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Wednesday, July 9, 2008



## Mesa's 'Segway Surgeon' saves on commute

LOCAL, A5



## 5-DAY TRIBUNE INVESTIGATION BEGINS TODAY

### The evolution of MCSO into an immigration agency



Five-part series examines Sheriff Joe Arpaio's illegal-immigration enforcement operation and its hidden costs to county residents.

>> Arpaio defends department's rocky transformation •

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>> How the situation developed to this point • **PAGE A16**

# REASONABLE DOUBT

PHOTO BY JULIO JIMENEZ, TRIBUNE

**SHERIFF'S PATROL:** The Maricopa County sheriff's human smuggling unit went on a patrol in the Wickenburg area on May 14 in search of "load vehicles," which transport illegal border crossers to destinations around the country. Juan Angel Huerta-Bandale is put in handcuffs after he and his passengers were all found to be in the country illegally.

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**Today:** High 104, Low 81  
 Slight chance of showers  
**Tomorrow:** High 106, Low 81  
 Slight chance of showers  
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 of the  
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 Tribune



### TEMPE: District may bus out-of-district students

The Tempe Union High School District is considering spending its own money to bus students from other districts to its schools in an effort to draw new students to the district, officials say. **A4**

### CHANDLER: More funds needed for children's health center

Backers of a facility where children can receive free medical and dental services in Chandler have raised about \$1.9 million for the project, but need more. **A4**

### MESA: Police look at possible hate crime

Police are investigating a possible hate crime where a Mesa woman's home was burglarized and spray painted with racial slurs and obscenities. **A7**



### TRAVEL: Fewer passengers pass through

Fewer passengers are arriving or departing the Valley through Phoenix Sky Harbor International Airport this year than passed through the local air hub in 2007. **A19**



**HOW SAFE IS YOUR NEIGHBORHOOD?** Click on "Info Center" on our Web site to search crime reports for East Valley cities. >> [eastvalleytribune.com](http://eastvalleytribune.com)

## U.S., allies want global pollution slashed

THE ASSOCIATED PRESS

**TOYAKO, JAPAN** • World leaders embraced for the first time on Tuesday an ambitious but nonbinding goal of slashing greenhouse-gas emissions in half by midcentury to stave off global warming. Unimpressed environmentalists called the effort too slow and too uncertain.

Leaders of some of the world's richest nations praised the agreement, which endorsed President Bush's insistence that fast-developing countries like China and India join in the effort. But one environmental critic suggested that by 2050 those leaders would be forgotten and "the world will be cooked."

>> Cheney sought cuts in climate testimony, **A2**

## REASONABLE DOUBT



## TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

## AT WHAT COST?

Emergency response, enforcement of other crime suffers with focus on illegal immigration

By RYAN GABRIELSON  
and PAUL GIBLIN  
TRIBUNE

For more than two years, Sheriff Joe Arpaio has dispatched his deputies to arrest hundreds of illegal immigrants as he's retooled his force into an immigration enforcement agency.

But it's Maricopa County's residents, particularly those living in small towns and rural stretches, who have paid the price for his decision.

People wait far longer for deputies to arrive at life-threatening emergencies. Detectives make arrests in far fewer criminal investigations. Taxpayers are spending millions of dollars to enforce federal immigration laws.

Immigration enforcement appears to have affected most parts of the sheriff's operations. In El Mirage, for instance, sheriff's detectives did little or no investigation on at least 30 violent crime cases, including a dozen reported sexual assaults, during 2006 and 2007. The lack of significant work on those cases has prompted MCSO to open an internal affairs investigation into the problem.

At the same time, just a few miles from the town, 15 detectives were doing little else but scouring roadways for cars filled with people who'd entered the United States without permission.

Arpaio and his top officials acknowledge the office has struggled with emergency response and a swelling caseload but deny that immigration enforcement is to blame.

Further, they argue that arresting illegal immigrants is central to their operations because illegal immigration is a central concern of county residents.

"The people agree with what I'm doing, a very high percentage," Arpaio says. "So I do know I'm doing the right thing for the people I serve. That's what I'm supposed to be doing, serving the people."

But a Tribune investigation found MCSO often neglected regular law enforcement work during its hurried evolution into



JULIO JIMENEZ, TRIBUNE

**PATROL:** The Maricopa County sheriff's human smuggling unit goes on a patrol in the Wickenburg area in search of "load vehicles," which transport illegal border crossers to destinations around the country.

an immigration enforcement operation. This year, even the number of criminal immigration arrests have dropped; many of the illegal immigrants who deputies captured in recent months received voluntary deportation, not criminal prosecution.

The newspaper also found:

- Deputies are failing to meet the county's standard for response times on life-threatening emergencies. In 2006 and 2007, patrol cars arrived late two-thirds of the time on more than 6,000 of the most serious calls for service.

- MCSO's arrest rate has plunged the past two years even as the number of criminal investigations has soared.

- The sheriff's "saturation" patrols and "crime suppression/anti-illegal immigration" sweeps in Hispanic neighborhoods are done without any evidence of criminal activity, violating federal regulations intended to prevent racial profiling.

- Rampant overtime spending on immigration operations drove the agency into financial crisis and forced it to close facilities across the county. Although MCSO officials have said state and federal grants covered all the expense, illegal immigration arrests actually are costing county taxpayers millions of dollars.

- Despite the money and manpower expended, the sheriff's of-

ice has arrested only low-level participants in human smuggling rings: drop house guards, drivers and the immigrants they ferry.

- Deputies regularly make traffic stops based only on their suspicion that illegal immigrants are inside vehicles. They figure out probable cause after deciding whom to pull over.

Arpaio, who's campaigning for a fifth term as county sheriff, has garnered international media attention for his tough stance on illegal immigration. He boasts that MCSO is the only law enforcement agency that has made arrests under Arizona's anti-human smuggling law, and he often derides other police officials for choosing not to crack down on illegal immigrants.

MCSO touts the number of illegal immigrants deputies arrest on its Web site and, with every operation, issues press releases hyping the action and chiding other agencies and civic leaders who speak against him.

His frequent sweeps in Valley cities are controversial, drawing hundreds of demonstrators from both sides of the issue along with major press coverage and thousands of comments on local media Web sites.

Arpaio contends he is simply enforcing the law — the state's human smuggling law in particular.

"It's a Class 4 felony. You can't

even get out on bond, so it must be somewhat serious," he said.

But that enforcement pulled manpower from other parts of the sheriff's office, finance records show, at a time when it was already short-handed.

With 15 detectives, human smuggling is the sheriff's largest specialized unit. The special victims unit has eight detectives.

"A lot of this is the trade-off," said Doris Meissner, former commissioner of the U.S. Immigration and Naturalization Service. "If the local police are doing federal law enforcement, other law enforcement responsibilities get a lower priority by default."

Other police departments within the county do make immigration arrests, but focus their money and their manpower on the most serious cases. The Phoenix Police Department has teamed with the state Department of Public Safety in a task force — which MCSO refused to join — that targets only cases of human smuggling violence. They've busted 40 drop houses since December.

A Tribune review of thousands of pages of the sheriff's immigration arrest records from 2006 and 2007 show deputies found the illegal immigrants arrested by MCSO rarely committed other crimes.

And in recent months, MCSO has increasingly targeted day la-

borers, rather than immigrants and smugglers, according to deputies' reports to U.S. Immigration and Customs Enforcement.

But for Maricopa County residents, illegal immigration is the most local of concerns.

Arpaio "demands that we respond to the public," said Deputy Chief Brian Sands, head of MCSO's law enforcement division, "and this is the highest priority that we have."

## HOW IT WORKS

Detective Jesus J. Cosme pressed hard on the gas pedal so that only a couple of feet separated his sport utility vehicle from the van he was tailing.

The navy blue Chrysler wasn't speeding. Or weaving. Its tail lights worked and the Oregon license plate was clearly displayed.

Driving through Wickenburg on U.S. 93 one evening in early January, Cosme said he was certain illegal immigrants filled the van.

But the human smuggling detective could not yet prove it. So Cosme pressured the driver.

He raced up behind the van in his unmarked silver Jeep Commander, waiting for a mistake, for any probable cause to make a stop.

The human smuggling unit does most of its work less than two miles from the Yavapai County line, on rural highways that run to Los Angeles and Las Vegas.

The detectives are focused solely on illegal immigrants, Cosme said.

"Obviously, if there's a shooting right in front of us we'll handle it," he added.

Extreme circumstances aside, Cosme and his 14 human smuggling colleagues work as federal immigration agents.

During its infancy, the unit used roving patrols exclusively to bust "load cars," the vehicles that transport illegal immigrants.

The U.S. Border Patrol developed the tactic, which involves patrolling likely smuggling routes in large numbers and making traffic stops on suspicious vehicles.

Roving patrols have drawn accusations of racial profiling for the Border Patrol.

And now the sheriff's office is facing the same criticism.

MCSO's detectives patrol Old U.S. 80 near Gila Bend and U.S.

SEE DOUBT ON PAGE A13

## A 5-DAY TRIBUNE INVESTIGATIVE REPORT

**TODAY:** The evolution of MCSO into an immigration agency

**Thursday:** Major budget shortfalls are linked to increased illegal immigration enforcement

**Friday:** Sweeps and saturation patrols violate federal civil rights regulations

**Saturday:** Public safety has been shortchanged throughout Maricopa County

**Sunday:** Why no one is willing to hold Arpaio accountable

**AT EVTRIB.COM:**



**READ** official sheriff's office documents.



**SEE AND HEAR** a narrated slide show of ride-alongs.



**WATCH** a video of interviews with the sheriff and his aides.

# ARPAIO'S IMMIGRATION CRACKDOWN:

HOW DOES IT WORK?      WHAT IS IT COSTING US?      HOW IS IT AFFECTING PUBLIC SAFETY?

To our readers:

**I**llegal immigration is without question the most debated and divisive issue in Maricopa County. And no one is more passionate about it than Sheriff Joe Arpaio. Over the past two years, the sheriff has invested millions of dollars and much political energy in a highly publicized crackdown on illegal immigrants, one of the most aggressive anti-illegal immigration efforts in U.S. history.

Six months ago, the Tribune began an investigative project to answer three basic questions about Arpaio's illegal immigration enforcement effort: How does it work? What is it costing the taxpayers? And what is the effect on other aspects of his agency — and public safety in general — if his focus has become so heavily on illegal immigration?

This five-part series marks the first time anyone has examined Maricopa County Sheriff's Office operations in such depth. Sheriff's officials were uncharacteristically responsive to public records requests, saying, at first, they were happy to show off the enforcement effort. Arpaio and his top deputies made enforcement files, budget numbers and numerous other records available to the Tribune. That hasn't always been the case with the agency, and one story in this series discusses some ways the agency tried to block county auditors and the reporters.



RALPH FRESO, TRIBUNE

**IMMIGRATION RAID:** Maricopa County Sheriff Joe Arpaio speaks to the media during his "crime suppression" sweep in April in Guadalupe.

Moreover, several top-ranking officers candidly discussed their policies and their concerns about the toll that is being taken on their operations as the cash-strapped agency tries to serve an area bigger than New Jersey and take on illegal immigration enforcement, too.

Tribune writers Ryan Gabrielson and Paul Giblin began by reviewing MCSO case files from 2006, when Arpaio's operation began, through 2007. Using thousands of pages of unredacted records provided by the sheriff's office, they built

a database of criminal immigration arrests that includes in-depth information on the immigrants and well as the enforcement effort. The database is unique; not even the sheriff's office has compiled such a systematic examination of the human smuggling enforcement operation.

Using other records obtained from MCSO, the state, the county, the federal government and cities that MCSO contracts with, the reporters were able to explore staffing levels and personnel assignments, budget and payroll informa-

tion, response times, arrest rates and the status of MCSO operations throughout the county. They examined interagency e-mails and other correspondence, state and federal grant documents and the rules governing the so-called 287(g) authority that Immigration and Customs Enforcement extends to local agencies that agree to follow strict guidelines prohibiting racial profiling, among other things.

Beyond the facts and figures in public records, human sources were also vital to this project. Gabrielson and Giblin conducted nearly 100 interviews with deputies, federal agents, lawmakers, county and town officials, crime victims, local police chiefs and immigration experts. A number of people spoke about their concerns that law enforcement services in their communities have fallen off since the illegal immigration effort began.

The sheriff's office also allowed the reporters and a photographer to ride along with immigration patrols near Wickenburg and with deputies on an urban "immigration sweep" in Phoenix.

The searchable database of criminal immigration cases is available online at [eastvalleytribune.com/page/reasonable\\_doubt](http://eastvalleytribune.com/page/reasonable_doubt). We've also posted many of the county, state and federal documents used in this series as well as interactive graphics and maps and several videos, including Joe Arpaio talking at length about his immigration operations.

Patti Epler, project editor

## DOUBT: Reasons for traffic stops questionable

FROM PAGE A12

60 through Wickenburg looking for large passenger vehicles, primarily vans and SUVs. Does the rear bumper drag from the weight of people packed inside? Are the windows covered up?

Once a human smuggling detective has decided to stop a vehicle, arrest reports show, he looks for legal justification. In 2006 and 2007, deputies cited license plate problems as probable cause for nearly a third of 71 traffic stops, a database of criminal immigration arrests compiled by the Tribune shows.

But this year, deputies are frequently using moving violations — crossing the yellow line, failure to yield, for instance — as probable cause, according to the sheriff's reports to the U.S. Immigration and Customs Enforcement, the federal immigration agency.

Cosme would ultimately use an alleged moving violation as his probable cause on that January evening. But first he needed

to make sure the blue van was indeed what he was after.

Abruptly, the detective swerved into the left lane and, coming frighteningly close to the vehicle, used his front beams like search lights on the van's windows, illuminating a crowd of human shadows.

The detective switched on his dashboard's emergency lights. The sheriff's office had caught another load vehicle.

"Failure to signal," the detective said to a Tribune reporter seated beside him. "You saw that."

But the van had not switched lanes.

Cosme had repeatedly called his fellow human smuggling detectives while tailgating the van to update them on the potential bust. The rest of the squad arrived moments after the van pulled into a gas station.

Eight illegal immigrants sat inside, three of them boys in their early teens. The driver, Carlos J. Paniagua-Gonzalez, told detectives he and his friends were

headed to Las Vegas to party.

Asked to name all his passengers, Paniagua-Gonzalez said he could not.

"I have too many friends," he added, smiling.

Later that evening, back at the sheriff's station in Surprise, deputies spent hours running each suspect's fingerprints through a federal database.

One of the passengers had been caught entering the country illegally more than a dozen times during the past 20 years. His mug shots show how the Mexican national looked as he grew up, from a young man to middle age.

The deputies turned over five of the suspects — the three juveniles and two of their relatives — to federal immigration authorities for deportation. The driver was arrested for suspicion of human smuggling for profit, two of the passengers for conspiring to smuggle themselves.

Sgt. Ryan Baranyos called his superior to report the details on their night's work.

"What was your (probable cause) on that?" Baranyos shouted to Cosme.

The detective paused, looked at the ceiling and strained to recall what prompted the traffic

stop.

"Hold on," Baranyos said into the phone, then quipped, "he's thinking of something to make up."

### HOW IT STARTED

Arpaio formed the Human Smuggling Unit in the weeks following his agency's first foray into immigration enforcement.

Just after dawn on March 2, 2006, Deputy George Burke patrolled along the westernmost edge of Maricopa County, where few roads disrupt miles of empty desert.

Burke watched two vans turn off the pavement and blaze a trail into brush. The deputy gave chase and the vans promptly stopped.

Burke walked to one of the vans, "opened the front passenger door and saw that the rear of the van was full of bodies," the deputy's arrest report says.

More than 50 illegal immigrants were packed inside the vehicles.

Burke called for backup, the report says, and for any officer who could speak Spanish.

Arizona's anti-human smuggling law had gone into effect six months earlier.

Then, County Attorney An-

drew Thomas told prosecutors they could use the law to charge not only smugglers but also the illegal immigrants for conspiring to smuggle themselves into the country.

Thomas' interpretation of the law remains highly controversial, and even one of the law's sponsors has criticized its use.

And, as Arpaio likes to point out, MCSO is the only law enforcement agency to make arrests under the human smuggling law.

In 2006 and 2007, the first two years the human smuggling unit was in business, deputies arrested more than 650 people under the law. Often, MCSO brought in the SWAT team, the helicopter unit, police dogs and patrol deputies to assist in the arrests, a deployment of force that contributed in large part to massive overtime spending and the agency's much publicized budget troubles late last year.

MCSO also stepped up immigration enforcement efforts even more last year, signing an agreement with ICE that granted 100 of its detectives and patrol deputies broad authority to arrest illegal immigrants. Under that

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REASONABLE DOUBT



TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

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fact, the sworn officers became federal agents, though the sheriff's office — not ICE — oversees their work. MCSO has more local officers trained in immigration enforcement than any other police agency in the country.

Other police departments primarily use their federal powers in the course of regular duties, or to assist ICE investigations.

"That's what most of them do because they have other law enforcement priorities," said Kris Kobach, former special counsel to the U.S. Attorney General. He helped establish the first of ICE's partnerships with state and local police in 2003.

At MCSO, the opposite is true.

The sheriff's office has rewritten deputies' regular duties to include general immigration work, arrest reports show.

And the human smuggling detectives rarely do anything else.

WHAT'S SUFFERING

The sheriff's office has long struggled with slow emergency response times.

Deputies patrol a jurisdiction larger than the state of New Jersey, with thousands of residents, even in the same patrol district, miles apart. Staffing is perpetually an issue — experienced deputies frequently leave MCSO for higher-paying departments elsewhere.

The Maricopa County Board of Supervisors has set a five-minute response time as the expectation for "priority one" calls — life-threatening emergencies. There is no penalty if the standard isn't met.

In 2004 and 2005, MCSO reported to the county Office of Management and Budget that the patrol division had significantly shortened its emergency response times, thanks mainly to a pay increase that was finally keeping deputies in place.

Patrol cars arrived within five minutes on 45 percent of the priority one calls, the data show. That meant deputies responded quickly on about 1,850 calls when people were in danger, and that number had improved by some 800 calls over the year before.

But the improvements were short-lived.

Even though the patrol division was barely maintaining adequate staffing, Arpaio decided to pull deputies from patrol beats, often without replacing them, to staff the human smuggling unit.

Response times climbed. In 2006, the data show that deputies arrived within five minutes on 1,780 emergencies; last year, it was only 1,550. Each year, deputies arrived late to more than 3,000 calls.

Lisa Allen, director of media relations and one of Arpaio's top advisors, said response times are up because calls for service have

increased dramatically. More people calling MCSO means a limited number of deputies are spread even thinner in the county's vast geographical area, she said.

But MCSO's own numbers don't support Allen's contention. MCSO actually received about 700 fewer calls in 2007 than it did the year before.

