

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

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

Plaintiff,

v.

The Honorable BARACK OBAMA, individually and
in his professional capacity as President of the
United States of America
1600 Pennsylvania Avenue
Washington, D.C. 20500

and

The Honorable JEH JOHNSON, individually and in
his professional capacity as Secretary of the
U.S. Department of Homeland Security
12th & C Street SW
Washington, D.C. 20024

and

The Honorable LEON RODRIQUEZ, individually
and in his professional capacity as Director of U.S.
Citizenship and Immigration Services
12th & C Street SW
Washington, D.C. 20024

and

The Honorable ERIC HOLDER, JR., individually and
in his professional capacity as U.S. Attorney General
555 Fourth St. NW
Washington, D.C. 20530

Defendants.

CIVIL COMPLAINT

Civil Action No. _____

COMPLAINT

Plaintiff sues the Defendants in this civil action. The Defendants' Deferred Action for Childhood Arrivals (DACA) from June 15, 2012 and new November 20, 2014, Executive Order Amnesty (EOA) programs are unconstitutional abuses of the President's role in our nation's constitutional architecture and exceed the powers of the President within the U.S. Constitution. Even where Congress has granted authority to the executive branch, these programs are *ultra vires*, exceeding the bounds of delegated authority. While Defendant Obama hijacks the language of previous immigration regulation and law, Defendant Obama fundamentally transforms the definition of key terms to create a radically new and different regime of immigration law and regulation.

DACA and EOA are sweeping changes to immigration law and regulation, operate on a "wholesale" level upon broad categories rather than "retail" as an individualized adjudication of persons one at a time, operate in and modify areas already regulated differently by existing regulations, and are a dramatic departure from prior interpretation and application of existing law and regulations. Yet the Obama Administration purports to effect these dramatic changes by Executive Order announced by the President, implemented through his Cabinet Secretaries.

Even if the Court deems this constitutional, DACA and EOA are exercises of delegated law-making authority by the executive branch which must first go through rigid rule-making procedures under the Administrative Procedures Act. The President cannot simply announce sweeping new rules and implement them by giving a speech.

Alternatively, Plaintiff challenges these executive branch actions pursuant to 5 U.S.C. §§ 702 through 706 as unlawful and invalid as arbitrary, capricious, an abuse of discretion, unreasonable, and/or otherwise not in accordance with law.

Plaintiff seeks a Declaratory Judgment, and preliminary and permanent injunctions. Plaintiff also challenges the executive branch action under this Circuit's Nondelegation Doctrine. As grounds therefore, Plaintiff alleges as follows:

INTRODUCTION AND SUMMARY

Defendant Obama has announced and initiated actions under his purported inherent authority as President of the United States to grant amnesty by Executive Order, or more precisely by giving directions to Cabinet Secretaries. The President states that he is doing so because he does not like the legislative decisions of the Congress.

In fact, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Article I, Section 1, of the U.S. Constitution. "The Congress shall have Power . . . To establish an uniform Rule of Naturalization," Article I, Section 8, of the U.S. Constitution. There is nothing in the U.S. Constitution which offers any authority or role of the executive branch with regard to immigration, admission of aliens to the country, or naturalization or citizenship other than the President's duty that he "shall take Care that the Laws be faithfully executed...." Article II, Section 3, of the U.S. Constitution.

Defendant Obama has already purported to give amnesty, the status of lawful presence in the United States, and even the right to work lawfully in the United States to 611, 953¹ illegal aliens classified as "Dreamers" who arrived illegally in the United States with their parents.

¹ U.S. Citizen and Immigration Services, Number of I-821p (Mar. 2014) available at http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_daca_fy2014qtr2.pdf

The Department of Homeland Security admits that these initiatives are “unprecedented.” Despite the attempt to use familiar terminology, these initiatives are a dramatic departure from past precedent, interpretation, and application of immigration law.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as involving questions and controversies arising under the U.S. Constitution and the federal laws and regulations arising thereunder.
2. Venue is proper for Defendants pursuant to 28 U.S.C. § 1391(b)(1) because the Defendants and the federal government are primarily located in the District of Columbia.

