr. Perez, the prosecutor.

The report said that roughly one-fifth of the traffic-related incident reports generated by the department's human smuggling unit contained information indicating the stops may have been conducted in violation of the Fourth Amendment's prohibition on unreasonable seizures.

The report also suggested that Sheriff Arpaio's well-publicized raids aimed at arresting illegal immigrants were sometimes prompted by complaints that described no criminal activity but referred to people with "dark skin" or to Spanish speakers congregating in an area. "The use of these types of bias-infected indicators as a basis for conducting enforcement activity contributes to the high number of stops and detentions lacking in legal justification," the report said.

Sheriff Arpaio has insisted that he is just enforcing the law and has mentioned in previous interviews that he has adopted grandchildren whom he is fond of who are Latino and black. He has responded to past criticisms with another high-profile raid. In the last three years, he has sent deputies into 56 Phoenix-area businesses, resulting in several hundred arrests for identity theft.

The report is likely to increase calls for the resignation of Sheriff Arpaio, whose fifth term ends next year. He has vowed to run again. The sheriff, who has won election by wide margins even while riling critics, has seen opposition to his leadership increase in recent months with reports that his department misspent county money and failed to adequately investigate more than 400 sexual-abuse cases, many involving illegal immigrants.

On Wednesday, Sheriff Arpaio's critics took their case to the Maricopa County Board of Supervisors, which controls the sheriff office's purse strings. The board heard a heavy dose of criticism of the sheriff, but also present were some of his backers, who praise his no-tolerance

approach toward illegal immigrants. “Police officers make mistakes,” Jerry Sheridan, Mr. Arpaio’s chief deputy, said at the meeting, in defense of the department.

The report quotes from some people characterized as victims of the department’s overzealous ways. It cites the case of a Latino driver who won a \$600,000 legal settlement after a deputy intentionally struck him with his patrol car during a traffic stop.

In another case, an inmate was not allowed to use another inmate as an interpreter to tell a detention officer that her sheets were soiled. She was told she had to make the request herself in English, even though she did not speak the language well.

After Mr. Arpaio received a letter complaining that employees of a McDonald’s in Sun City, a retirement community, did not speak English, the sheriff forwarded the letter to a top aide, who mounted an immigration raid in the area.

<http://www.nytimes.com/2011/12/16/us/arizona-sheriffs-office-unfairly-targeted-latinos-justice-department-says.html>