Still, the patrol division's manpower shortage was exacerbated by the human smuggling transfers. Personnel records for each division and interviews with top officials show how the transfers affected MCSO operations.

Deputy Chief Frank Munnell took over MCSO's patrol bureau a year ago and found that District 4 — which covers Cave Creek and Carefree — had 13 empty deputy positions, nearly 40 percent of its force.

"They were way understaffed," Munnell said.

Two of those deputies had transferred to the human smuggling unit without immediate replacements, finance records show.

Munnell said he has since added eight deputies to the Cave Creek station and believes he has reduced response times this year, although numbers aren't yet available.

Nearly every patrol district lost deputies to the new human smuggling unit, as did the trails and lake divisions, and the central investigations bureau.

The sheriff's District 1 patrol stations — which include Guadalupe, Queen Creek and Mesa — provided the human smuggling unit a deputy despite already being short nearly 20 sworn officers.

Five deputies joined the unit from the District 3 patrol station in Surprise alone — costing it 10 percent of its force.

In District 2, which covers nearly all of the county's western half, average emergency response times spiked during 2006 and early 2007, according to the data. The district was then home base for human smuggling detectives who operated mainly on rural highways to the west, MCSO arrest reports show.

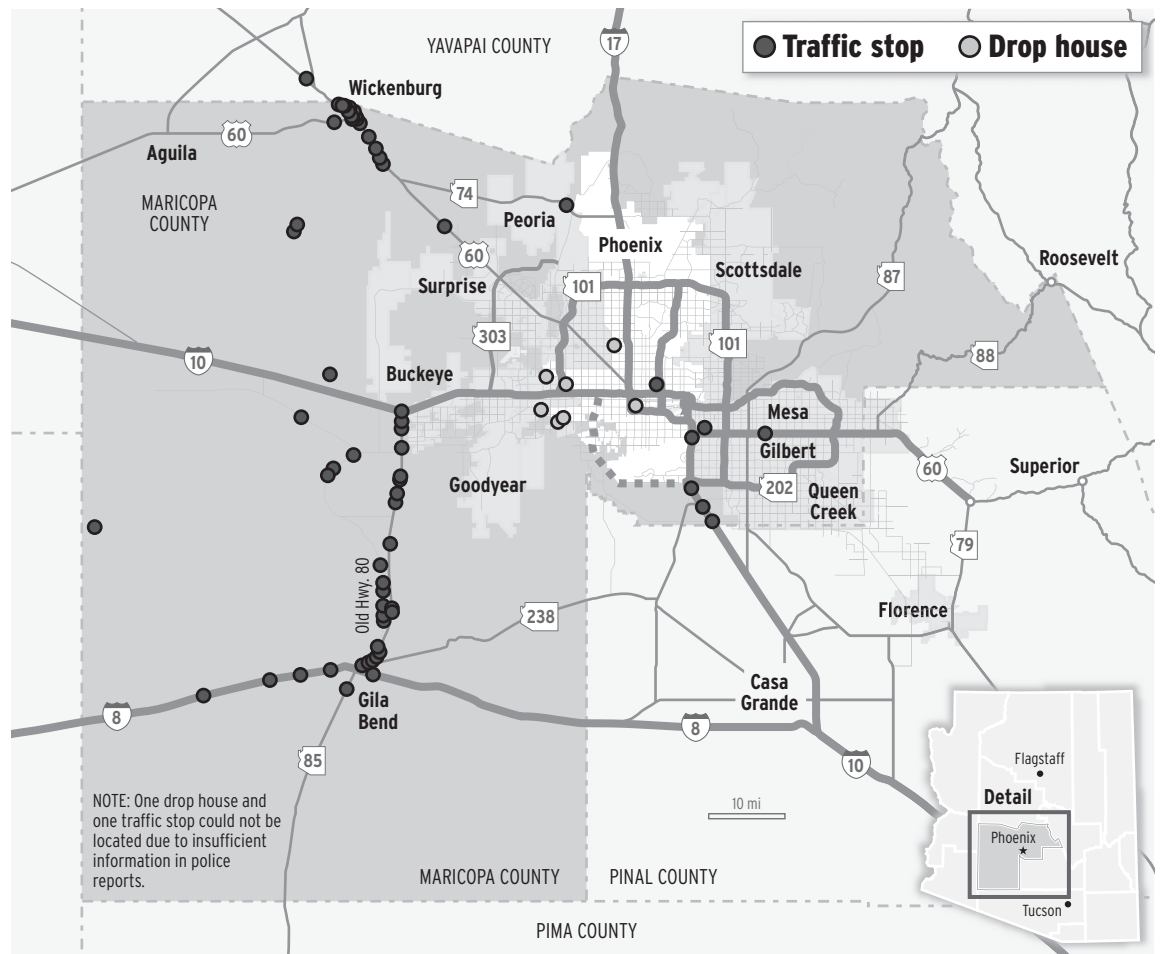
And though, as Cosme noted, human smuggling detectives don't ignore life-threatening situations happening in front of them, their mandate is to do immigration enforcement. They rarely participate in regular police work or respond to emergency calls, adding to the burden — and thus the response times — of other MCSO deputies.

Before the human smuggling unit began operating, response times in District 2 averaged roughly 11 minutes per emergency call — slow, but not unusual for such a large and sparsely populated area.

But during the first three months of 2007, the data show the average arrival time jumped

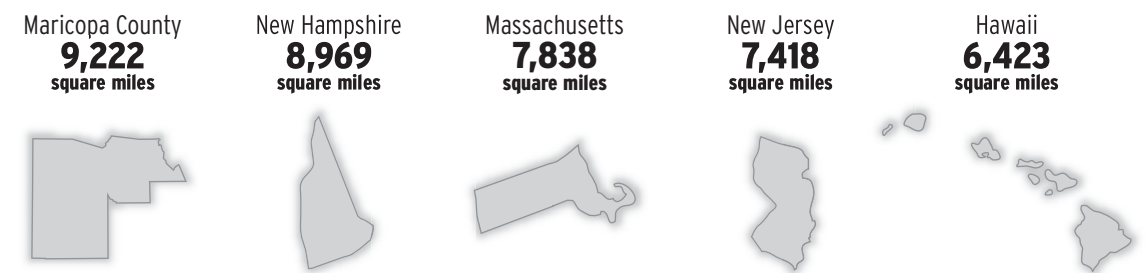
Arrests on smuggler routes

In 2006 and 2007, the Maricopa County Sheriff's Office arrested 669 suspects during 79 anti-human smuggling operations. Seventy-one of those were traffic stops, mainly on the rural roads, which accounted for 583 of the arrests.



Area of enforcement

The Maricopa County Sheriff's Office has jurisdiction of a region that's larger than seven states and more populated than 24 states.



SOURCES: Maricopa County Sheriff's Office; WorldAtlas.com

Paul Giblin, Ryan Gabrielson, Scott Kirchofer/TRIBUNE

38 percent, to more than 16 minutes.

By any measure, 16 minutes "seems like a long time" for the most serious emergencies, said Wesley G. Skogan, a Northwestern University political science professor and police work researcher.

Law enforcement research has found officers must typically arrive within three minutes on an emergency call to catch criminals in the act, Skogan said. "In other words, it has to be really, really fast in order to have an arrest."

Beyond making arrests, he added, quick responses also serve crime victims.

"If the victim is injured, if they're terrified and emotionally distraught ... those kind of rapid responses make a difference as well," Skogan said.

That's a concept residents of Aguilas can identify with. People in the unincorporated county area say they stopped bothering with calling 911 last year. Depu-

ties didn't come quickly, if at all.

"We were calling the sheriff's department and they might show up that day," said Starr Shipman, a waitress at Coyote Flats Cafe and Bar. "They might show up three days later."

The little farming community 20 miles west of Wickenburg must rely on MCSO for police protection. Or they must rely on themselves.

At the Valley Food Market, a woman was stabbed during a December robbery. A shiny, new fence of steel bars now surrounds the market, with razor wire looping along the top.

As burglaries and armed robberies became nightly occurrences, Aguilas's business owners secured concealed weapons permits. Residents also organized a public meeting, alerted the media and complained loudly about feeling abandoned by the sheriff's office.

Arpaio announced his human smuggling unit would target illegal immigrants in Aguilas, whom

he blamed for the crime spree.

But, several residents told the Tribune, the robbers are white and live nearby.

Shipman said deputies now come around every day.

But the crime hasn't stopped. Burglars broke into Coyote Flats last month. This time, deputies came the next morning and took fingerprints, but no one has been arrested for that or any of the town's other recent crimes.

"They're not, like, criminal geniuses around here," Shipman said.

Munnell said response times should be getting better soon. More than 20 deputies are in training, which should fill many of patrol's holes in the coming months.

ARREST RATE DROPS

Besides response times, MCSO figures show arrest rates on criminal investigations are down dramatically.

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**AT EVTRIB.COM:**

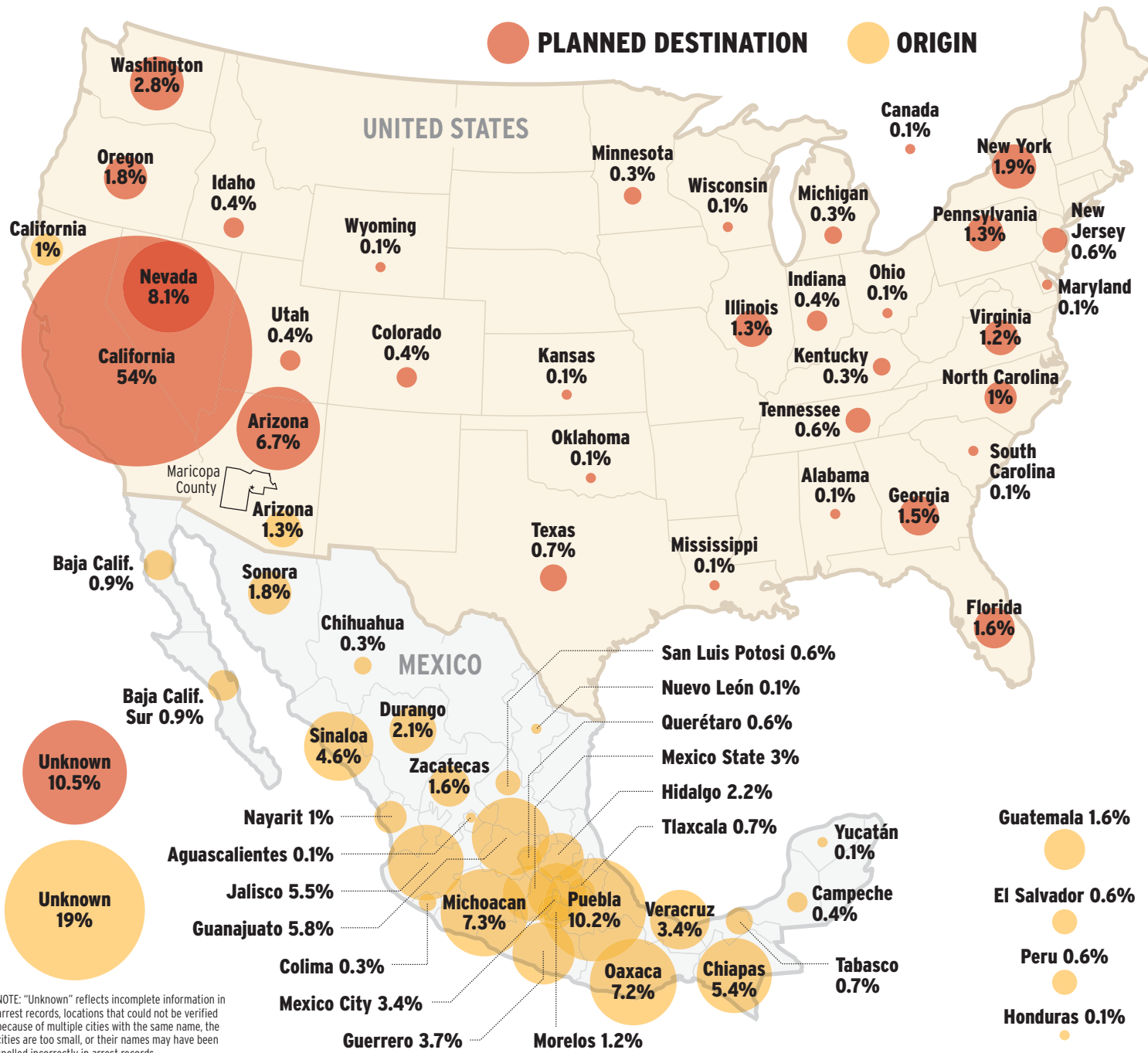
 **FOLLOW** the data yourself with interactive graphics.

 **VIEW** new and archive photos of Arpaio's immigration raids.

 **COMMENT** on this and any other story.

# Just passing through

Only 6.7 percent of the 669 illegal immigrants arrested by the Maricopa County Sheriff's Office in 2006 and 2007 intended to relocate anywhere in Arizona. More than half told deputies they were headed to California. Conversely, most border-crossers started their journeys from deep within Mexico's interior, generally clustered around Mexico City.



NOTE: "Unknown" reflects incomplete information in arrest records, locations that could not be verified because of multiple cities with the same name, the cities are too small, or their names may have been spelled incorrectly in arrest records.

SOURCES: Maricopa County Sheriff's Office; Tribune research

Paul Giblin, Ryan Gabrielson, Scott Kirchner/TRIBUNE

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In 2005, the sheriff's office cleared 10.5 percent of its investigations with arrests. The next year, when immigration operations began, that number dropped to 6 percent.

By July 2007, detectives only made arrests on 2.5 percent of their investigations, according to sheriff's reports to the county budget office.

MCSO officials say those numbers are misleading. They provided the Tribune spreadsheets that show deputies now make more arrests than ever but the document also showed the arrest rate has dropped.

Even though the number of arrests is up, the arrest rate overall is still dropping because the total number of cases is growing much faster. Investigators are still losing ground, the arrest rate shows.

Much like the patrol districts, finance records show the central

investigations bureau is also understaffed. Regardless, the sheriff's office transferred two of the bureau's detectives to the human smuggling unit last year.

But how MCSO treated El Mirage, a West Valley bedroom community that has tripled its population since 2000, has left the town's new police administration scrambling to investigate cases sheriff's detectives didn't finish.

Throughout 2006 and 2007, El Mirage paid MCSO to provide half of the town's police officers and detectives to handle investigations.

But in October, the town created its own police department and ended its contract with the sheriff's office. MCSO turned over case files to the new department.

The first batch of cases to arrive, nearly 70 sex crime cases, appeared to have had little or no investigative work done, El Mirage Police Chief Michael Frazier

said. And some were months, even years, old.

The Tribune reviewed investigation files from roughly 350 violent crime cases that MCSO ultimately turned over to El Mirage. The newspaper was able to confirm that the sheriff's office did not investigate at least 12 sex crimes and did little work on at least 20 other armed robberies and aggravated assaults during its time serving the town. El Mirage investigators have found dozens more that were left unworked, based on their own discussions with MCSO.

"The reality was, the cases that were given back to us required significant work to where we're just now getting a handle on them," said Frazier.

Deputy Chief Bill Knight, head of the sheriff's central investigations, said he offered to take those investigations back. "We put that on the table when we realized there might have been an issue," Knight said.

But Frazier declined the offer.

Now, MCSO is conducting an internal affairs investigation of its central investigations bureau, specifically the special victims unit, regarding the El Mirage violent crimes, Knight said.

"It's an internal affairs investigation on what happened with these cases," he said. "That's it in a nutshell. What happened with these cases?"

## MAJOR EFFORT, MIXED RESULTS

Felix Velasco-Pimentel had squeezed into an old Toyota 4Runner with 11 other people.

The SUV was driving north on state Route 85, halfway between Gila Bend and Phoenix, at dawn on April 3, 2007, when sheriff's deputies stopped it for speeding 10 miles above the limit.

Like most of his fellow passengers, Velasco-Pimentel, then 26, would tell the human smuggling detectives that he was on his way to Oxnard, Calif., to work

in the strawberry fields. His federal identification said Velasco-Pimentel lived in Oaxaca, one of Mexico's southernmost states.

Oxnard is a farming town and huge strawberry producer; its convention and visitors bureau uses a strawberry in its logo. A year earlier, MCSO had busted another carload of illegal immigrants headed to Oxnard, the immigration arrest database shows.

Velasco-Pimentel admitted to having paid smugglers to drive him to his destination, according to the arrest report. Detectives arrested him and six other passengers for conspiring to smuggle themselves into the United States illegally.

In 2006 and 2007, the first two years MCSO did immigration enforcement, deputies arrested 578 illegal immigrants using traffic stops, most of them men in their 20s and 30s from central Mexico.

Of those, 498 faced only a single charge for paying a smuggler; the database shows.

Deputies found just one firearm during the stops.

Only seven of the suspects were also arrested on drug charges, and five of those were for possessing relatively small amounts of marijuana, the database shows.

In press releases, Arpaio has repeatedly alluded to the ties between the illegal immigrants his deputies arrest and drug smuggling, violence and terrorism.

However, the criminal arrest database shows that, during those two years, deputies' immigration investigations rarely found violence or drugs and never found a suspect involved in terrorism.

MCSO has been unable to build cases against those who run the smuggling rings the detectives track, the arrest records show.

Brian Sands, MCSO's chief of law enforcement, acknowledged that human smuggling detectives have not yet targeted ring leaders. "This is the challenge in all kinds of racketeering cases that we work," he said. "And yeah, I concur, but we are working on it."

The sheriff's office has instead focused on arresting the illegal immigrants that smugglers ferry.

Increasingly, arrest reports show the human smuggling unit's operations specifically target day laborers. Regular patrol deputies, police dogs and even the SWAT team are also dispatched to watch for vehicles that pick up illegal immigrants.

"We're still the only law-enforcement agency in Arizona enforcing the human smuggling law, all aspects," Arpaio says.

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## REASONABLE DOUBT



## TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

# JOE ARPAIO'S EVOLUTION

Maricopa County's sheriff has changed his attitude toward illegal immigration over the past few years

BY PAUL GIBLIN  
TRIBUNE

Maricopa County Sheriff Joe Arpaio's public position on illegal immigration has taken an increasingly harder edge during the past three years. At the same time, he's built a national profile off his high-profile enforcement tactics.

As recently as June 2005, Arpaio was much more lenient toward most illegal immigrants.

"I don't expect to concentrate on some guy in a truck with six illegals," Arpaio told The Associated Press at the time. "I want to go after the professional smugglers who do this for money, the top people."

Now, he has a different approach.

"I have a philosophy in my 48 years of law enforcement, which may be strange, this old-fashioned philosophy," Arpaio said. "You hit everybody from the bottom to the top. Any crime."