THE PARTIES

3. The Plaintiff Joe Arpaio is the elected Sheriff of Maricopa County, State of Arizona. He has held the office of Sheriff since 1993, and has 57 years of law enforcement experience. Previously, Plaintiff Arpaio served as Regional Director of the Drug Enforcement Administration (“DEA”) of the U.S. Department of Justice, and served in Turkey, the Middle East, Mexico, and Central and South America and in cities around the United States. He later retired as head of the DEA for Arizona.
4. Defendant Obama currently holds the position of and serves as President of the United States.
5. Defendant Jeh Johnson currently holds the position of and serves as the Secretary of the Department of Homeland Security of the United States, appointed by the President and confirmed by the U.S. Senate.
6. Defendant Eric Holder holds the position of and serves as the Attorney General of the United States of America and head of the U.S. Department of Justice, appointed by the

President and confirmed by the Senate. Although Defendant Holder has tendered his resignation, he made his resignation to be effective upon the appointment and confirmation of his successor to replace him.

7. Defendant Leon Rodriguez is Director of the U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security. Rodriguez was previously the Director of the U.S. Department of Health and Human Services Office for Civil Rights and from 2007 through 2010 he was the County Attorney for Montgomery County, Maryland.
8. Each of the Defendants are being sued in their individual and official capacities.

FACTS COMMON TO ALL COUNTS

9. On November 20, 2014, Secretary of Homeland Security, Defendant Johnson, released a series of Memorandum orders – simultaneous with Defendant Obama’s announcement speech – directing various parts of the U.S. Department of Homeland Security to implement Defendant Obama’s “Executive Order Amnesty” program. Defendant Johnson’s implementing orders are posted at: <http://www.dhs.gov/immigration-action>. Other agencies might issue similar orders. Defendant Obama’s Executive Order Amnesty consists primarily of (1) expanding Obama’s June 15, 2012 DACA program to include childhood arrivals who arrived after the earliest cut-off date, and (2) extending DACA to parents and other relatives of U.S. citizens or persons lawfully present.
10. The extension of DACA to persons who arrived illegally as adults waive their illegal status. Currently, a person is not “admissible” or eligible to apply for any immigration status if they are currently in violation of U.S. immigration laws. Defendant Obama is waiving the prohibition for those who are illegally in the United States. Otherwise, they

would have to return to their home country, wait between 3 to 10 years, and reapply from their home country.

11. The issue of being a relative is a distraction because that is not a change from current law. Waiving illegal status is the key point which must be reviewed and acted upon by this Court.

12. Defendant Obama, through Defendant Johnson, gave other orders to refocus resources to border enforcement but in ways that are vague and premised upon unknown success in freeing up resources within the interior of the country. Another order directs Homeland Security to study the expansion of “parole” status to allow high-tech workers to stay in the United States and to give broader “grace periods” when immigrant workers are between jobs or legal status positions. Parole status cannot be used in this way, however.

A. President Obama’s Executive Order Amnesty is Unconstitutional

13. The Supreme Court applied a fundamental analysis of the constitutional architecture and structure of the U.S. Constitution in *INS v. Chadha*, 462 U.S. 919 (1983).

14. Here, this case presents the reverse, mirror image of *INS v. Chadha*, 462 U.S. 919 (1983).

15. Even though any provision within legislation would normally be routinely accepted as an exercise of congressional authority, the Supreme Court found in *Chadha* that a legislative veto of executive branch action violated the U.S. Constitution, because it did violence to the constitutional architecture and structure.

16. The U.S. Constitution’s structure is for Congress to legislate and the executive branch to implement legislation.

17. Here, Defendant President Obama is seeking to legislate in place of Congress.

18. DACA and EOA are unconstitutional in the same manner as in *Chadha*, because instead of legislation first passing both houses of Congress and then being sent to the President under the “Presentment Clause” for signature and implementation or veto, the President originates legislation by himself and then dares the Congress to disagree.
19. The Supreme Court has also required the executive branch to implement the laws passed by Congress in the so-called Impoundment cases. Despite over 150 years of precedent allowing the President to use his discretion not to fully enforce a law or spend all the funds appropriated by Congress, the Supreme Court ordered the Nixon Administration that it must spend all the money appropriated by Congress.
20. The case of *Train v. City of New York*, 420 U.S. 35 (1975), held that “[t]he president cannot frustrate the will of Congress by killing a program through impoundment.”
21. President Nixon had tried to control the budget deficit by not spending all of the funds appropriated by Congress where in the course of administration it found money could be saved, and “impounding” the unspent money to pay down the national debt.
22. Despite this process seeming to be a part of the core role of the executive branch to administer the funds appropriated, and consider actual circumstances, the Supreme Court ruled that the President had no discretion over how much of the funds to spend.

B. President Admits His Actions Today are Illegal

23. Defendant Obama has repeatedly admitted and acknowledged that the amnesty he now attempts to issue to illegal aliens is illegal and/or unconstitutional, and he knows it.

“The problem is that, you know, I am the President of the United States. I am not the Emperor of the United States. My job is to execute laws that are passed. And Congress right now has not changed what I consider to be a broken immigration system. And what that means is that we have certain obligations to enforce the laws that are in place even if we think that in many cases the results may be tragic.”

-- President Barack Obama, February 14, 2013, in an internet town hall with young voters called a “Google hangout.” https://www.youtube.com/watch?v=FSV9n-v_0KI.

24. In an interview on the Telemundo television network with Jose Diaz-Balart on September 17, 2013,² Mr. Obama said he was proud of having protected the “Dreamers” — people who came to the United States illegally as young children — from deportation. But he also said that he could not apply that same action to other groups of people.

“Here’s the problem that I have, Jose. And I’ve said this consistently. My job in the Executive Branch is supposed to be to carry out the laws that are passed. Congress has said here is the law when it comes to those who are undocumented. And they’ve allocated a whole bunch of money for enforcement. And what I have been able to do is to make a legal argument that I think is absolutely right, which is that given the resources we have we can’t do everything that Congress has asked us to do. What we can do is then carve out the Dream Act folks, saying young people who’ve basically grown up here are Americans we should welcome. We’re not going to have them operate under a cloud, under a shadow.”

“But if we start broadening that, then essentially I’ll be ignoring the law in a way that I think would be very difficult to defend legally. So that’s not an option and I do get a little worried that advocates of immigration reform start losing heart and immediately thinking well, you know, somehow there’s an out here. If Congress doesn’t act, we’ll just have the President sign something and that will take care of. We won’t have to worry about it. What I’ve said is that there is a path to get this done and that’s through Congress. And right now everybody should be focused on making sure that that bill that’s already passed out of the Senate hits the floor of the House of Representatives.”

C. Border States Under Invasion by Violent Criminals Acting Across Unsecured Border, Subject to Domestic Violence from Foreign Invasion

25. President Obama grounds his argument for granting amnesty by Executive Order to illegal aliens on the federal government having insufficient resources to prosecute and deport all of the illegal aliens that the executive branch has allowed into the country.

² **NOTICIAS TELEMUNDO**, https://www.youtube.com/watch?v=wp68QI_9r1s

26. In fact, Defendant Obama's amnesty programs merely shift the burden to the States and local governments, creating severe burdens and a crime wave in States along the border.
27. Plaintiff Joe Arpaio is adversely affected and harmed in his office's finances, workload, and interference with the conduct of his duties, by the failure of the executive branch to enforce existing immigration laws, but has been severely affected by increases in the influx of illegal aliens motivated by Defendant Obama's policies of offering amnesty. In this regard, as detailed in Exhibits 1, 2 and 3 to this Complaint which is incorporated herein for reference, Plaintiff Arpaio has been severely affected and damaged by Defendant Obama's release of criminal aliens onto the streets of Maricopa County, Arizona. This prior damage will be severely increased by virtue of Defendant Obama's Executive Order of November 20, 2014, which is at issue.
28. Thus, the Office of the Sheriff has been directly harmed and impacted adversely by Obama's DACA program and will be similarly harmed by his new Executive Order effectively granting amnesty to illegal aliens.
29. Defendant Obama's past promises of amnesty and his DACA amnesty have directly burdened and interfered with the operations of the Sheriff's Office, and Defendant Obama's new amnesty program will greatly increase the burden and disruption of the Sheriff's duties.
30. First, experience has proven as an empirical fact that millions more illegal aliens will be attracted into the border states of the United States, regardless of the specific details.
31. Second, the experiences and records of the Sheriff's office show that many illegal aliens – as distinct from law-abiding Hispanic Americans – are repeat offenders, such that

Plaintiff Arpaio's deputies and other law enforcement officials have arrested the same illegal aliens for various different crimes.

32. Plaintiff Arpaio has turned illegal aliens who have committed crimes over to ICE, totaling 4,000 criminals in his jails for state crimes in just an eight-month period. However, over 36 percent keep coming back.