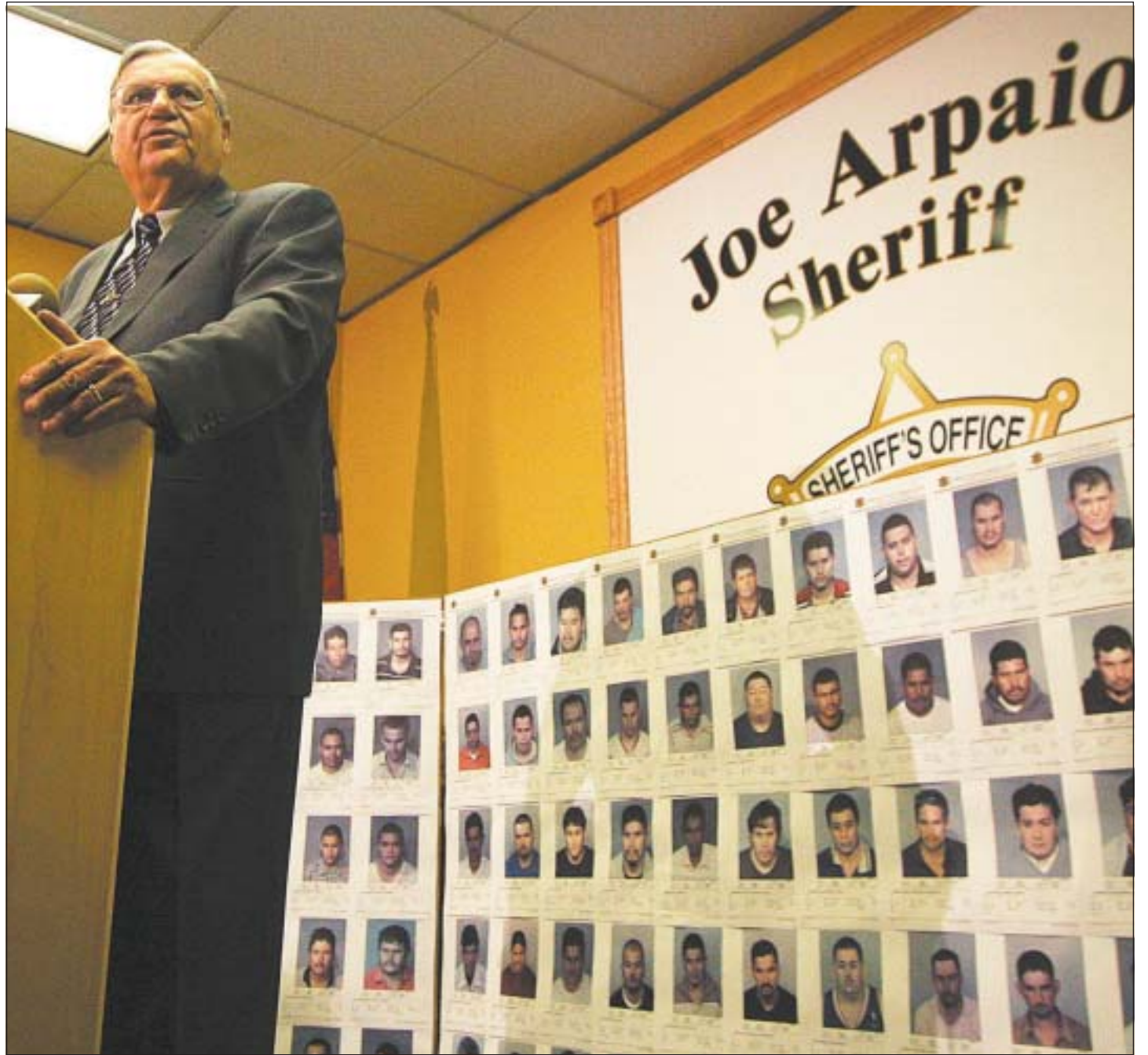
In fact, his human smuggling unit has concentrated nearly exclusively on illegal immigrants riding in trucks — not violent "coyotes" who run drop houses or Mexican kingpins who operate well-organized smuggling cartels.

A Tribune investigation into the unit's operation shows that in 2006 and 2007, the first two years it was in place, MCSO deputies arrested only low-level participants in human smuggling rings — a handful of drivers and drop house guards, plus hundreds of immigrants picked up mainly during highway stops as they were making their way out of the county.

In the past few months, Arpaio has expanded his operation to include "crime suppression/anti-illegal immigration" sweeps during which dozens of deputies and members of his volunteer posse target urban areas in the county to catch illegal immigrants.

His officers stop motorists who drive with broken license-plate lights or cracked windshields, or commit other traffic violations. Sometimes he catches people with outstanding criminal warrants, but the illegal immigrants he has snared in the sweeps have been simple laborers, not the top-echelon operators of smuggling operations.

Arpaio said his public posture on illegal immigration simply reflects a change in state law, which has been interpreted to mean that immigrants themselves can



JULIO JIMENEZ, TRIBUNE

**ANNOUNCING AN ARREST:** Maricopa County Sheriff Joe Arpaio addresses the media on June 18 regarding his office's 1,000th arrest since the state passed a human smuggling law.

be charged with smuggling. Arizona's law against human smuggling took effect in August 2005, allowing police officers to arrest illegal immigrants who pay smugglers to transport them into the U.S.

"Now, there's a law," Arpaio told the Tribune last month. "Once there's a law, the sheriff forgets the compassion and he

enforces the law. That's the way I am."

Arpaio began focusing his law enforcement operations heavily on illegal immigration shortly after the state's human-smuggling law went into effect on Aug. 12, 2005. The law stipulates that both smugglers and the people they bring across the border can be found guilty of midlevel

felonies, facing up to four years in prison.

It's a political situation that Arpaio has seized as the national debate over immigration has escalated and Arpaio himself has come increasingly under fire for what some civic leaders and other police chiefs

CONTINUED ON PAGE A17

## KEY DATES IN THE MARICOPA COUNTY SHERIFF'S OFFICE AND ILLEGAL IMMIGRATION ENFORCEMENT:

**Nov. 2, 2004:** Joe Arpaio wins fourth term as Maricopa County sheriff.

**Aug. 15, 2005:** State's human smuggling law goes into effect.

**March 2, 2006:** MCSO deputies make their first arrest under the new law — 52 illegal immigrants packed into two vans on the west edge of the county.

**April 2006:** Arpaio creates the Human Smuggling Unit, which starts with two deputies. During the next two years, it expands to 18 members.

**May 2006:** The Human Smuggling Unit stops 14 vehicles loaded with illegal immigrants, the most in any month.

**February 2007:** U.S. Immigration and Customs Enforcement granted 160 sheriff's deputies authority to enforce federal immigration law.

**April 20, 2007:** State awards the sheriff's office \$1.5 million for human smuggling enforcement. Meanwhile, MCSO spends nearly \$400,000 on overtime during that pay period, triple its usual two-week extra-hours expense.

**Aug. 15, 2007:** The Human Smuggling Unit makes its first drop house raid, arresting four people on state smuggling charges.

**October 2007:** County budget officials notify MCSO that overtime spending has put the agency \$1.3 million in the red. Arpaio shuts satellite jails and virtually eliminates overtime.

**October 2007 through January 2008:** Off-duty deputies start working as security guards at M.D. Pruitt's Home Furnishings store in



Phoenix, where day laborers gather. Advocates on both sides of the immigration issue protest weekly for months.

**Jan. 1, 2008:** The state employer sanctions law goes into effect. It

threatens to revoke business licenses from employers who knowingly hire illegal immigrants.

**March 21-22, 2008:** MCSO deputies conduct saturation patrols in Phoenix near Pruitt's. Fifty-six people are arrested, including 39 believed to be illegal immigrants, according to MCSO.

**March 27-28, 2008:** MCSO conducts sweeps in north Phoenix. Fifty-four are arrested, including 27 people believed to be illegal immigrants.

# COMING THURSDAY: BUDGET WOES LINKED TO INCREASED IMMIGRATION ENFORCEMENT

CONTINUED FROM PAGE A16

see as overzealous enforcement or even political grandstanding.

Former Maricopa County Attorney Richard Romley believes Arpaio's intent is to play to the media.

"He's a master at it," said Romley, county attorney from 1988 to 2004. Arpaio was elected sheriff in 1992, so Romley was county attorney for much of the time Arpaio has been sheriff.

The two Republican officials clashed over a number of issues, including once when Romley decided not to prosecute a series of prostitution arrests that were made after undercover sheriff's personnel engaged in sex acts with suspects.

Arpaio's changing public stance on illegal immigration fits a pattern, said Romley.

"If something, some way of engaging a law enforcement issue, can politically benefit Joe, or keep him in good favor with the public, Joe seems to go that way," Romley said. "He can flip on a dime. And I think he did that with illegal immigration."

When Arpaio entered the debate over illegal immigration, he filled a void for those frustrated with local police departments' unwillingness to take on the problem, said Mike O'Neil, a pollster and president of O'Neil Associates Market Research in Tempe.

"People want something done about immigration, and there was a perception that nobody was doing anything. The sheriff stepped into that and I think the first reaction of people was, 'Well, at last somebody's doing something,'" O'Neil said.

By then, Arpaio already was the self-proclaimed "toughest sheriff in America" who housed jail inmates in outdoor tents, put them on chain gangs, issued them pink underwear and hung a lighted "Vacancy" sign above his jail. He was the proud, throwback lawman who wore a miniature Colt .45 tie pin.

He set about becoming the toughest on immigration, too. Arpaio instructed deputies to arrest everyone involved in illegal immigration — the top people and the six guys in a pickup, alike.

Just three years ago, that philosophy was much different. Then, Arpaio likened human smuggling to drug smuggling. "We don't go after the addicts on the street. We go after the peddlers. Same philosophy," he told the AP in July 2005.

Also that month, Arpaio's deputies investigated a triple-murder case in Queen Creek that involved a family of illegal immigrants. Rodrigo Cervantes Zavala was suspected of killing his children's grand-



**MEETING WITH THE MEDIA:** Sheriff Joe Arpaio has cultivated an international media image with his tough stance on illegal immigration.

THOMAS BOGGAN, TRIBUNE

parents and an uncle, then fleeing to Mexico with his children, 3-year-old Jennifer and 1-year-old Bryan.

"We want those kids back in the U.S.," Arpaio told the Tribune then. "I want them back with their mother."

Their mother, Isabel Acosta, was an illegal immigrant living in Maricopa County. Days later, after Mexican authorities recovered the children near Puerto Vallarta, Acosta chastised U.S. authorities for allowing Zavala to slip across the border into Mexico. The public outcry against Acosta was instant and vicious, but Arpaio defended her.

"I'm not going to criticize her," he told the Tribune. "If that's what she said, she probably just doesn't realize how law enforcement operates here."

But nationally as well as locally, immigration reform and immigration enforcement were becoming two of the most charged issues leading into the 2006 federal and state elections. U.S. Sen. John McCain's support for a federal immigration reform package nearly derailed the Arizona Republican's presidential campaign before it began.

Against that backdrop, Arpaio's new Human Smuggling Unit made its first arrest in March 2006 with little fanfare. Two months later, the sheriff was generating headlines across the country with his new get-tough attitude.

He told The Washington Times: "My message is clear: If you come here and I catch you, you're going straight to jail. We're going to arrest any illegal who violates this new law, and I'm not going to turn these people over to federal authorities so they can have a free ride back to Mexico."

He told The New York Times: "I have compassion for the Mexican people, but if you come here illegally, you are going to jail."

He told The Washington Post: "My

message to the illegals is this: Stay out of Maricopa County, because I'm the sheriff here."

In August 2006, four months after the unit's launch, Arpaio took credit for a crackdown that he believed was scaring illegal immigrants away.

"I'll tell you one thing: It's stopping the illegals from coming through Maricopa County," he said on "The NewsHour with Jim Lehrer," a PBS program.

"They know they're going to jail and not the free ride in an air-conditioned bus back to Mexico," Arpaio said. "So we're having difficulty finding these people. I have a volunteer posse out there along with my deputies. We're proactive, and we're going to arrest illegals and the smugglers that come into this county."

At about the same time, four statewide ballot measures to curb illegal immigration were receiving strong public support. The initiatives were designed to deny bail to illegal immigrants charged with serious crimes, make English the state's official language, prevent illegal immigrants from receiving punitive damages in lawsuits and ban them from receiving in-state tuition to attend state universities.

Voters approved all four.

By June 2007, Arpaio was fully engaged as a self-made anti-illegal immigration tempest. His office even issued a news release taking credit for an increase in fees charged by international smuggling rings. The news release ended with this quote from Arpaio: "Watch out. I will soon implement a new controversial enforcement program in the fight against illegal immigration."

That new program turned out to be a toll-free tip line, encouraging people to report other people they thought might be in the country illegally.

In October, he began allowing his deputies to moonlight as security guards at M.D. Pruitt's Home Furnishings store in

Phoenix, just down the street from a day-laborer gathering center. Protesters soon followed, and that led to weekly Saturday clashes between deputies and protesters on both sides of the immigration issue. Arpaio himself waded into the mosh pit of screaming demonstrators, a highly charged moment that played out on TV news and in the local papers.

That morphed into regular sweeps that have continued into this year. The two-day sweeps that began near Pruitt's in Phoenix and in Fountain Hills, where Arpaio lives, hopped to north Phoenix, Guadalupe and, last month, Mesa.

He found new opponents at every stop, including Phoenix Mayor Phil Gordon and Mesa police Chief George Gascón, but still commanded solid public support — about 60 percent, according to a survey conducted by Arizona State University/KAET-TV (Channel 8), though that support has gradually slipped.

As Arpaio's opinion on immigration enforcement has evolved, his public stature has risen to the point that he's influencing the national dialogue, policy experts say.

At a minimum, he's emboldening forces on both sides of the issue as he pioneers local enforcement tactics that others merely talk about, said John Fonte, senior fellow at the Hudson Institute, in Washington, D.C.

"It shows that these things can be done, because a lot of the argument is that it's impossible to deal with this problem, there's nothing that you can do because it's too vast," he said. "This shows the possibility."

It also shows that Arpaio can recognize and latch onto trends, said Lawrence M. Mead, a professor of political science at New York University who also tracks immigration policy.

"What this sheriff indicates is that localities are taking matters into their own hands to try to enforce the law against the illegals," Mead said. "That's a change from the past, because until recently, the attitude was that localities had no authority to do this because immigration was a federal issue."

On June 18 of this year, nearly two years after the sheriff said deputies were having difficulty finding illegal immigrants, he held a news conference to announce that deputies had booked their 1,000th suspected illegal immigrant on state smuggling charges.

Arpaio's human smuggling unit, which has grown to 18 members, has yet to arrest a single boss.

Tribune writer Ryan Gabrielson contributed to this report.



**March 28, 2008:** Phoenix Mayor Phil Gordon (pictured) blasts the saturation patrols, escalating public debate over the sweeps.

**April 3, 2008:** Eight state lawmakers send letter to Arpaio encouraging him to conduct immigration sweeps in the East Valley.

**April 3-4, 2008:** MCSO conducts saturation patrols in Guadalupe (pictured, right). Forty-five people

are arrested, including nine believed to be illegal immigrants. Guadalupe Mayor Rebecca Jimenez publicly accuses MCSO of racial profiling.

**April 4, 2008:** Gordon sends a letter to U.S. Attorney General Michael Mukasey requesting a federal investigation into whether MCSO is violating civil rights.

**April 18, 2008:** Arpaio notifies Guadalupe that the sheriff's office will sever its police services contract with the town in 180 days.

**May 6, 2008:** Maricopa County Supervisor Mary Rose Wilcox criticizes Arpaio as MCSO begins a



two-day saturation patrol in Fountain Hills, Arpaio's hometown. Twenty people are arrested, including 16 believed to be illegal immigrants.

**May 14, 2008:** Gov. Janet Napolitano withdraws \$600,000 in funding from the sheriff's office that

Arpaio had intended to use for illegal immigration enforcement.

**June 10, 2008:** Deputies raid two water parks and arrest nine people believed to be illegal immigrants in connection with identity theft and using forged documents to obtain employment.

**June 16, 2008:** Arpaio announces his 1,000th arrest on state smuggling charges.

**July 27-28, 2008:** MCSO conducts saturation patrols in Mesa. Mesa police deploy more than 100 officers to keep peace (pictured, right).



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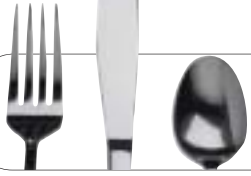
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Thursday, July 10, 2008



## Army takes latest Apache helicopter for a spin in Mesa

BUSINESS, A11



**RESTAURANTS** Want to try a new restaurant this weekend? Check our Web site for eateries and see what restaurant critic Jess Harter has to say about them. **>> eastvalleytribune.com**

## Iran missile test sends message to U.S., Israel

THE ASSOCIATED PRESS

**TEHRAN, IRAN** • Iran test-fired nine missiles Wednesday, including ones capable of hitting Israel, making a dramatic show of its readiness to strike back if the United States or Israel attacks it over its nuclear program.

The launches sparked strong U.S. criticism and a jump in oil prices — underlining fears Iran might seal off the Strait of Hormuz, the Gulf waterway through which 40 percent of the world's crude passes, if military conflict does break out.

The tests of the missiles did not appear to mark a significant advance in Iran's missile capability, but the timing and location were aimed to send a message.