D. Defendant Obama Orders Amnesty by Fiat

33. Defendant Obama has ordered new programs and initiatives to grant millions of illegal aliens amnesty, consisting of lawful status and the authorization to work in the United States, which he will announce Thursday.
34. Already, this announcement is doing irreparable harm, because it will stimulate a new flood of illegal aliens crossing the United States-Mexican border.
35. Many people will die in the desert attempting to reach United States soil as a result.
36. Moreover, illegal aliens are being victimized by smugglers charging them dearly.
37. Defendant Obama has openly, clearly, and explicitly declared dozens of times that he is acting because he doesn't like the legislative decisions of the Congress.

E. Executive Order Amnesty under Deferred Action for Childhood Arrivals

38. Previously, on June 15, 2012, Defendant Obama (through his Secretary of Homeland Security) created a new immigration status not existing anywhere in the law, called the "Deferred Action for Childhood Arrivals" (DACA) status, without legislative authority and over the objection of the U.S. Congress.
39. DACA status for a person lasts for only two years, although renewal may be requested.
40. Thus, no vested interest or vested right has been created beyond each two-year period.

41. The Department of Homeland Security (DHS) admits on its website that DACA is contrary to past construction and application of the law: “Over the past three years, this Administration has undertaken *an unprecedented effort* to transform the immigration enforcement system into one that focuses on public safety, border security and the integrity of the immigration system.” (*Emphasis added*) Department of Homeland Security website page, “Deferred Action for Childhood Arrivals”³

F. Claim of Insufficient Resources

42. Defendant Obama contends that he is authorized to grant amnesty and work authorization to millions of trespassers on the grounds (in part) that Congress has provided insufficient resources for the executive branch to faithfully execute the laws concerning immigration and trespassers illegally present.

43. Therefore, Defendant Obama claims, he can and must prioritize his enforcement of the law.

44. The fatal defect with Defendant Obama’s false excuse (pretext) is that the executive branch has not requested additional resources to secure the borders that Congress ever denied.

45. Each year, the executive branch under any Administration (Presidential leadership) is legally obligated to submit to Congress a request for the resources that the executive branch believes it will require in the coming Fiscal Year and to some extent future years, pursuant to the requirements of the Budget and Accounting Act of 1921 (as amended).

46. To the contrary, Defendants and the Obama Administration have very strongly, along with its predecessors to a less extreme extent, conducted a persistent, comprehensive, full

³ <http://www.dhs.gov/deferred-action-childhood-arrivals>

scale legal and political war against every effort to control the borders of the United States.

CAUSES OF ACTION

47. For each of the Causes of Action set forth below, Plaintiff incorporates by reference, repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth in each of the Causes of Action stated below.
48. For each of the Causes of Action asking for Declaratory Judgment set forth below, the Plaintiff relies upon 28 U.S.C. § 2201 and Rule 57 of the Federal Rules of Civil Procedure, and further asserts that under 28 U.S.C. § 2201, Declaratory Judgment under Federal law is available “whether or not further relief is or could be sought,” and “Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.” Moreover, Plaintiff asks the Court to declare the rights and other legal relations any interested parties.
49. For each of the Causes of Action asking for Declaratory Judgment set forth below, the controversy is within the jurisdiction of this Court under the U.S. Constitution.

FIRST CAUSE OF ACTION

Declaratory Judgment Obama’s Ultra Vires Under the U.S. Constitution

50. Plaintiff respectfully asks the Court to enter Declaratory Judgment that Defendant Obama’s DACA program and Executive Order Amnesty are unconstitutional as violating the role of the President of the United States and exceeding the President’s constitutional authority under the U.S. Constitution.

51. There is an actual controversy as to whether the President may convey lawful presence status upon illegal aliens present within the country, including conferring benefits and employment authorization to work within the United States.

52. Defendant Obama and the other Defendants have no authority under the U.S. Constitution to decide immigration policy or who may enter the United States or be granted lawful presence status and/or naturalized other than the authority granted to various executive branch officials or the President by Congress.

53. The President is obligated to enforce the laws as written:

Article II - The Executive Branch

* * *

Section 3 - State of the Union, Convening Congress

He shall ... take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

54. The U.S. Constitution explicitly reserves to the Congress power to govern immigration:

Article I - The Legislative Branch

* * *

Section 8 - Powers of Congress

The Congress shall have Power * * * To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

55. There is no other provision in the U.S. Constitution sharing any such power concerning immigration with the President.