### HEALTH: West Nile risk may be rising in E. Valley

Mosquitoes are swarming near the Loop 101-202 interchange, breeding in pools created by road construction and potentially loaded with the West Nile virus. **A3**

### WEATHER: Expect monsoon weather to hit

Rain and temperatures might fall hard over the next few days, as the monsoon is expected to begin in earnest. **A3**

#### WEATHER



**Today:** High 103, Low 81  
Slight chance of showers

**Tomorrow:** High 95, Low 79  
Slight chance of showers

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## REASONABLE DOUBT



A TRIBUNE INVESTIGATION

Day 2: MCSO budget woes linked to increased immigration enforcement

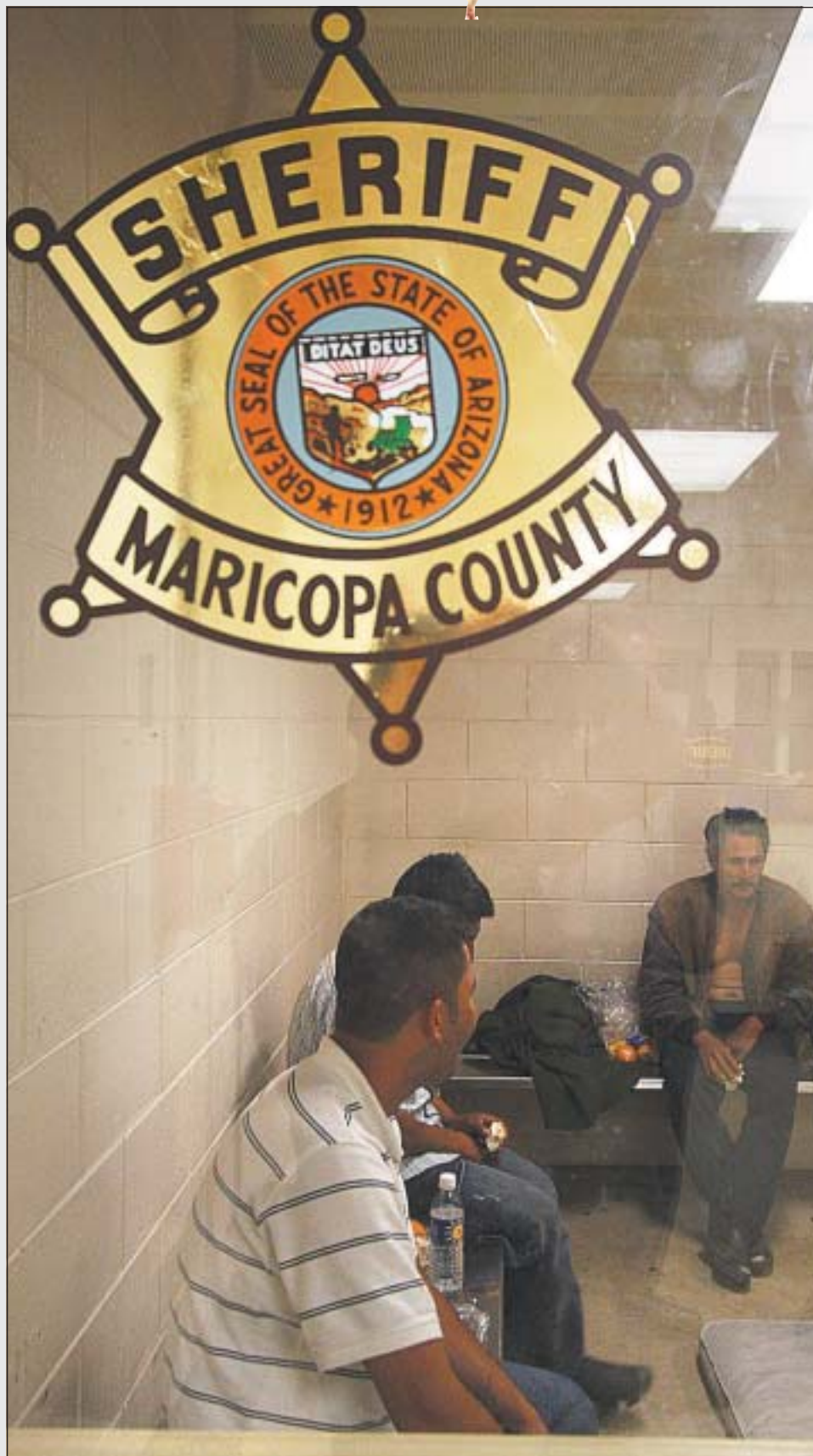


PHOTO BY JULIO JIMENEZ, TRIBUNE

**HUMAN SMUGGLING:** The Maricopa County sheriff's human smuggling unit went on a patrol in the Wickenburg area in search of "load vehicles" that transport illegal border crossers to destinations around the country. Above, a group of men await processing at the Surprise substation after being detained for being in the country illegally.

Five-part series examines Maricopa County Sheriff Joe Arpaio's illegal-immigration enforcement operation and its hidden costs to residents.



# Sweepstakes: \$1.3M

Maricopa County Sheriff's Office deficit after three months of rampant overtime after immigration enforcement began last year

# \$373,757

Cost of more than 9,000 overtime hours for deputies in one pay period in April (three times the normal amount)

**DETAILS, PAGE A6**

**PLUS >>** Ride-along on enforcement operation in Wickenburg shows the challenges human smuggling unit faces •

**PAGE A8**



## REASONABLE DOUBT



## TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

## BREAKING THE BUDGET

Increased overtime led to MCSO money crisis, records show

By RYAN GABRIELSON  
TRIBUNE

The Maricopa County Sheriff's Office drove itself into financial crisis last year with an overtime spending binge on operations to arrest illegal immigrants.

In just three months, MCSO created a \$1.3 million deficit, nearly all of which went into deputies' paychecks for extra work. The rampant overtime spending swept up every law enforcement division of the sheriff's office: patrol, investigations, SWAT, even aviation services.

Meanwhile, Sheriff Joe Arpaio directed the full resources of his force to help find and arrest illegal immigrants. And MCSO's human smuggling arrest reports show the agency repeatedly used its helicopter, special operations team and regular patrol deputies during immigration operations.

"We are quickly becoming a full-fledged anti-illegal immigration agency," Arpaio boasted in a July 2007 news release.

During that conversion, MCSO neared financial collapse and its day-to-day police work suffered, a Tribune investigation found.

Arpaio and his top aides deny that immigration enforcement contributed to the agency's money problems. They blame large-scale investigations, increased criminal activity, the cost of shuttling inmates and efforts to protect Arpaio from a now-dis-



ASSOCIATED PRESS FILE

**TRAVELING IN FORCE:** Maricopa County Sheriff's Office deputies gather for a June 26 sweep in Mesa. MCSO's use of dozens of officers with unlimited overtime contributed to major budget shortfalls at the agency.

credited assassination plot.

But county payroll data, MCSO arrest reports and budget records from the state Department of Public Safety show otherwise.

On Jan. 19, 2007, the Maricopa County Board of Supervisors approved a partnership between the sheriff's office and U.S. Immigration and Customs Enforcement. The pact granted a hundred deputies federal powers to arrest illegal immigrants for entering the United States without permission.

Overtime spending skyrocketed immediately, payroll records

show.

At the end of January, sheriff's deputies began working 4,500 extra hours every two-week pay period. Previously, MCSO's law enforcement divisions would collect roughly 2,900 overtime hours per pay period.

That jump was only the beginning.

During one pay period in April, deputies worked more than 9,000 extra hours — three times the amount normally accumulated — and cost the county \$373,757.

At the time, state lawmakers were expanding an anti-gang program to target illegal immigrants and poured more than \$30 million into it. The program set aside \$5 million in grants for local police that had an official partnership with ICE.

The sheriff's office was then the only department in Arizona with such a partnership. Arpaio asked for all \$5 million.

"This strategic and groundbreaking action is what I hope will become the cornerstone of a monumental effort to reduce crime and corruption in Arizona and in this county," the sheriff wrote in February 2007 to state officials regarding his immigration enforcement.

Rep. Russell Pearce, R-Mesa, is House appropriations chairman and MCSO's most important advocate in the Legislature. Pearce secured grant money for the sheriff's office to arrest illegal immigrants.

But the state split the \$5 million between MCSO, the Pima County Sheriff's Office and the Phoenix Police Department.

"You can't just give it all to one agency," Pearce told the Tribune in April. "It's a statewide issue."

Phoenix police took the largest share — \$1.8 million for this fiscal year, which began in July.

The state approved \$1.5 million for MCSO to form a unit of 15 detectives intended to target human smuggling rings. The sheriff's office transferred deputies from its law enforcement divisions, including trails and lake patrols, to fill the new human smuggling unit.

MCSO listed the permanent transfers as temporary assignments, which meant the human smuggling deputies were still assigned to their old jobs on paper and, in many cases, were not replaced in the field.

Also, by calling the transfers temporary, the sheriff's finance officials had no way to monitor the specialized unit.

"They do it to support their operations without any input or reporting back to us," Loretta Barkell, MCSO's business services chief, said of the temporary transfers.

While the state awarded the sheriff's office only a fraction of the sum Arpaio requested, his deputies continued working tens of thousands of extra hours, according to payroll data.

Deputies on the human smuggling detail were among the

greatest beneficiaries of the overtime largesse. They regularly worked dozens of extra hours each pay period patrolling rural highways at night and completing reams of paperwork on their hundreds of immigration arrests — all of which added thousands of dollars to their checks.

Detective Ernest A. Quintero, a human smuggling investigator, collected \$11,676 in overtime from July through September, records show. He earned \$17,000 in regular salary during that period.

Under its grant, the state agreed to pay eight hours of overtime per deputy each month, budget records show.

Quintero is one of eight human smuggling deputies who worked more than 100 extra hours during those three months. The state paid for only 24 hours; county taxpayers paid the rest.

#### RIPPLE EFFECTS

The human smuggling unit itself was just a portion of the sheriff's overtime surge, though its creation and hurried expansion strained the already short-handed agency. Overtime has long been a way of life for MCSO, which struggles to fill its deputy positions because competition is intense with other Valley police agencies for trained officers.

The human smuggling unit, which finance records show pulled resources from the patrol districts, forced regular deputies

CONTINUED ON PAGE A7

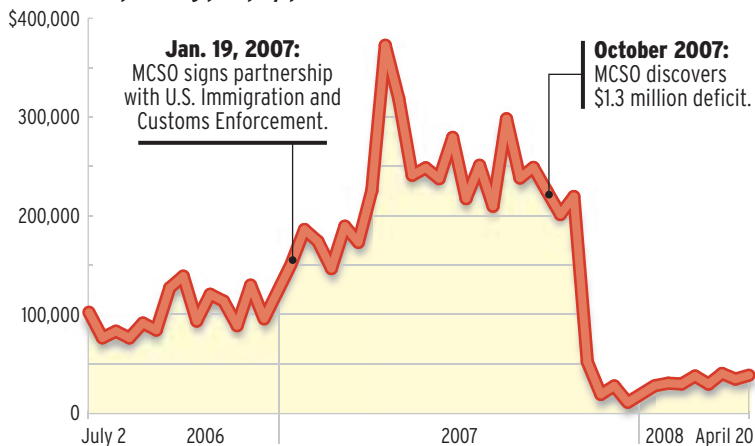


EVTRIB.COM Search a database of MCSO overtime

## Big time overtime

Maricopa County Sheriff's Office overtime spending surged after the agency received federal powers to arrest illegal immigrants.

### Overtime spending per pay period



SOURCE: Maricopa County Workforce Management & Development Department

Paul Giblin, Ryan Gabrielson, Scott Kirchofer/TRIBUNE

### A 5-DAY TRIBUNE INVESTIGATIVE REPORT >> MORE AT EVTRIB.COM

**Wednesday:** The evolution of MCSO into an immigration agency

**>> TODAY:** Major budget shortfalls are linked to increased illegal immigration enforcement

**Friday:** Sweeps and saturation patrols violate federal civil rights regulations

**Saturday:** Public safety has been shortchanged throughout Maricopa County

**Sunday:** Why no one is willing to hold Arpaio accountable

**AT EVTRIB.COM:**



**WATCH** a video of interviews with the sheriff and his aides.



**SEE AND HEAR** a narrated slide show of ride-along.



**READ** official sheriff's office documents.

CONTINUED FROM PAGE A6

to take on even more overtime to cover their beats. And MCSO allowed deputies who were not assigned to the unit to earn overtime pay doing human smuggling enforcement work, budget records show.

In that July 2007 news release, Arpaio pledged to "saturate Valley cities as well as roadways and highways commonly used as transportation corridors for human trafficking."

Arrest reports show that regular patrol deputies often made immigration traffic stops and assisted in searches when illegal immigrants evaded arrest.

Shortly after 10 p.m. on Aug. 7, 2007, the driver and several passengers fled their Ford Explorer when Detective Carlos Rangel stopped the SUV for speeding on Interstate 10 near Sun Lakes. Rangel, a human smuggling unit detective, held the eight illegal immigrants who remained in the vehicle and called for help tracking down the rest.

Additional patrol deputies responded, along with the sheriff's helicopter, and Tohono O'odham police officers.

Regardless, the fleeing suspects escaped.

"Law enforcement officers combed the desert area on foot," Rangel wrote in his report. "Attempts to locate the fleeing subjects were unsuccessful due (to) the thick brush that was abundant in the area which complicated the search."

Altogether, the law enforcement divisions spent \$1.7 million on extra work from July through September, according to payroll data. That does not include employees in MCSO's jails.

"If they kept their spending levels up, they were going to blow their budget," said Lee Ann Bohn, the Maricopa County deputy budget director who oversees the sheriff's budget.

In October, Bohn received the sheriff's spending numbers and saw the deficit. She sent e-mails and made phone calls to MCSO and the Maricopa County Board of Supervisors, which approves Arpaio's budget.

The sheriff's office controls how it spends its budget. But the board of supervisors can take away that authority if the agency ends a fiscal year over budget.

"That's the most Draconian measure," said Supervisor Mary Rose Wilcox, D-District 5.

Throughout those months, the sheriff's business staff had warned the enforcement divisions about their overtime binge, said Loretta Barkell, the sheriff's business services chief.

"Pretty much, (overtime) was carte blanche, wherever they felt they needed to dedicate the staff to do the program or project or whatever," Barkell said. "Then I have been, all along, dutifully reporting every two weeks, 'OK,

you want to slow down. This is not working.'"

"It didn't really get their attention until November, and then they started to listen," she added.

The sheriff halted nearly all overtime, including the human smuggling unit's extra hours, shuttered facilities, reduced jail visitation and, for a time in November, stopped driving inmates to their court dates.

The sheriff also used unfilled positions to absorb some of the overtime cost. MCSO's patrol division payroll was under budget this year by about 20 percent, the equivalent of 66 deputies.

Sheriff's officials have provided conflicting explanations about what caused the deficit.

MCSO spokeswoman Lisa Allen told the Tribune in November that the overtime was used on multiple large-scale investigations, including a years-old probe into a Mesa towing firm. "We have to do that work," she said.

Last month, Arpaio said many of the deputies' extra work hours went toward investigating an alleged assassination plot against him. Allen added that patrol deputies also worked overtime shutting inmates from jails.

Capt. Paul Chagolla, a spokesman for the sheriff, said that a rise in violent crime caused the overtime surge.

"We don't control the crime and when it's going to happen. And when it happens you have to be in a position to respond to it and investigate thoroughly and professionally," Chagolla said. "And that will generate overtime."

The sheriff's finance records and criminal activity reports do not support MCSO officials' explanations. And, in fact, they don't seem to know what caused it. MCSO officials say they haven't researched what caused the overtime spending.

The agency's monthly reports to the towns it serves do not show a significant increase in violent crime. And overtime spending spiked in every law enforcement division at the same time, payroll data show, after deputies received federal powers to enforce immigration law.

MCSO could not provide documents to support its claim that detectives' and patrol deputies' work in response to the alleged assassination plot against Arpaio contributed significantly to the overtime binge.

Bohn said she did not ask for a detailed explanation about what caused the overtime surge.

Chris Bradley, another county deputy budget director, said his office doesn't closely monitor the sheriff's spending unless there are problems.

Even when serious problems surfaced, the board of supervisors did not press MCSO for answers regarding how the agency created a million-dollar deficit.

**Key findings**

- Deputies are failing to meet the county's standard for response times on life-threatening emergencies. In 2006 and 2007, patrol cars arrived late two-thirds of the time on more than 6,000 of the most serious calls for service.
- MCSO's arrest rate has plunged the past two years even as the number of criminal investigations has soared.
- The sheriff's "saturation" patrols and "crime suppression/anti-illegal immigration" sweeps in Hispanic neighborhoods are done without any evidence of criminal activity, violating federal regulations intended to prevent racial profiling.
- Rampant overtime spending on immigration operations drove the agency into financial crisis and forced it to close facilities across the county. Although MCSO officials have said state and federal grants covered all the expense, illegal immigration arrests actually are costing county taxpayers millions of dollars.
- Despite the money and manpower expended, the sheriff's office has arrested only low-level participants in human smuggling rings: drop house guards, drivers and the immigrants they ferry.
- Deputies regularly make traffic stops based only on their suspicion that illegal immigrants are inside vehicles. They figure out probable cause after deciding whom to pull over.



PHOTO BY TONY D'ASTOLI, TRIBUNE

**OFFICIAL EXPLANATION:** Lisa Allen, a spokeswoman for the Maricopa County Sheriff's Office, says rampant overtime in the department was used on multiple large-scale investigations, including a years-old probe into a Mesa towing firm, and not just illegal immigration enforcement.

"Not even we would know that," Wilcox said. "Because he's an elected official, we can't say, 'Did you do this because of immigration?'"

**FISCAL BOON NEVER CAME**

A year ago, immigration enforcement appeared more likely to fill the sheriff's coffers than to drain them.

In 2006, Pearce spearheaded a change to the Arizona Department of Public Safety's Gang Intelligence Team Enforcement. The Legislature added the word "immigration" after the word "gang" — making the acronym "GIITEM" — and boosted its budget from \$6.4 million to \$26.5 million for the state public safety department to run anti-illegal immigration operations, budget records show.

The state agency focused on violent crimes associated with human smuggling, particularly at drop houses. It formed the Illegal Immigration Prevention and Apprehension Co-op Team, or IIMPACT, which partners the state DPS with Phoenix police and U.S. Immigration and Customs Enforcement to disrupt violent smuggling rings.

MCSO refused to join IIMPACT and merge its specialized unit with the other agencies, finance records show.

In 2007, the Legislature pro-

vided \$5 million for grants to local police to do immigration work. To apply, a police department had to have a partnership with ICE, which provided some officers federal powers to arrest illegal immigrants.

The requirements seemed to have been written explicitly for MCSO. The sheriff's office was poised to become the first Arizona police department with such a partnership after ICE's Arizona office had resisted such pacts for years.

Deputies had been scouring the rural highways through Gila Bend and Buckeye for a year, arresting hundreds of suspects under Arizona's new human smuggling law, which took effect in August 2005.

By the time ICE formally approved its partnership with MCSO in February 2007, Arpaio had asked for all \$5 million lawmakers set aside for immigration enforcement.

Pearce is a leading proponent for tougher laws on illegal immigration and more widespread enforcement of those laws.

"I'm grateful the sheriffs are elected, because the others have not shifted and they should," he said. "The public is demanding enforcement."

Regardless, Pearce now says he did not intend for the grant prerequisites to benefit MCSO

alone. Lawmakers removed the requirement that police partner with ICE to receive grants before they divided up the cash; MCSO had to share the state money with Phoenix police and Pima County.

The sheriff's rampant spending on extra work hours slowed after the state announced the sheriff would receive only \$1.5 million for the human smuggling unit, payroll records show. But deputies in every division continued to work twice as much overtime as they had a year earlier.

Deputies had arrested more than 300 illegal immigrants under the state's human smuggling laws with traffic stops on rural highways, called "roving patrols," before the Legislature provided MCSO funding.

But with the promise of state money, the sheriff's office escalated its anti-illegal immigration work. Deputies raided drop houses for the first time in August, launched "crime suppression" sweeps and continued roving patrols for human smugglers and their cargo.

However, MCSO conducted all these operations without money from its state grant, budget records show. The agency did not even formally ask for those dollars until it was already out of money.

"They didn't request them until November," said Pennie Gillette-Stroud, criminal investigations chief for the state Department of Public Safety. "But we did not process their requests for the reimbursements until they complied with the (contract) in supplying us with a lot of information."

Barkell, the sheriff's finance chief, said the state required records showing the hours that human smuggling deputies worked and data that detailed the impact of their work, like number of arrests and whether the unit disrupted smuggling rings.

MCSO quickly produced the finance records, Barkell said, but the human smuggling unit spent months negotiating what information it had to release about its operations.

**CASH FLOW PROBLEMS**

The sheriff's office received its first grant payment in January, \$260,945, according to budget records. The sheriff's office cashed checks from the state totaling about \$1 million for immigration enforcement. But the specialized unit left \$590,000 of its grant unused because the grant expired in May before deputies filed the reimbursement paperwork for the remaining cash.

Worsening the sheriff's financial situation, Gov. Janet Napolitano that month also took away an additional \$600,000 from the state that Pearce had helped MCSO secure for immigration

# REASONABLE DOUBT



# TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

## MONEY

FROM PAGE A7

operations this spring.

In all, the sheriff's office lost almost \$1.2 million in state taxpayer funds it had counted on.

Napolitano said those dollars will be spent serving felony warrants across Arizona.

Arpaio says his agency is undaunted, and in the past month he has stepped up operations to arrest illegal immigrants.

But the reduced cash flow has hampered the sheriff's work in one key area.

Throughout 2006 and 2007, deputies arrested more than 650 illegal immigrants under Arizona's anti-human smuggling law. The midlevel felony threatens coyotes and the immigrants they ferry with years in jail if convicted, not voluntary deportation.

Processing such arrests requires many hours spent filling out reports. Paperwork generated much of the human smuggling unit's overtime last year, deputies said during interviews with the Tribune.

Extra work hours were the first expense the sheriff's office cut in the fall after county budget officials found the law enforcement agency was on pace to end this fiscal year millions of dollars over budget.

Finance records show MCSO eliminated its deficit. But budget fixes have left the human smuggling unit without cash to continue enforcing immigration law the way it did for more than a year — and the way Arpaio publicly pledges to continue.

Deputies now rarely arrest illegal immigrants under the state smuggling law, MCSO reports show, even when suspects are clearly involved in human smuggling.

On the evening of May 19, MCSO dispatched its specialized unit and regular patrol deputies on a major operation around Wickenburg to bust smugglers' vehicles. They were successful, stopping four carloads and apprehending 39 illegal immigrants.

However, only one of the immigrants was arrested for human smuggling, deputies' reports show.

During one stop, patrol deputies found a Dodge Caravan packed with 14 illegal immigrants traveling on U.S. 93, a highway popular with smugglers. The driver and passengers all received voluntary deportations.

"After completing an investigation," Sgt. Brett Palmer wrote in his report, "no evidence was established that would have led to the arrest of any occupants on state charges."

CONTACT WRITER: (480) 898-5630  
or rgabrielson@evtrib.com

## Traffic stop in Wickenburg shows methods, challenges of human smuggling unit



PHOTOS BY JULIO JIMENEZ, TRIBUNE

**CAUGHT:** Sheriff's deputies interview Ana Elizabeth Hernandez-Castellano and Cristabel de Jesus Cuatro after the car they were riding in was stopped by the human smuggling unit. The women admitted to being in the country illegally.

# END OF THE ROAD

By PAUL GIBLIN  
TRIBUNE

**WICKENBURG** • The road to a new life in the United States came to an abrupt end for three Mexican women at the northern edge of Maricopa County one night in May. A team of deputies on a roving patrol stopped the women and their driver in an older, red Chevrolet Lumina along U.S. 93, a two-lane road that's frequently used by



**WAITING:** The driver of a car carrying illegal immigrants awaits processing at a substation after being detained earlier in the evening.

smugglers to shuttle illegal immigrants to California and Nevada.

In hushed conversations, the deputies interrogated the four motorists for an hour each and elicited admissions that they were all illegal immigrants.

The lawmen on the human smuggling unit were unable to build a case that any of them violated the state's human smuggling law, which could have led to up to four years in jail. In order to be charged under the law, the immigrants must also admit that they paid a smuggler to transport them across the border.

Instead, deputies arrested them on federal charges of being in the country illegally, which usually leads to quick deportations across the international border to Nogales, Mexico.

The nuances of principles that are central to Sheriff Joe Arpaio's illegal-immigration enforcement operation are played out in real and personal terms along the county's back roads.

If the squad had enough manpower, deputies could stop at least one carload of illegal immigrants every hour of every night, all year long, said Lt. Joseph Sousa, who heads the human smuggling unit.

"We've never struck out. Especially the last few times we've been going out, we've been pulling over four or five vehicles at a time," he said.

"The word 'epidemic' is not out of the question. It is an epidemic."

A lieutenant, two sergeants and about a

dozen deputies took just about an hour to make their first stop on May 14.

They were hoping to make a big bust, perhaps apprehend a smuggler trying to move a dozen or more people deeper into the country. The deputies were nearing the end of their 40-hour pay period that Wednesday night, so they knew their first bust was likely going to be their last of the week, because they would need hours and hours to complete the interviews and paperwork generated by any arrest.

Overtime has been curtailed for the human smuggling deputies since October, when the county notified Arpaio his agency was already \$1.3 million over budget for the fiscal year that had started just three months earlier.

The deputies swept into and through Wickenburg and quickly fanned out along U.S. 60 and U.S. 93, a pair of two-lane roads that bisect the town, then cut through the desert to California and Nevada. Other deputies doubled back and cruised through Wickenburg, a town of 6,200 residents, 11 percent of them Hispanic, according to the U.S. Census Bureau.

Deputy Juan Silva, who was patrolling in town in an unmarked Chrysler 300, spotted Juan Angel Huerta-Bandala driving erratically and repeatedly checking his rear-view mirror.

"He was probably going 55 mph in a 45," Silva said. "Then he slowed down to about

CONTINUED ON PAGE A9

**COMING FRIDAY:** SWEEPS, SATURATION PATROLS VIOLATE FEDERAL CIVIL RIGHTS RULES

**AT EVTRIB.COM:**

**FOLLOW** the data yourself with interactive graphics.

**SEARCH** a database of MCSO's enforcement division overtime.

**COMMENT** on this and any other story.



Scott Kirchofer/TRIBUNE



**EVTRIB.COM**

A narrated slide show of images showing Maricopa County Sheriff's Office personnel pursuing illegal immigrants in Wickenburg.



**INTERVIEW:** Juan Angel Huerta-Bandala tells deputies he and his three passengers are co-workers from Glendale on their way to Kingman. Later, his passengers admitted they were in the country illegally but denied paying anyone to bring them here.

CONTINUED FROM PAGE A8

15 mph in a 25 by the bridge. I said, 'Well, that's kind of strange.'

The driver checked his rearview mirror several more times, cast his eyes on Silva, then sped up to 45 mph in a 25 mph zone.

Silva flipped on the 300's flashing red and blue lights and followed the Lumina to a curb by a park. He approached the car and, in English, told the driver that he'd stopped him for speeding.

The 27-year-old man had stylish gold sunglasses and a Bluetooth wireless telephone hanging on his right ear. He wore a tan Ralph Lauren T-shirt and Bermuda shorts.

He was calm. He was Hispanic.

He gave the deputy a blank stare, so Silva started over in Spanish.

The deputy asked to see his license and the car's registration. Huerta-Bandala offered a New Mexico license, and when he couldn't find the registration, he explained that the car belonged to a friend. A moment later, he said it belonged to an uncle, Silva said.

The driver told the deputy that he and his passengers worked together in Glendale, cleaning houses and offices, and that they were headed to Kingman for a few days to visit family.

Silva said he has heard similar accounts of family visits in Kingman, a city on the road to Las Vegas and Los Angeles, which are major distribution points for illegal immigrants trying to seep into the country.

The deputy asked Huerta-Bandala if he could look in the car's trunk, and the driver consented. The trunk was empty.

As it turned out, Huerta-Bandala and his passengers didn't have a single toothbrush or change of underwear among them for their supposed stay in Kingman.

Silva and Deputy Hector Martinez asked one of the women to step out of the car, and they spoke to her separately. The group's cover story quickly fell apart.

The passenger, 25-year-old Rosa Emilia Hernandez, told deputies that she and her sister, Ana Elizabeth Hernandez-Castellano, worked for a bakery, not a cleaning service. Also, she said she wasn't certain whose relatives they planned to visit.

"Sometimes, this comes down to nothing more than somebody in the car has got a warrant and they're scared we'll find out," said Sgt. Manny Madrid, a supervisor who

watched the interviews in the park.

"Other times, maybe it's something a little bit more along our lines — it's a smuggling vehicle — but we don't know that and we're trying to make that determination still," he said.

The five-passenger car was smaller than most load vehicles, but smugglers sometimes transport women and children separately from men, so they might use a smaller car for three women, Sgt. Brett Palmer said.

A few minutes later, Hernandez admitted that she and her sister were in the country illegally and that Huerta-Bandala was driving them to California.

"We have conflicting stories and now we have a lie in the middle of the investigation," Madrid said.

"Now it's about why did she lie to us? What's really going on here?" he said. "So we're still developing the investigation, but at this point, we have enough to keep pushing and interview the rest of the subjects individually and see what other stories we get out of them."

But the women insisted they never paid Huerta-Bandala to take them to California. They said they were walking down a street somewhere in Phoenix or Glendale when Huerta-Bandala pulled up and offered them a free ride. The third woman, Cristabel de Jesus Cuatro, told the deputies that she was an illegal immigrant as well, and that Huerta-Bandala was driving the group to Kingman, again for free.

That was an important point.

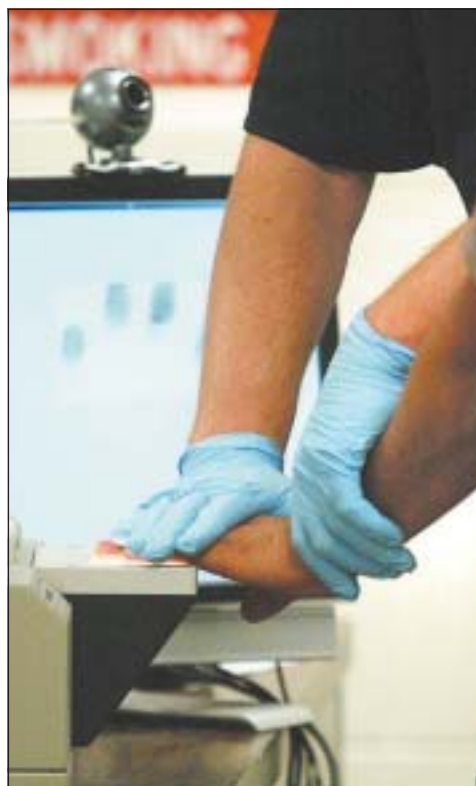
"The problem is the evidence," Palmer said. "If we don't have their statements to collaborate the evidence that we're seeing physically here, with the vehicle and with them and their conflicting stories, if they won't give it up with an admission, we don't have enough at this point to pursue state charges for smuggling."

Instead, deputies detained them under federal law for being in the country illegally.

The lawman took the motorists first to MCSO's substation in Surprise, to feed, fingerprint, re-interview and conduct background checks on the suspects.

It was a time-consuming process. For instance, Huerta-Bandala told deputies that he had been arrested once before, by the U.S. Border Patrol, in 2005.

A database maintained by the U.S. Immigration and Customs Enforcement agen-



**PROCESSING:** A deputy fingerprints a suspected illegal immigrant at the sheriff's substation in Surprise. The system checks for criminal records from databases around the country.

cy showed that he had been arrested three times by the Border Patrol since '05.

Later, Huerta-Bandala, in Spanish, told the Tribune that he is married and has lived and worked as a painter in the United States since 2000. Furthermore, he said he has crossed the border frequently during that eight-year period.

But with deputies listening in on the newspaper's holding-cell interview, he declined to say why or how he has crossed so many times.

He repeated his claim that he and his passengers were merely driving to Kingman to visit family.

Nearing 1 a.m., which was more than seven hours after the team started the night's patrol, the deputies took their suspects to ICE's Phoenix complex, the next stop on their way back to Mexico.

"We got some of the peripheral stuff of what we were looking for," Madrid said. "We weren't able to continue on and find what we're ultimately out there looking for — an active smuggling case."

**Key dates:**

- Aug. 15, 2005:** State's human smuggling law goes into effect.
- April 2006:** Arpaio creates the human smuggling unit, which starts with two deputies. During the next two years, it expands to 18 members.
- February 2007:** U.S. Immigration and Customs Enforcement granted 160 sheriff's deputies authority to enforce federal immigration law.
- October 2007:** County budget officials notify MCSO that overtime spending has put the agency \$1.3 million in the red.
- October 2007 through January 2008:** Off-duty deputies start working as security guards at M.D. Pruitt's Home Furnishings store in east Phoenix, where day laborers gather.
- Jan. 1, 2008:** The state employer sanctions law goes into effect. It threatens to revoke business licenses from employers who "knowingly" hire illegal immigrants.
- March 21-22, 2008:** MCSO deputies conduct saturation patrols in east Phoenix near Pruitt's. Fifty-six people are arrested, including 39 suspected illegal immigrants, according to MCSO.
- March 28, 2008:** Phoenix Mayor Phil Gordon blasts the saturation patrols, escalating public debate over the sweeps.
- April 3, 2008:** Eight state lawmakers send letter to Arpaio encouraging him to conduct immigration sweeps in the East Valley.
- April 3-4, 2008:** MCSO conducts saturation patrols in Guadalupe. Forty-five people are arrested, including nine suspected illegal immigrants. Guadalupe Mayor Rebecca Jimenez publicly accuses MCSO of racial profiling.
- April 4, 2008:** Phoenix mayor sends a letter to U.S. Attorney General Michael Mukasey requesting a federal investigation into whether MCSO is violating civil rights.
- April 18, 2008:** Arpaio notifies Guadalupe that the sheriff's office will sever its police-services contract with the town in 180 days.
- May 6, 2008:** Maricopa County Supervisor Mary Rose Wilcox criticizes Arpaio as MCSO begins a two-day saturation patrol in Fountain Hills, Arpaio's hometown.
- May 14, 2008:** Gov. Janet Napolitano withdraws \$600,000 in funding from the sheriff's office that Arpaio had intended to use for illegal immigration enforcement.
- June 10, 2008:** Deputies raid two water parks and arrest nine suspected illegal immigrants for identity theft and using forged documents to obtain employment.
- June 16, 2008:** Arpaio announces his 1,000th arrest on state smuggling charges.
- July 27-28, 2008:** MCSO conducts saturation patrols in Mesa. Mesa police deploy more than 100 officers to keep peace.

# EAST VALLEY Tribune

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Friday, July 11, 2008



## REASONABLE DOUBT

A TRIBUNE INVESTIGATION

Day 3: Sweeps, saturation patrols violate federal civil rights regulations

## 'Biggest Loser' looks to Mesa



A casting call for season 7 of the reality weight-loss show is slated for July 19 at Superstition Springs Center

**ARTS & LIFE, A29**



# Conflicted loyalties



Five-part series examines Sheriff Joe Arpaio's illegal-immigration enforcement operation and its hidden costs to Maricopa County residents.

>> Arpaio's sweeps lack required proof of criminal activity • **PAGE A18**

>> It's mostly Hispanics busting Hispanics in MCSO's human smuggling unit • **PAGE A20**

**SHERIFF'S OFFICE:** Members of the Maricopa County sheriff's human smuggling unit on patrol in Wickenburg interview suspects after the car they were riding in was stopped. The pair admitted to being in the country illegally. Many sheriff's office personnel are Hispanic, and some are related to immigrants, leading to a cultural quandary.

JULIO JIMENEZ, TRIBUNE

**Today's weather:**  
High 94, low 76  
Chance of storms  
**Tomorrow:** High 99, low 77  
Chance of thunderstorms

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An edition of the  
East Valley  
Tribune

### MESA: Empire Southwest annex moves forward

Mesa is moving forward with annexing one of its biggest area businesses, a move that could generate more than \$1 million a year in sales taxes. **A3**



### CHANDLER: Felon found in 15-year-old's bedroom

Police say an Avondale man drove nearly 50 miles to have sex with a 15-year-old Chandler girl he met through MySpace, only to have the girl's father discover him in his daughter's bedroom. **A12**

### EDUCATION: Looking to pay for vouchers programs

House Speaker Jim Weiers fights to keep a program that pays for parents to send children to private and parochial schools. **A14**

### CHANDLER: City will be adding a Wal-Mart Supercenter

Chandler's first Wal-Mart, at 800 W. Warner Road, is in the beginning stages of an expansion that will add groceries, making it a Wal-Mart Supercenter. **A27**

### So, think you can't dance?

Mesa-based company can transform anyone into a hip-shaking dancer

**ARTS & LIFE, A28**



## Foreclosure filings surge 53% in year

STAFF AND WIRE REPORTS

**WASHINGTON** • The number of homeowners stung by the rout in the U.S. housing market jumped last month as foreclosure filings grew by more than 50 percent compared with June a year ago, according to data released Thursday.

Nationwide, 252,363 homes received at least one foreclosure-related notice in June, up 53 percent from the same month last year, but down 3 percent from May, RealtyTrac Inc. said. One in every 501 U.S. households received a foreclosure filing last month.

Last month, one in every 201 Arizona properties received a foreclosure filing, the third-highest state foreclosure rate and nearly 2.5 times the national average, according to data.

**IMPACT IN VALLEY, A26**

REASONABLE DOUBT



TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

# SWEEPS BREAK THE RULES

Despite regulations,  
ICE permits  
MCSO tactics

By **RYAN GABRIELSON**  
and **PAUL GIBLIN**  
TRIBUNE

One Monday morning in December, the Maricopa County Sheriff's Office sent several of its most highly trained deputies to arrest day laborers.

The human smuggling unit, police dogs and even the SWAT team spent hours swarming the intersection of Thomas Road and 36th Street, a primarily Hispanic neighborhood in Phoenix. The sheriff's office had conducted major operations there for weeks, using minor traffic violations as legal cover to stop cars that might carry illegal immigrants.

But the deputies' work that morning, as with dozens of similar MCSO immigration patrols across the county, violated federal regulations intended to prevent racial profiling, a Tribune investigation found.

Those regulations specifically forbid crackdowns like Sheriff Joe Arpaio's "crime suppression/anti-illegal immigration sweeps" unless there is "reliable, empirical data" that serious crime is taking place. That's defined as 911 calls and crime statistics based on reports, among other things.

But the sheriff's office conducts large-scale operations without any evidence of criminal activity. The sweeps are billed as crackdowns on general crime, primarily in neighborhoods where many Hispanics live and work.