56. The Supreme Court undertook a fundamental analysis of the constitutional architecture of the U.S. Constitution in *INS v. Chadha*, 462 U.S. 919 (1983).

57. Where a provision in legislation would normally be routinely accepted, the Supreme Court found in *Chadha* that the legislative veto of executive branch action violated the U.S. Constitution because it did violence to the constitutional architecture and structure.

58. The U.S. Constitution's structure is for Congress to legislate and the executive branch to implement. The legislative veto violated that structure.

59. Here, DACA and EOA present the mirror image of *Chadha*.

60. Here it is Defendant Obama seeking to legislate in place of Congress.

61. DACA and EOA are unconstitutional in the same manner.

SECOND CAUSE OF ACTION
Violation of Rule-Making Requirements

62. Defendant Obama and the other Defendants are not engaging in individualized adjudication of illegal aliens one by one so as to involve prosecutorial discretion. These programs are wholesale legislating, not retail adjudication.

63. Clearly, Defendant Obama and the other Defendants are engaged in rule-making with regard to broad, sweeping categories, including exercising legislative power either delegated to the executive branch or usurped by the executive branch, establishing a new status of immigrant presence in the United States, and establishing a new regulatory scheme.

64. At a minimum, Defendant Obama and the other Defendants are changing the definition of key terms from what the definitions previously were under existing regulations.

65. Defendant Obama and the other Defendants are establishing broad regimes applying to millions of people by category, including grants of additional benefits – unnecessary to and outside of the purported purpose – as well as imposing intricate plans for requirements and eligibility.

66. Furthermore, DACA and Executive Order amnesty cover topics already covered by previously-promulgated regulations, but address those topics in radically different ways than existing regulations on the same topics (largely by altering the meaning of terms).
67. Therefore, these programs are a significant departure from existing regulations.
68. As a result, the Defendants must comply with the rule-making procedures imposed by the Administrative Procedures Act (APA).

THIRD CAUSE OF ACTION
Violation of Existing Regulatory Authority

69. Plaintiff challenges Defendant Obama and the other Defendant's DACA and Executive Order amnesty as illegal, unconstitutional, and invalid agency action pursuant to 5 U.S.C. §§ 702 through 5 U.S.C. §§ 706.
70. Specifically, Plaintiff moves the Court to enjoin the Attorney General, the Secretary of Homeland Security, and the Director of the Citizenship and Immigration Services (USCIS) from implementing DACA and Defendant Obama's new program to be implemented which Plaintiff refers to as "Executive Order Amnesty."
71. Plaintiff is aggrieved by the invalid, illegal, and unconstitutional agency actions as set forth in Section IV (C), above.
72. Defendant Obama and the other Defendant's programs violate the requirements of the APA because the reversal of the executive branch's positions in conflict with existing regulations and law is necessarily arbitrary, capricious, arbitrary, an abuse of discretion, unreasonable, and otherwise not in accordance with law.

73. That is, if the previously promulgated regulations were well grounded in law and fact, then a dramatic departure from those regulations most likely cannot also be well grounded in law and fact.

FOURTH CAUSE OF ACTION

Declaratory Judgment: Conveying Work Authorization Irrational

74. Plaintiff respectfully asks the Court to enter Declaratory Judgment that the executive branch granting authorization to work in the United States as part of DACA and Executive Order Amnesty are unconstitutional as failing the rational basis test for the exercise of delegated authority in administrative law.

75. There is an actual controversy as to whether there is any rational basis for the executive branch to grant employment authorization to work within the United States as part of granting amnesty or deferred removal of illegal aliens.

76. Defendant Obama and the other Defendants' justification for granting amnesty is that the amount of resources and effort it would take to track down and deport illegal aliens is excessive.

77. However, not granting work permits would encourage many illegal aliens to voluntarily return home if they find it difficult to find employment in the United States.

78. Even if there were legal or constitutional validity to Defendant Obama deferring deportation of illegal aliens, there is no rational basis to grant them work permits also.

FIFTH CAUSE OF ACTION

Declaratory Judgment: Prosecutorial Discretion is Individualized not Categorical

79. Plaintiff respectfully asks the Court to enter Declaratory Judgment that a President may not grant amnesty to illegal aliens on the grounds of prosecutorial discretion.