That's exactly what federal Immigrations and Customs Enforcement rules are designed to prevent.

And although Arpaio and his top officers admit they ignore the rules, ICE says MCSO is following its federal contract.

Last year, ICE partnered with MCSO to make 100 of the sheriff's detectives and patrol deputies — and 60 detention officers — sworn federal agents, too. The deputies now have broad authority to arrest illegal immigrants under federal law.

The federal power comes with strict rules, but sheriff's officials say they don't necessarily follow them, especially when the rules conflict with what Arpaio thinks his agency needs to be doing and what he thinks Maricopa County residents want.

"Our response to the public



RALPH FRESO, TRIBUNE

**SWEEP:** A Hispanic man watches a traffic stop by Maricopa County sheriff's deputies as he passes by on his bike at Ellsworth Road and University Drive in Mesa. Sheriff Joe Arpaio conducted a day of crime suppression sweeps in Mesa on June 26.

for violations of state law come before that contract," said Deputy Chief Brian Sands, head of the sheriff's law enforcement division.

But MCSO's immigration arrests this year are increasingly for federal, not state, violations, reports that the deputies send to ICE show.

When asked about the way MCSO is using its federal authority, ICE officials say the deputies have followed every condition in the agencies' contract. However,

they won't discuss ICE policy about when the federal authority can be used to make traffic stops. Instructions that local agencies are to follow were removed from the agency's Web site earlier this year.

"In our determination, our partnerships — and that includes everyone beyond Maricopa County as well — our partners are within the bounds" of their contracts with ICE, said Vincent Picard, the federal immigration agency's Arizona spokesman.



TONY D'ASTOLI, TRIBUNE

**POLICY:** Deputy Chief Brian Sands, head of MCSO's law enforcement division, acknowledges that the agency doesn't follow federal civil rights regulations because they conflict with what the public wants.

## SPECIFIC RULES

MCSO's contract includes a section titled "Civil Rights Procedures."

It explains that when local police officers act as immigration agents, they are "bound" to follow all federal civil rights laws and rules. Those rules bar agents from using racial stereotypes as justification to conduct major operations.

To illustrate the type of operations that violate the regulation, the civil rights field guide for federal agents describes an instance where local police, attempting to catch drug offenders, make a large number of traffic stops in a particular neighborhood.

"The choice of neighborhood was not based on the number of 911 calls, number of arrests or other pertinent reporting data specific to the area," the field guide says. Instead, the choice was based on the residents' race.

To make such an operation legal, the field guide says agents must have trustworthy evidence proving crimes are taking place.

That's not generally the case in Maricopa County, where the sheriff's office has conducted saturation patrols and immigra-

tion sweeps mainly in Hispanic neighborhoods or in areas where day laborers gather. Arpaio has said he chooses the areas because business owners or politicians have asked him to come in.

But MCSO's sweeps could be textbook examples in the federal field guide of what not to do. Arrest reports and e-mails sent regularly to ICE by deputies document that "reliable, empirical data" is nonexistent. Instead, deputies either don't justify the operation or say it is in response to business owners' complaints.

On Oct. 22, for example, Arpaio sent the human smuggling unit to Fountain Hills.

The unit's detectives had spent a year scouring rural highways in search of smugglers and their human cargo. But none of the smugglers' known routes pass through Fountain Hills, where Arpaio lives. Most are on the other side of the county.

The operation was "based on information from local businesses in reference to the day laborers in the area," Lt. Joseph Sousa wrote in an e-mail to Jason Kidd, ICE's acting special agent in charge in Arizona.

CONTINUED ON PAGE A19

## A 5-DAY TRIBUNE INVESTIGATIVE REPORT >> MORE AT EVTRIB.COM

**Wednesday:** The evolution of MCSO into an immigration agency

**Thursday:** Major budget shortfalls are linked to increased illegal immigration enforcement

**>> TODAY:** Sweeps and saturation patrols violate federal civil rights regulations

**Saturday:** Public safety has been shortchanged throughout Maricopa County

**Sunday:** Why no one is willing to hold Arpaio accountable

**AT EVTRIB.COM:**

**FOLLOW** the data yourself with interactive graphics.

**SEARCH** a database of MCSO's enforcement division overtime.

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CONTINUED FROM PAGE A18

Sousa, head of the human smuggling unit, went on to explain how deputies in patrol cars watched for vehicles that appeared to pick up illegal immigrants. Then, once they spotted a vehicle picking someone up, detectives in undercover cars "would establish probable cause for a traffic stop."

Earlier that same month, MCSO dispatched deputies to do the same in front of M.D. Pruitt's Furniture in Phoenix.

The store, at the southeast corner of Thomas Road and 36th Street, had long struggled with crowds of illegal immigrants that spilled over from a nearby day

labor center. The workers would loiter beside Pruitt's parking lot, prompting customer complaints.

The store's owners, Roger Sensing and his son, Mike, hired off-duty sheriff's deputies after their negotiations with the day labor center and Phoenix officials broke down in early October.

Then, on Oct. 15, MCSO sent the human smuggling deputies on an operation to make immigration arrests there, reports show.

Immigrant rights activists soon followed to protest Arpaio and his anti-illegal immigration operations.

The sheriff's office continued regular operations near Pruitt's until January, announcing illegal

immigrant arrest totals in news releases. Arpaio has since conducted similar operations in other parts of Phoenix, Guadalupe and — last month — in Mesa.

The Sensings did not respond to requests for an interview despite Tribune reporters calling them on the phone and visiting their furniture store.

**RELIABLE EVIDENCE**

In July 2007, the sheriff's office opened an illegal immigration hotline that allowed people to call in complaints. MCSO officials say thousands of calls flooded the system, primarily about day laborers.

Arpaio says his office has not reacted to residents' individual complaints about loitering illegal immigrants. But arrest reports show deputies have repeatedly responded with large-scale patrols when business owners call from Fountain Hills and Phoenix.

"Whether you call that evidence or not, I don't know," Arpaio said. "It's intelligence we are receiving, so we don't act on it all the time."

Early this year, Guadalupe residents saw a marked increase in the amount of drug dealing in their neighborhoods, and pushed the sheriff's office for more enforcement, said Santino Bernasconi, a member of the town's public safety committee.

Instead, in early April, MCSO sent its human smuggling unit to the urban community of Hispanics and Yaqui Indians for a saturation patrol. Deputies stopped vehicles for minor traffic offenses in order to question the occupants about their immigration status, reports show.

"We got some calls on some of these violent crimes that were illegals. So I figured, 'Wait a minute. We have a crime problem, illegal immigration probably, so let's do suppression there,'" Arpaio said.

Brian Sands, the MCSO law enforcement chief, said rising crime figures for the town justified the operation.

However, the monthly reports on criminal activity that the sheriff's office provides to Guadalupe only show an increase in aggravated assaults and burglaries, not the kinds of crimes that officers would address through a sweep.

Then in June, dozens of MCSO deputies conducted a long anticipated two-day sweep



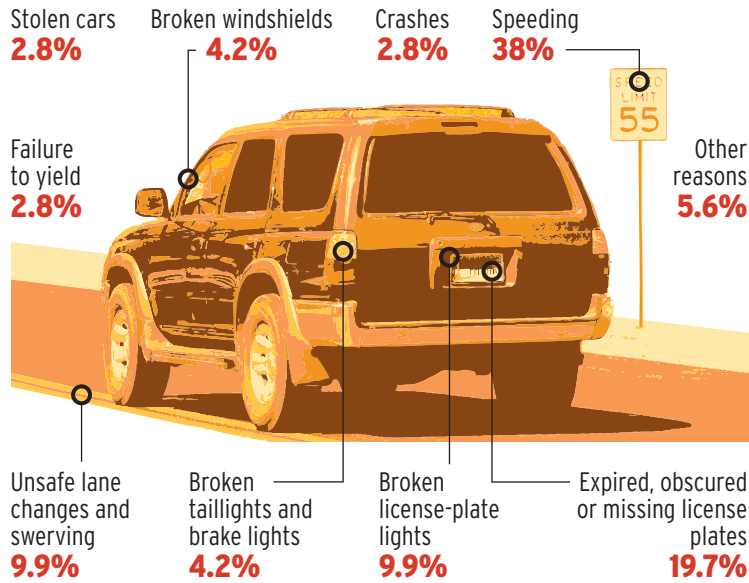
TRIBUNE FILE

**ANOTHER TIME:** An illegal immigrant who says he may have a legitimate reason to be in the country is interviewed during the July 1997 "Chandler Roundup," a one-week operation in which Chandler police and Border Patrol officers arrested 432 illegal immigrants and stopped hundreds of Hispanic citizens.

**Finding probable cause**

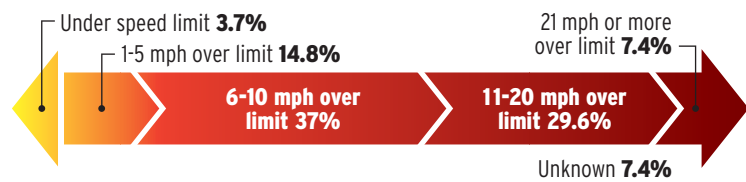
Maricopa County sheriff's deputies documented minor traffic violations as their reasons to stop 71 motorists suspected of human smuggling in 2006 and 2007. Authorities reported speeding most often as their probable cause.

**Reasons for stopping suspected smugglers**



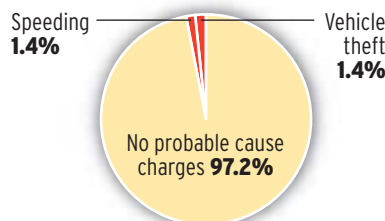
**Speeding violations breakdown**

Deputies stopped cars suspected of carrying illegal immigrants for going as little as 3 miles per hour faster than the posted limit. They pulled over one for going 30 mph too slow, another for driving 45 mph too fast.



**Probable causes ignored**

Deputies made arrests or wrote tickets for less than 3 percent of the violations that led to traffic stops in human smuggling cases.



NOTE: Some figures do not total 100 percent because of rounding.

SOURCE: Maricopa County Sheriff's Office

Paul Giblin, Ryan Gabrielson, Scott Kirchofer/TRIBUNE

**KEY FINDINGS REVISITED:**

- Deputies are failing to meet the county's standard for response times on life-threatening emergencies. In 2006 and 2007, patrol cars arrived late two-thirds of the time on more than 6,000 of the most serious calls for service.
- MCSO's arrest rate has plunged the past two years even as the number of criminal investigations has soared.
- The sheriff's "saturation" patrols and "crime suppression/anti-illegal immigration" sweeps in Hispanic neighborhoods are done without any evidence of criminal activity, violating federal regulations intended to prevent racial profiling.
- Rampant overtime spending on immigration operations drove the agency

into financial crisis and forced it to close facilities across the county. Although MCSO officials have said state and federal grants covered all the expense, illegal immigration arrests actually are costing county taxpayers millions of dollars.

- Despite the money and manpower expended, the sheriff's office has arrested only low-level participants in human smuggling rings: drop house guards, drivers and the immigrants they ferry.
- Deputies regularly make traffic stops based only on their suspicion that illegal immigrants are inside vehicles. They figure out probable cause after deciding whom to pull over.

through Mesa. This time, the operation came at the request of seven East Valley lawmakers who wrote a letter to Arpaio in April asking for immigration enforcement in their communities. One of the legislators was Rep. Russell Pearce, R-Mesa, who last year helped secure more than \$1 million in state funding for MCSO's immigration work.

The Mesa sweeps were a favor to officials who helped the sheriff's office, Arpaio told the Tribune after the letter was made public.

"I have a strange old philosophy that if someone does something for you, gives you resources, gives you money, I think if they want something back, we ought to do it," he said.

Pearce said the quid pro quo of immigration enforcement in exchange for state taxpayer dollars was appropriate.

"That's what they're for," said Pearce, a former MCSO deputy himself. "It was approved by the Legislature. I expect him to use those funds for what they're there for — that's enforcement."

ICE officials declined to comment on Arpaio's statements about the Mesa operations, during which deputies used their federal powers to apprehend 28 illegal immigrants.

"We don't respond to a politician's public comments," Picard said.

**FEDERAL POWER**

In 1996, Congress changed federal immigration law to allow ICE, then called the Immigration and Naturalization Service,

to partner with state and local police. The provision — named "287(g)" after the section of law that created it — certifies local officers as federal immigration agents once they've received training.

But ICE didn't partner with a single police department until 2003.

The few that expressed interest in such partnerships never followed through, said Doris Meissner, INS commissioner during the Clinton administration.

At the time, much of the country opposed aggressive immigration enforcement, she said.

And INS outright prohibited its agents from targeting day laborers after the infamous "Chandler Roundup," a 1997 operation in the East Valley city where the Hispanic population was growing quickly.

In July 1997, the U.S. Border Patrol teamed with the Chandler Police Department to arrest illegal immigrants. In one week, officers arrested 432 illegal immigrants and stopped hundreds of other Hispanic citizens.

The operation met with local and national outrage over the civil rights violations, and lawsuits soon followed. In a settlement stemming from the roundup, Chandler agreed to never again allow its police department to enforce federal immigration law. And MCSO has not conducted any sweeps in Chandler.

But other communities that had been hesitant to tackle immigration enforcement found themselves in a different situation after the Sept. 11, 2001, terrorist attacks.

"That changed after 9/11, when there was much more emphasis placed on the links between immigration and national security," Meissner said.

The Florida Department of Law Enforcement stepped up first.

Several of the terrorists who participated in the 9/11 attacks had lived in Florida with expired

## REASONABLE DOUBT



## TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

## DUTY IN CONFLICT

Spanish-speaking U.S. law officers struggle with arresting, deporting fellow Hispanics

By PAUL GIBLIN  
TRIBUNE

Hispanic deputies supply most of the manpower for the sheriff's human smuggling unit, an impossible-to-overlook ethnic composition for a squad that busts virtually only Hispanic suspects.

The Hispanic-vs.-Hispanic dynamic produces a troubling culture clash for some deputies and some segments of the community alike.

Overall, 13 of the 18 supervisors, deputies and detention officers assigned to the squad are Hispanic. That's about 72 percent of the squad, compared with 21 percent Hispanic personnel at the Maricopa County Sheriff's Office generally.

The squad's ethnic composition is an unintentional consequence of staffing the squad with fluent Spanish speakers, said Lt. Joe Sousa, the human smuggling unit's top supervisor. In fact, the only non-Spanish speakers are the three supervisors, two of whom are white.

Most of the deputies on the squad grew up in Spanish-speaking households. They are the sons and grandsons of immigrants. At least one is an immigrant himself.

At least some of the deputies and the residents they serve struggle to come to terms with the Hispanic-vs.-Hispanic aspect of the unit's work.

"You feel you're being betrayed by your own people. It shouldn't be that way," said Pastor Alejandro Pina of Pacto de Gracia, a Spanish-language evangelical nondenominational church in Phoenix.

It's a form of Hispanic-on-Hispanic racism, Pina said in Spanish. Members of the church's congregation are fearful of being in public. Church attendance

has dropped in recent months, in part, because of stepped-up enforcement, he said.

"I've been stopped many times," Pina said. "And when I am stopped by an Anglo officer, he'll explain to me what's happening and so forth. But when I'm pulled over by a Hispanic police officer, he'll tell me right away, 'Where are you from? Are you legally in the country?'"

Deputies have had long discussions about U.S. immigration policy, said Deputy Juan Silva, a naturalized U.S. citizen who was born in Mexico.

"Most of us have our disagreements about what we do, but we're all pretty much along the same line of thinking — we want to rescue hostages, we want to get the smuggling organizations," he said in May after cuffing a suspected smuggler in Wickenburg.

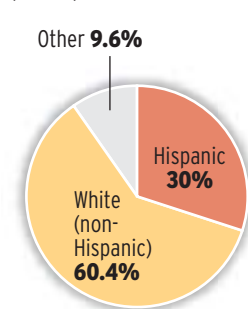
Smugglers, who are called "coyotes," often kidnap, rob and threaten their customers, who are called "pollo," the Spanish word for "chickens," according to Maricopa County deputies and other law enforcement officials. Occasionally, smugglers rape, beat or murder their clients.

"They don't treat those people as human beings. They treat them as merchandise," Silva said. "My concern is I had relatives assaulted and robbed trying to cross illegally, so I feel for the people and sacrifices they make to come over and work. So, I have turmoil."

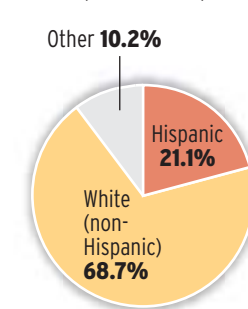
Some illegal immigrants, noting his authentic accent, have realized he's Mexican-born and have asked whether he feels remorse for arresting them. On occasion, he's told them his story.

Silva's father owned a large farm in the Mexican state of Chihuahua, where the family raised crops and livestock. But his father gave up farming and took

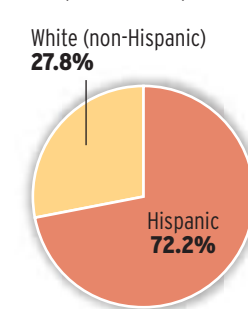
Maricopa County (2006)



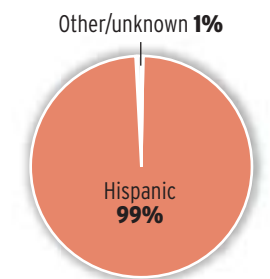
Maricopa County Sheriff's Office (June 2008)



MCSO human smuggling unit (June 2008)



Arrested human smuggling suspects (2006-07)



SOURCES: Maricopa County Sheriff's Office; U.S. Census Bureau

Paul Giblin, Ryan Gabrielson, Scott Kirchofer/TRIBUNE

his family to the United States during tough times.

In that era, long before the 2001 terrorist attacks, Mexican nationals were able to cross back and forth between their home country and the United States fairly easily. "Times have changed," Silva said.

He acknowledged his value to the human smuggling detail as a Spanish speaker, but he said he wouldn't mind a transfer to different assignment, either.

#### DOUBLE JEOPARDY

The circumstances that led Sheriff Joe Arpaio to stockpile Hispanic deputies to the unit are reasonable, said Conrado Gomez, a clinical assistant professor of education at Arizona State University who speaks on minority issues.

"If he wants to deal with undocumented workers who are Spanish-speaking, then he would select bilingual deputies. On that basis, I can see some justification — we want the best communicators out there. But in terms of PR, I'm not too sure that it's the best move," said Gomez, a former teacher and principal at bilingual elementary and middle schools in Tucson for 38 years.

Those in the Hispanic community widely respect law en-

forcement officials, but they see Arpaio's illegal immigration patrols as politically motivated, he said.

"It's sort of like a double jeopardy sort of thing. These officers are obviously apprehending people of their own ethnic group — and that's not being seen very well by the general Hispanic community," said Gomez, a Mexican immigrant.

Gomez thinks Spanish-speaking deputies who are assigned to the human smuggling unit often ask themselves if they're being used to the best of their abilities.

"These officers are really going through a difficult time, I can guarantee you. They have been given an order, yes, but their heart is telling them, 'Aye, is this the right? Should I be doing this? Potentially I could be apprehending a distant relative,'" Gomez said.

Deputy Alfredo Navarrete, who also grew up in a Spanish-speaking household, said he sometimes feels conflict while on the job. Yet, the economic and security threats posed by illegal immigration are compelling, he said.

Based on his experiences on the detail, he believes half of the illegal immigrants he encounters want the short-term benefits associated with U.S. residency, but not the long-term responsibilities of U.S. citizenship.

"All of our families did the same thing — all of our mothers and fathers — but the difference is our parents knew there was a certain amount of time that they needed to get their citizenship, receive their legal permanent resident status," Navarrete said as he helped process nine suspected illegal immigrants at the agency's Surprise substation one night.

"Now, it's just, 'C'mon over, work and make lots and lots of money and send it back to Mexico,'" he said. "Yeah, you're help-

ing out your family, but you're not trying to get your paperwork straight, your citizenship, your residency."

Navarrete also believes illegal immigrants keep wages depressed by accepting below-market pay. He points to his uncle, an experienced block layer, who should be able to command \$20 to \$25 an hour. Instead, his uncle has to compete in a labor pool composed largely of illegal immigrants. As a result, Navarrete said, his uncle is able to earn just \$10 to \$18 an hour.

Out-of-control illegal immigration also raises serious concerns about national security, Navarrete said. If block layers are able to cross into the country, terrorists are as well, he said.

Deputy Hector Martinez, who grew up in a Spanish-speaking household in a border town on the U.S. side of the border, said he understands why some officers feel conflict. But he doesn't.

"I treat everyone the same. I mean, if they break the law, it's the law," he said.

"I know why they're here — to work. But you have to think about the other stuff. They're breaking the law. They get paid under the table. They don't pay taxes. They use other people's names," Martinez said.

None of those issues mattered much to Juan Angel Huerta-Bandala, an admitted illegal immigrant from Mexico, whom Silva, Navarrete and Martinez helped arrest, fingerprint and interview one night in May.

He surveyed the sheriff's office substation in Surprise, where he and 10 other Hispanic suspected illegal immigrants were locked up and were being processed by about 10 Hispanic deputies.

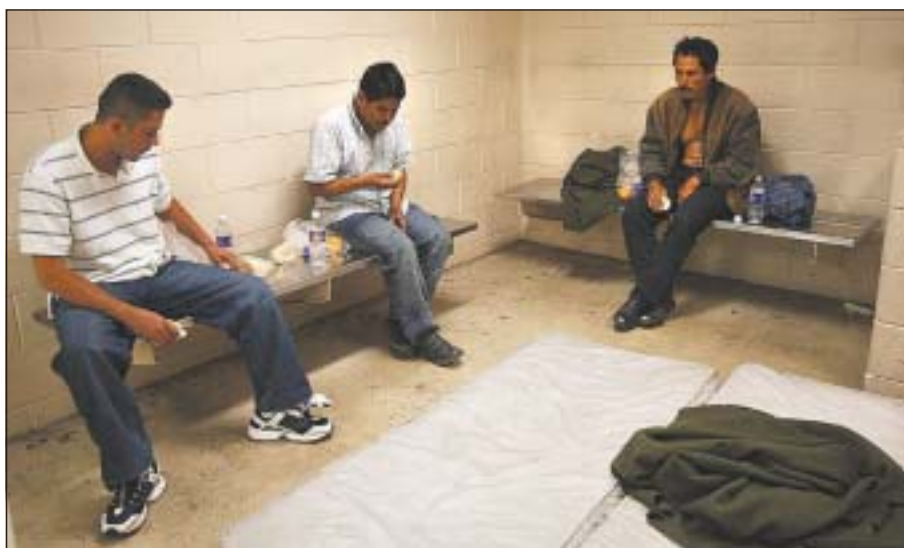
He shook his head. "I don't understand why they do it," he said in Spanish.

CONTACT WRITER: (480) 970-2331  
or pgiblin@evtrib.com

#### DETAINED:

A group of men await processing at a Maricopa County Sheriff's Office substation in Surprise after being held for being in the country illegally. It's not unusual for those arrested to ask Spanish-speaking law officers if they feel guilty for doing their jobs.

JULIO JIMENEZ,  
TRIBUNE



CONTINUING SATURDAY: PUBLIC SAFETY SHORTCHANGED THROUGHOUT COUNTY



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# SWEEPS: Probable cause an afterthought

FROM PAGE A19

visas. The state agency wanted the ability to make immigration arrests if, in the course of regular police work, officers came across people in the country illegally.

The federal government was happy for the help. ICE is chronically understaffed, as was its predecessor, the INS, said Kris Kobach, former special counsel to the U.S. Attorney General.

In that job from 2001 to 2003, Kobach helped negotiate ICE's first two partnerships with state police agencies in Florida and Alabama.

Alabama had only three ICE agents stationed there in 2003, Kobach said, when the state's department of public safety applied to partner with the immigration agency.

Today, 60 of Alabama's state troopers have the authority to make federal immigration arrests. The troopers do not conduct operations specifically targeting illegal immigrants, said Dorris Teague, a spokeswoman for the Alabama agency, but check the legal status of those they stop in the course of their regular duties.

Teague said her agency specifically does not do large-scale operations or raids.

"This doesn't interfere with the troopers' normal duties, but it does enhance immigration enforcement," Teague said.

What Alabama is doing is what ICE had in mind when it first started partnering with local police.

Three years ago, a top ICE official told Congress the agency would prevent local police from undertaking the kind of work MCSO now does.

Paul M. Kilcoyne, then an assistant director of investigations for ICE, told lawmakers in July 2005 the partnerships were intended to assist the federal agency's work.

ICE's field offices would keep close watch on the local officers they train so "that we are not out there doing roundups or just general immigration work," Kilcoyne

said in testimony before the House homeland security committee.

MCSO's contract with the federal agency supports that expectation. It stipulates that ICE agents will "supervise and direct" deputies when they conduct immigration operations.

But that's not happening.

The sheriff's office files reports to ICE when it makes illegal immigration arrests, but agents are not present. "We obviously don't supervise them doing their operations," said Kidd, the ICE agent who oversees the partnership with MCSO.

Lack of close supervision isn't the only area where ICE isn't making MCSO follow the rules.

In September, the federal agency said local police cannot use traffic stops for minor offenses to make immigration arrests.

That month, ICE released a fact sheet about its "287(g)" partnerships that details what local police can and cannot do under the program.

"Officers trained and certified in the 287(g) program may use their authority when dealing with someone suspected of a state crime that is more than a traffic offense," the document said.

Since October, deputies have used their ICE authority to make federal immigration arrests on several hundred occasions during traffic stops for minor offenses, like cracked windshields and failure to signal a turn, MCSO reports show.

ICE officials declined to explain the discrepancy.

"I know this isn't quite what you are looking for, but ICE has decided that we have provided sufficient input for your article," Picard wrote in response to the Tribune's questions.

The agency has since removed the September fact sheet from its Web site and replaced it with a document that does not discuss when local police can use their federal powers.

## LICENSE PLATES

Sweeps and saturation patrols



TRIBUNE FILE

**PROTEST:** Mesa police officers keep watch June 26 as people protest Maricopa County Sheriff Joe Arpaio's immigrant sweeps in Mesa.

have generated the most public reaction — and media coverage — but roving patrols are MCSO deputies' primary tactic for arresting illegal immigrants.

Throughout 2006 and most of 2007, the human smuggling unit used roving patrols alone to make hundreds of arrests under the state anti-human smuggling law.

Roving patrols normally begin after dark and concentrate on the largely empty roadways human smugglers use to enter and leave the county, MCSO arrest reports show. Deputies look for vehicles that might carry illegal immigrants — large vans and SUVs, particularly those with darkened windows or sagging rear bumpers.

The U.S. Border Patrol has used the tactic periodically for years, often attracting controversy.

Nearly every aspect of roving patrols point to racial profiling, said Marjorie Zatz, director of Arizona State University's School of Justice and Social Inquiry. "They're trying to go after smugglers, but they're picking up disproportionately Latinos, whether they're smuggling or not," Zatz said.

While civil rights groups speak out against it, in 2002, the U.S. Supreme Court ruled that experienced border agents can make traffic stops based on "articulable facts." Those include

the characteristics of vehicles and their occupants.

David Stoddard was the agent involved in that pivotal case and worked for the Border Patrol in Tucson for more than 20 years.

Evidence can come in the form of evasive driving or tortilla wrappers thrown out car windows, said Stoddard, who supports Arpaio's operations.

"The officer on roving patrol categorizes these articulable facts and he can put down on paper to present in a court of law his reasons to make the stop, or make an arrest," Stoddard said.

In interviews, top MCSO officials including Arpaio don't seem to be aware of the Supreme Court ruling and the leeway it gave officers in the field.

Sheriff's deputies don't cite such evidence when making immigration stops. Instead, the human smuggling unit lists minor traffic offenses as probable cause during roving patrols as well.

"You can't stop a car unless you have a violation of criminal or traffic laws," Sousa, head of the unit, said.

Sands, the MCSO law enforcement chief, said deputies should be trying to come up with probable cause beyond suspicion of immigration violations.

"A lot of our guys have made so many arrests, our human smuggling people, that they are now experts in that field, although they typically don't like to

make contact without some kind of contextual reason to do that," Sands said.

And the probable causes they do cite were little more than afterthoughts once they decide to make a stop, internal e-mails and interviews with MCSO's human smuggling detectives show.

During 2006 and 2007, deputies cited license plate issues on nearly a third of the 71 traffic stops that led to human smuggling arrests, according to a database of the sheriff's criminal immigration arrests. Burned-out license plate lights alone accounted for 10 percent of the deputies' probable causes.

MCSO officials insist they do not racially profile and are operating within the law. "We're very cautious. We're going the extra mile on this," Arpaio said.

But the fact that deputies must search for probable cause to justify traffic stops is, itself, the problem, said Marjorie Zatz, the ASU justice professor.

"They're not looking for everyone who's speeding, everyone who's changing lanes and then saying, 'Oh, some of these people are undocumented,'" she said. "They're instead trying to find a way to go after as many undocumented people as they can. That's what makes it racial profiling."

**CONTACT WRITER:** (480) 970-2331 or pgiblin@evtrib.com and (480) 898-5630 or rgabrielson@evtrib.com

## KEY DATES IN THE MARICOPA COUNTY SHERIFF'S OFFICE AND ILLEGAL IMMIGRATION ENFORCEMENT:

**Aug. 15, 2005:** State's human smuggling law goes into effect.

**March 2, 2006:** MCSO deputies make their first arrest under the new law.

**April 2006:** Maricopa County Sheriff Joe Arpaio creates the Human Smuggling Unit.

**May 2006:** The Human Smuggling Unit stops 14 vehicles loaded with illegal immigrants.

**February 2007:** U.S. Immigration and Customs Enforcement grants 160 sheriff's deputies authority to enforce federal immigration law.

**April 20, 2007:** MCSO spends nearly \$400,000 on overtime during one pay period, triple its usual two-week extra-hours expense.

**October 2007:** County budget officials notify MCSO that overtime spending has put the agency \$1.3 million in the red. Arpaio shuts satellite jails and virtually eliminates overtime.

**October 2007 through January 2008:** Off-duty deputies start working as security guards at M.D. Pruitt's Home Furnishings store in Phoenix, where day laborers gather.

**Jan. 1, 2008:** The state employer sanctions law goes into effect.

**March 28, 2008:** Phoenix Mayor Phil Gordon blasts the saturation patrols

**April 3-4, 2008:** MCSO conducts saturation patrols in Guadalupe. Forty-five people are arrested, including nine believed to be illegal immigrants. Guadalupe Mayor Rebecca Jimenez publicly accuses MCSO of racial profiling.

**April 4, 2008:** Gordon sends a letter to U.S. Attorney General Michael Mukasey requesting a federal

investigation into whether MCSO is violating civil rights.

**April 18, 2008:** Arpaio notifies Guadalupe that the sheriff's office will sever its police services contract with the town in 180 days.

**June 10, 2008:** Deputies raid two water parks and arrest nine people believed to be illegal immigrants in connection with identity theft and using forged documents to obtain employment.

**July 27-28, 2008:** MCSO conducts saturation patrols in Mesa. Mesa police deploy to keep peace.

**CORRECTIONS:** A MAP IN WEDNESDAY'S REPORT MISLABLED LOUISIANA AS MISSISSIPPI. AN OVERTIME FIGURE ON THURSDAY'S A1 SHOULD HAVE SAID IMMIGRATION ENFORCEMENT BEGAN IN 2006, NOT LAST YEAR.

# EAST VALLEY Tribune

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Saturday, July 12, 2008



## Coming to Mesa

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## REASONABLE DOUBT



A TRIBUNE INVESTIGATION >> **PAGES A12-13**  
**Day 4: How Arpaio's immigration sweeps have shortchanged public safety in Maricopa County**



DARRYL WEBB, TRIBUNE

**THE PUBLIC SUFFERS:** Betty Mar, owner of Circle B grocery store, talks about when her employees had to wait 45 minutes for Maricopa County sheriff's deputies to arrive when the store was robbed in March. The sheriff's office has a station just 300 yards from the store.

## LIVING WITH THE CONSEQUENCES

**Today's weather:**  
High 97, low 77  
Chance of storms

**Tomorrow:** High 99, low 79  
Chance of thunderstorms

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Local news, A3	Sports, B1
Business, A18-22	Puzzles, A38, B5
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50 CENTS

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East Valley  
Tribune



### MESA: Some residents abandon alleys

The city has seen a sharp increase in residents looking to abandon alleys in older parts of Mesa where they still exist, closing them off with gates 6 feet high. **A3**

### APACHE JUNCTION: Vice mayor assaulted

Apache Junction Vice Mayor R.E. Eck Jr. suffered a broken rib Thursday when a man he knew forced his way into Eck's home and beat him, according to Eck and police. **A5**

### Felony counts dropped against Dowling in plea

Maricopa County schools Superintendent Sandra Dowling pleaded guilty Friday to a single misdemeanor. **A6**

### Racy Mormon calendar may draw discipline

A Las Vegas man who was the creative force behind a calendar that features shirtless Mormon missionaries is facing a disciplinary hearing and possible excommunication for the project. **A16**



## Study: As gas prices go up, auto deaths drop

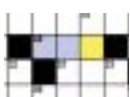
THE ASSOCIATED PRESS

**WASHINGTON** • High gasoline prices could turn out to be a lifesaver for some drivers. The authors of a new study say gas prices are causing driving declines that could result in a third fewer auto deaths annually, with the most dramatic drop likely to be among teen drivers.

Professors Michael Morrissey of the University of Alabama at Birmingham and David Grabowski of Harvard Medical School said they found that for every 10 percent increase in gas prices there was a 2.3 percent decline in auto deaths.

For drivers ages 15 to 17, the decline was 6 percent, and for ages 18 to 21, it was 3.2 percent.

Their study looked at fatalities from 1985 to 2006, when gas prices reached about \$2.50 a gallon. With gas now averaging more than \$4 a gallon, Morrissey said he expects to see a much greater drop — about 1,000 deaths a month.



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REASONABLE DOUBT  TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

## PUBLIC PAYS THE PRICE

MCSO's shift in focus results in longer response times, fewer arrests, investigations

By RYAN GABRIELSON  
TRIBUNE

In Guadalupe, grocery store employees waited in vain for help during an armed robbery.

In Queen Creek, vandalism spread through a neighborhood where Maricopa County sheriff's deputies rarely patrolled.

In Aguila, people bought guns in the face of rising crime that deputies couldn't respond to quickly enough.

And in El Mirage, dozens of serious felony cases went uninvestigated.

Response times, arrest rates, investigations and other routine police work throughout Maricopa County have suffered over the past two years as Sheriff Joe Arpaio turned his already short-handed and cash-strapped department into an immigration enforcement agency, a Tribune investigation found.

Response times on life-threatening emergencies have slowed across the county, with residents on average waiting 10 minutes or more in most patrol districts. The County Board of Supervisors has set five minutes as the expected standard.

Detectives' arrest rate on criminal investigations plunged, from 10 percent in 2005 to 3.5 percent last year.

Arpaio and his top officials acknowledge the office has struggled with emergency response and a swelling caseload. But they deny that immigration enforcement is to blame.

Illegal immigrants are breaking the law and arresting them is a key priority for the MCSO.

"If you're violating the law, that comes first, that comes first," Arpaio said.

But throughout the county, people are feeling the consequences of Arpaio's decision to focus his dwindling resources on immigration enforcement.

### PANIC BUTTON

After 10 p.m. on March 18, two people walked into the Circle B grocery store in Guadalupe brandishing a gun and demanding cash.

The female cashier followed the robbers' orders, but also triggered a silent alarm, said Betty Mar, who owns Circle B with her husband. The store's security firm immediately alerted the MCSO of the armed robbery in progress.

"She pushed the panic but-

ton and waited 15 minutes," Mar said. "And nothing."

The cashier triggered the alarm a second time, the robbers long gone with \$400 from the register.

Mar said deputies arrived 45 minutes after the MCSO received the emergency call.

The MCSO disputes that figure. Lt. Edmund Shepherd said the agency's records show a patrol car reached the store 17 minutes after dispatch received the call.

Shepherd heads the patrol operation in District 1, which covers much of southeastern Maricopa County's unincorporated areas as well as Guadalupe.

"I was unhappy with the amount of time that went by. But it's not 45 minutes," Shepherd said.

The MCSO's emergency response standard is five minutes. But deputies arrived late on two-thirds of the most serious 911 calls in the two years since the MCSO began immigration enforcement — more than 6,000 emergencies in all.

Average response times for District 1 are the best in the county, in large part because many of them come from tiny Guadalupe which covers less than a single square mile. The MCSO has a station about 300 yards south of Circle B, from which deputies are supposed to patrol Guadalupe alone.

Most of the calls come from Guadalupe and deputies there arrive within four minutes most of the time, the town's crime reports show.

Response times to the rest of District 1 are often far slower — sometimes upward of 20 minutes, records show — but the overall average for the district is about eight minutes.

Earlier this year, some Queen Creek residents complained to the Town Council about long waits on emergency calls. Burglaries were on the rise for the past year in the Cortina subdivision in the eastern part of town, finally reaching the point this year that residents decided to speak up about it.

The MCSO has a roaming patrol unit that isn't assigned to a particular district, but fills in the gaps in various parts of the county that do not have enough deputies to cover all their patrol beats, Shepherd said.