80. There is an actual controversy as to whether the President may grant amnesty to broad categories of illegal aliens as a purported exercise of prosecutorial discretion.
81. Prosecutorial discretion involves and requires an individualized weighing of the merits of a particular case, such as the availability of witnesses and evidence, the credibility of witnesses, the willingness of witnesses to testify, and the likelihood that an exercise of prosecutorial discretion will lead to rehabilitation and not recidivism.
82. By contrast, decisions made with regard to broad categories are legislative.
83. Prosecutorial discretion applies to adjudicatory decisions.
84. By contrast, Defendant Obama and the other Defendant's grant of amnesty to broad categories of illegal aliens is not an adjudicatory proceeding to which prosecutorial discretion applies.

SIXTH CAUSE OF ACTION
Violation of Non-Delegation Doctrine

85. The exercise of the executive branch's discretionary decision-making authority in creating DACA and the new EOA violates the nondelegation doctrine confirmed by this Circuit in *American Trucking Associations, Inc. v. United States Environmental Protection Agency*, 175 F.3d 1027 (D.C. Cir. 1999), *modified on reh'g* by 195 F.3d 4 (D.C. Cir. 1999), *modified by Michigan v. United States EPA*, 213 F.3d 663 (D.C. Cir. 2000) (limiting the scope of *American Trucking*, stating “[w]here the scope increases to immense proportions ... the standards must be correspondingly more precise”) (citations omitted) *cert. granted sub nom. American Trucking Ass'ns, Inc. v. Browner*, 120 S. Ct. 2193 (2000).
86. “The United States Constitution grants the legislative power exclusively to Congress, not to the President, courts, or governmental agencies. Nonetheless, the Supreme Court has

long recognized that Congress may delegate legislative power to governmental agencies, provided that the legislative act limits the delegated power and provides a standard to guide the agency's actions. Thus, agencies are not creating law, they are executing the law within specific parameters in accordance with legislative intent.”⁴

87. However, an exercise of agency discretion within the statute must be based upon an “intelligible principle” grounded in the Congressional enactment, not merely the preference of the agency.

88. The sweeping power claimed by Defendant Obama and the other Defendants is an unlimited, unbridled power without the guidance of any intelligible principle guiding the exercise of the delegated power.

PRAYER FOR RELIEF

With regard to all counts, Plaintiff respectfully demands that the Court with regard to each and every Defendant: (1) Enter a preliminary restraining order until such time as the Court can hold a hearing to halt implementation of the Deferred Action for Childhood Arrivals (DACA) program and the President's new Executive Order Amnesty, because it will cause irreversible harm by encouraging more illegal aliens to enter the country unlawfully because of news of amnesty, inducing illegal aliens in the country to alter their circumstances in reliance on the amnesty programs, and creating new relationships and circumstances difficult to unravel if the amnesty programs are found to be unlawful, as it will result in the release of more criminal aliens onto the streets of Maricopa County and the United States as a whole; (2) Enter a preliminary injunction to halt implementation until the Court can hear all parties and enter a decision on a preliminary injunction; and (3) Enter a permanent injunction declaring the amnesty

⁴ “Delegation and Discretion: Structuring Environmental Law to Protect the Environment,” Michael N. Schmidt, *J. LAND USE & ENVTL. L.*, 111, 112

programs to be unlawful, as well award such other forms of equitable relief as may be appropriate, and such other relief the Court may deem just and proper.

This prayer for relief does not request legal authority for Plaintiff Arpaio to enforce the immigration laws of the United States, as current legal precedent has found that he and other similarly situated state law enforcement and other officials have no authority to do so.

Dated: November 20, 2014

Respectfully submitted,

/s/ Larry Klayman

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Attorney for Plaintiff

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 placing 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 by ICE but instead released from jail to the streets.

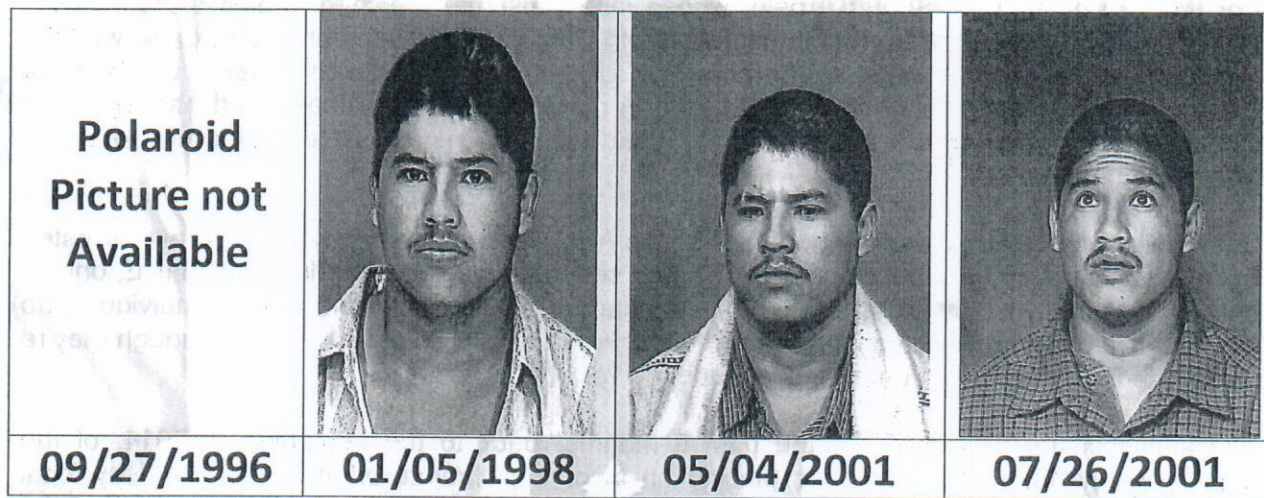
Marquez/Bracamonte was arrested yet again on May 4, 2001 for the sale of narcotic drugs and possession of marijuana for sale. He was released to ICE 3 days later.

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



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:

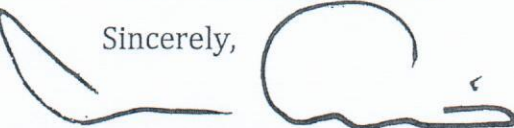
Thank you for your response dated September 3, 2014.

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 highly stylized and somewhat illegible due to its cursive nature and overlapping loops.

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

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 black 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

550 West Jackson Street
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Ph: 602-876-1801
Switchboard: 602-876-1000
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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.

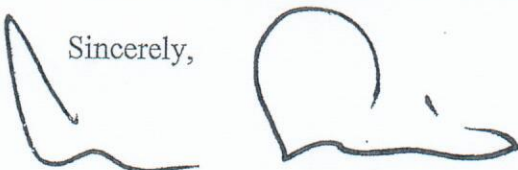
I am prepared to put the considerable resources of my organization to use in helping ICE identify, track and re-arrest those criminals released in our county. After serving as the regional director for the US Drug Enforcement Administration (DEA) in Mexico, Central and South America, as well as in Texas 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 in a cursive style.

Joseph M. Arpaio
Sheriff

Exhibit 3



Maricopa County Sheriff's Office Headquarters

Joe Arpaio
Sheriff

550 West Jackson Street
Phoenix, AZ 85003

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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.

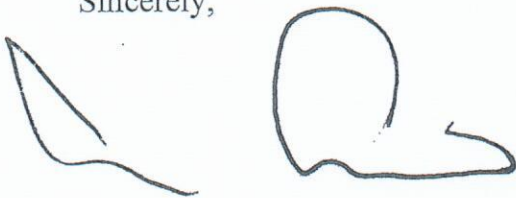
Regardless, we will continue to press ICE to investigate and conform to not only its policies, but to what is right and necessary for the people of Maricopa County who are placed in danger, every day, by the U.S. government's casual disregard for their safety. In addition, the Maricopa County Sheriff's 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 black ink, consisting of a stylized 'J' followed by a large, rounded 'A' and a trailing flourish.

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.

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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) 876-1829</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

550 West Jackson Street
Phoenix, AZ 85003

April 1, 2014

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

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.

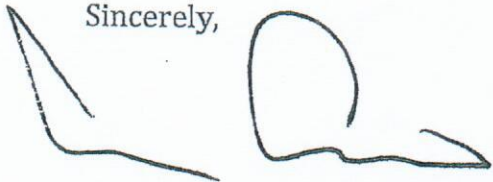
The federal government, and presumably your department, must address and fix these issues. A real policy must be put into place concerning illegal immigration, a policy that is aboveboard, consistent, and in compliance with the law. As a start, I request that you investigate and provide information that 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, appearing to read 'Joseph M. Arpaio'. The signature is stylized with a large, rounded 'A' and a long, sweeping underline.

Joseph M. Arpaio
Sheriff