That unit was supposed to be protecting Guadalupe when the



DARRYL WEBB, TRIBUNE

**VICTIM:** Betty Mar, owner of Circle B grocery store in Guadalupe, says her employees had to wait 45 minutes for Maricopa County sheriff's deputies to arrive when the store was robbed in March. A sheriff's station is just 300 yards from the store.

Circle B robbery took place, he said.

"There's supposed to be a car in town the entire time," Shepherd said. "During that time the car was out of town when it should have been there."

But it was out-of-range doing other police work. That work was not related to immigration enforcement, he said.

Despite being short-handed, the MCSO has repeatedly used regular patrol deputies for immigration enforcement. Often, patrol units assist the human smuggling unit when illegal immigrants flee into the desert during late-night traffic stops.

And sometimes deputies do their own immigration investigations. Being redirected to immigration enforcement further strains the agency's ability to respond to other emergency calls and police work.

Mar has tried to check on the status of the investigation into the robbery at her store. But, she says, no one at the MCSO will call her back.

"I just have to keep the faith," she said. "I tell my employees, 'Hopefully that won't happen again.'"

### CLOSED CASE

Employees were preparing to close the 99 Cent Discount Store in El Mirage on Aug. 20, 2006, when a teenage girl ran inside.

Agitated and refusing to leave, the 15-year-old girl told the store's manager that two men had just raped her in a ditch outside, a police report says. Paramedics took the girl to Del E. Webb Hospital

in Sun City West, where medical staff found physical evidence of sexual assault, according to deputy chief Bill Knight, head of the sheriff's central investigations, who researched the case.

At midnight, a detective from the MCSO's special victims unit arrived at the hospital to begin an investigation, the report says.

But the investigation never really began.

The MCSO closed the case a month later by designating it "exceptionally cleared," which is supposed to be applied to cases where a suspect is known and there's enough evidence to make an arrest but circumstances prevent an arrest. That designation allows the MCSO to count the case in the same reporting category as investigations that end in arrest.

But in this case, the detectives didn't have a suspect and appear to have done no work on the case.

The girl had run away from a group home where she said she'd been physically abused. As she wandered through El Mirage, two men approached her and offered to share a cigarette, the police report says.

They all walked to a retention basin near Thunderbird Road. One man pulled down her shorts, the girl told officers, and they both forced her to have sex with them. The men gave her money to keep quiet.

When officers arrived, the girl retraced the series of events.

"As my flashlight lit up a tree just to the east of the dumpster she said, 'Right there by that

tree," El Mirage officer Phillip Witte Jr. wrote in his report.

The officers transferred the case to the MCSO's special victims unit once the girl arrived at the hospital for examination. A detective showed up, but the case file does not reflect that he did anything else. Knight, who followed up on a number of cases brought to his attention by the Tribune, including this one, also found that no investigation was done and the case was closed just a month after the assault while they were still waiting for DNA analysis to come in.

In May, an El Mirage detective called a sergeant with the MCSO's investigations bureau to determine what happened with the case. "The report was x-cleared but he did not know when or why," the town's detective wrote.

To "exceptionally clear" a criminal investigation, MCSO detectives must have identified a suspect, but cannot make an arrest due to "technicalities," the agency's policy says. Those technicalities include uncooperative victims or if the statute of limitations for the crime has expired.

But in this case the detectives did not have a suspect.

In response to a public records request, the MCSO released what officials said were investigative files for Queen Creek and Guadalupe. In each town, a number of cases were exceptionally cleared but no investigative work appeared to have been done by detectives.

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### A 5-DAY TRIBUNE INVESTIGATIVE REPORT

**Wednesday:** The evolution of MCSO into an immigration agency

**Thursday:** Major budget shortfalls are linked to increased illegal immigration enforcement

**Friday:** Sweeps and saturation patrols violate federal civil rights regulations

**>> TODAY:** Public safety has been shortchanged throughout Maricopa County

**Sunday:** Why no one is willing to hold Arpaio accountable

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**Key findings**

- Deputies are failing to meet the county's standard for response times on life-threatening emergencies.
- MCSO's arrest rate has plunged the past two years even as the number of criminal investigations has soared.
- The sheriff's "saturation" patrols and "crime suppression/anti-illegal immigration" sweeps in Hispanic neighborhoods are done without any evidence of criminal activity, violating federal regulations intended to prevent racial profiling.
- Rampant overtime spending on immigration operations drove the agency into financial crisis and forced it to close facilities across the county.
- Despite the money and manpower expended, the sheriff's office has arrested only low-level participants in human-smuggling rings: drop house guards, drivers and the immigrants they ferry.
- Deputies regularly make traffic stops based only on their suspicion that illegal immigrants are inside vehicles. They figure out probable cause after deciding whom to pull over.

CONTINUED FROM PAGE A12

Knight said he is not concerned that detectives use the incorrect label to close cases, so long as they conduct a thorough investigation.

But the labels do matter.

The FBI counts exceptionally cleared cases as arrests in its annual report on crime in the United States, but it has strict requirements for using that label.

Police departments must have enough evidence to make an arrest, have identified the suspect's exact location, but cannot arrest the suspect because of circumstances out of their control in order to close cases by "exception."

MCSO detectives closed three times as many cases designated as exceptional — 2,725 — as cases with arrests — 876 — in 2006. The MCSO began its anti-illegal immigration operations that year; the number of criminal investigations that detectives cleared exceptionally rocketed 37 percent.

The central investigations division has the same turnover and manpower shortages as the patrol districts, finance records show. Two of the human smuggling unit's most active detectives were transferred from central investigations.

"Is there possibly some miscategorization?" Knight said. "Yeah, that's certainly possible. We have a lot of new people come into those assignments all the time."

**SPECIAL VICTIMS**

The MCSO is trying to determine exactly what happened with its El Mirage investigations.

On June 13, Tribune reporters sat down with Arpaio; his media relations director, Lisa Allen; spokesman Paul Chagolla; enforcement division chief Brian Sands; budget chief Loretta Barkell; and patrol chief Frank Munnell to talk about what the newspaper's investigation had found. The session was recorded and, among other things, the Tribune brought up the El Mirage

cases and the lack of investigation.

The reaction from MCSO officials was immediate and indignant. Arpaio, Allen, Sands and Chagolla all expressed surprise that anyone was accusing the MCSO of leaving cases uninvestigated. They contended the new El Mirage police administrators were political enemies and just trying to make them look bad.

"Not investigated?" Allen said, her voice rising.

"I find that odd. I mean, it's suspiciously odd to me."

But a week later, in another recorded interview that this time included Knight, the investigations chief told reporters that El Mirage had told them of the problem in October, and that the MCSO has had an internal affairs investigation into the matter since May.

"There was some stuff turned over that should have been worked more efficiently," Knight said. "And I can tell you from an administrative standpoint, some of those folks are under administrative investigation right now for some of those cases."

Chagolla now says that the top echelon of the MCSO — Arpaio, Allen and Sands, who directly supervises Knight — had no idea there was an internal affairs investigation of that magnitude.

The MCSO's internal affairs bureau is investigating how the special victims unit, which specializes in sex crimes, handled cases from El Mirage and from every other part of the county, Knight said.

"We're taking a look at everything these people had during that time period," he said.

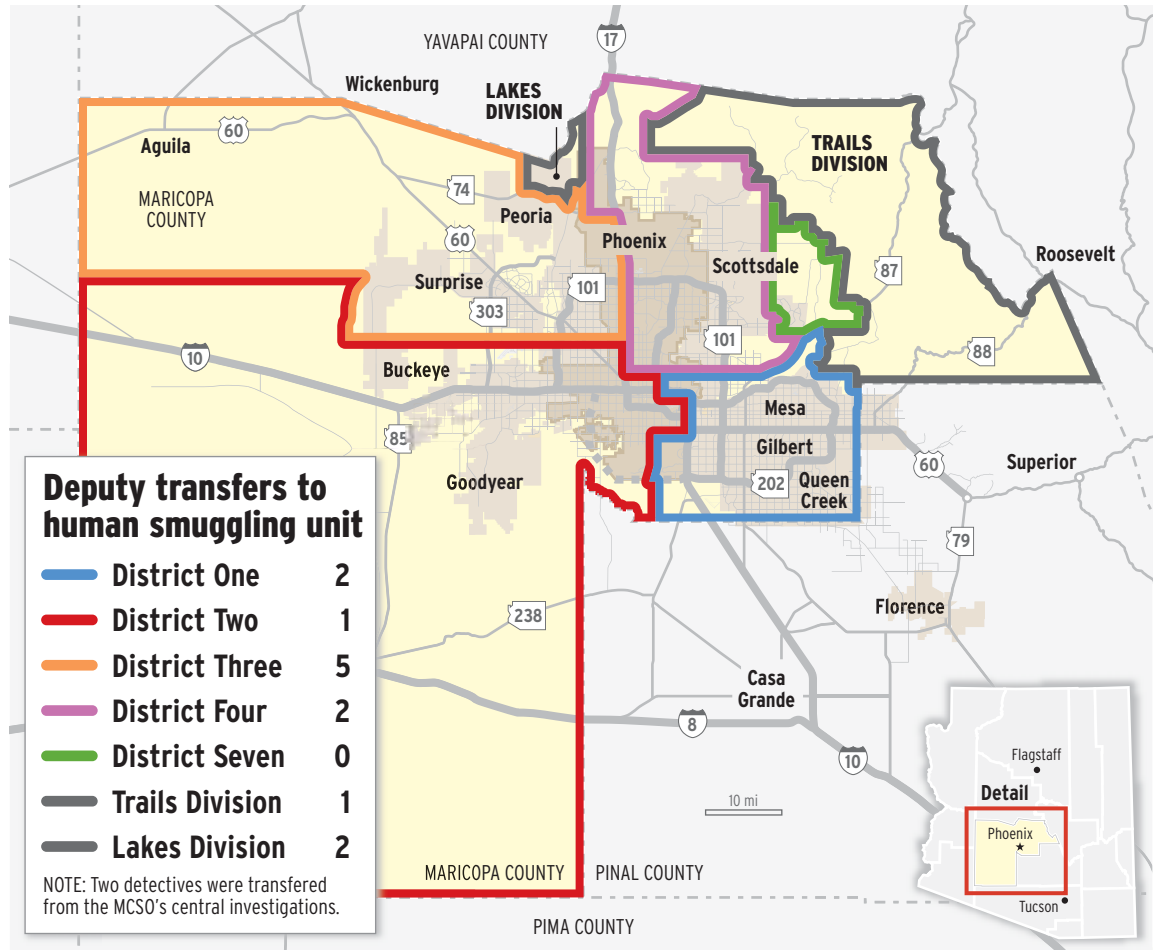
Knight said he does not know how many cases are included in the investigation; federal law forbids him from involvement, as he oversees the special victims unit.

But crime statistics from the MCSO show that internal affairs could be reviewing about 200 sex crimes from that period to see if they were investigated and, if not, why.

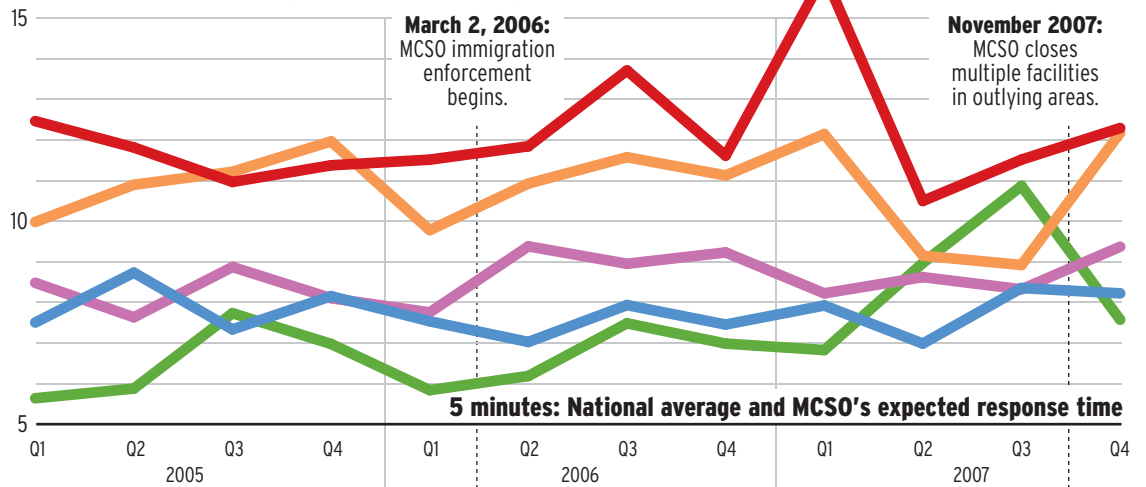
The MCSO became aware of

# Less manpower, slower response

Since March 2, 2006, the Maricopa County Sheriff's Office has directed its deputies to search out and arrest hundreds of illegal immigrants and created the human smuggling unit to do nothing but immigration enforcement. The sheriff's office moved deputies from patrol to the specialized unit, but rarely replaced them in the field.



## Minutes from emergency call to deputies' arrival



SOURCE: Maricopa County Sheriff's Office

Paul Giblyn, Ryan Gabrielson, Scott Kirchofer/TRIBUNE

the problem in October, when El Mirage formed its own police department. The MCSO turned over about 70 sex crime case files to the new department from the two years that the MCSO was responsible for police work there.

"When those cases came back, we were told we were going to have a summary of the cases and that they'd pretty well been worked," said El Mirage Police Chief Mike Frazier. "And so when we got them, there was a sheet on the front, as I recall, but there was 'not worked, not worked.'"

The Tribune reviewed 350 violent crime cases from El Mirage that the MCSO turned over to the town. Case files for 18 armed robberies and aggravated assault show virtually no follow-up by detectives, in addition to the

12 sexual assaults.

El Mirage police hired an additional detective just to go through the MCSO files and determine whether there were investigations that should be continued.

On the sex crimes in particular, the town's detectives took issue with how little work MCSO had done.

"I received this case, along with numerous others from the Maricopa County Sheriff's Office in October 2007. None of these cases had been investigated by the county," an El Mirage detective wrote as he closed a reported sex crime.

That case involved a 13-year-old girl who accused her father of having raped her months earlier. MCSO detectives closed the case

when the girl's mother called to say she did not want MCSO "to pursue this investigation," MCSO records show.

After Frazier told the MCSO's central investigations bureau about the uninvestigated cases, Knight said he offered to take back and recheck the work.

Frazier said he declined because El Mirage's department had become fully operational, and the cases were its responsibility now. Later, Frazier said, another official from the MCSO called to apologize.

"They were all, honestly and I think sincerely, a little embarrassed," Frazier said.

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**CONCLUDING SUNDAY: WHY NO ONE WILL HOLD JOE ARPAIO ACCOUNTABLE**

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## REASONABLE DOUBT



Five-part series  
examines  
Maricopa  
County Sheriff  
Joe Arpaio's  
illegal-immigration  
enforcement operation and  
its hidden costs to residents.

A TRIBUNE INVESTIGATION  
CONCLUDES TODAY

**DAY 5:** Why no one  
seems up to holding  
Arpaio accountable  
for anything

>> No matter how far  
over the line it goes,  
the Maricopa County  
Sheriff's Office never  
gets in serious trouble  
• **PAGE A16**

>> Sometimes, no one  
— not even county  
leaders — can get  
MCSO to release  
information about  
how well it protects  
and serves  
• **PAGE A17**



# THE UNTOUCHABLE

PHOTO  
BY JULIO  
JIMENEZ,  
TRIBUNE

## Fire crews worldwide on way to Calif.

TRIBUNE WIRE SERVICES

Firefighters from Australia, Canada, Greece, Mexico and New Zealand were on their way to California to join 20,000 others from across the United States and Puerto Rico who were battling 320 blazes in the state Saturday.

Gov. Arnold Schwarzenegger already ordered 2,400 National Guard troops to firefighting duty.

"We are stretched thin, and our firefighters are exhausted," Schwarzenegger said. "The fire season as we've known it is pretty much over. ... Now we have fire season all year round."

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The city awaits word on whether it owes \$2 million under the new Arizona budget. **A3**

### TEMPE: Social shortfall

The city agency that distributes money for social services has less funding than expected. **A7**

### BUSINESS: Vital signs

Small labs offer quick, private results to medical tests without involving a doctor. **D1**

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#### Climate change no joke

**PENN JILLETTE:** Both sides in this important debate are so busy shrieking that they forget it's OK to be skeptical. **F1**

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REASONABLE DOUBT



TRIBUNE INVESTIGATES SHERIFF'S IMMIGRATION CAMPAIGN

# SWEEPING POWERS

Few willing to tangle with popular sheriff over controversial tactics

By **PAUL GIBLIN**  
and **RYAN GABRIELSON**  
TRIBUNE

Sheriff Joe Arpaio famously and frequently likes to remind people about his nearly unlimited scope and powers in Maricopa County.

Over the past year that he's been doing high-profile immigration sweeps, Arpaio has repeatedly decreed his authority in TV sound bites and newspaper quotes.

"I'm the sheriff."

"I don't need anybody to tell me where to go. Let's get that straight."

"I'm the sheriff, and I don't need to be invited to Mesa. I can go in anytime I want."

And, in fact, that is the reality.

He does have broad enforcement authority throughout the county, even in cities that have their own police departments.

But politics are clearly the main reason very few will get into a public fight with the popular sheriff, who responds to his critics through news release blasts. His political ties run deep; he's often allied with state lawmakers and city officials. Earlier this year, he campaigned for Republican presidential candidate Mitt Romney.

County and federal agencies that have oversight over — and some ability to restrict — his operations have done little to interfere with Arpaio's broad enforcement effort. Agency officials, many of whom are elected themselves, cite his widespread popularity with voters. They are reluctant to even talk about him.

In March, Phoenix Mayor Phil Gordon was the first high-level elected official to publicly go against Arpaio's immigration sweeps. In a speech to the annual Cesar Chavez Day luncheon, Gordon — fed up with crime suppression operations in northeast Phoenix that drew hundreds of protesters and fears of violence — accused Arpaio of going after "brown people with broken tail-lights." He urged other political and civic leaders to speak out against what he saw as clearly racist roundups.

But his call to action went largely unanswered. Some church organizations and Hispanic activists wrote letters and organized protests at meetings of the Maricopa County Board of

Supervisors and elsewhere, but broad support for Gordon never materialized.

"It takes a lot of courage to say anything because of the price one pays," Gordon says now.

He believes regulators and county officials are simply afraid of Arpaio. "Because of the fear of retribution which has occurred, including against the former county attorney, the attorney general of the state of Arizona, publishers of newspapers."

Arpaio has gotten into very public fights with those officials, and, working with current Maricopa County Attorney Andrew Thomas, even had the owners of Phoenix New Times arrested as part of a long-smoldering dispute over information about Arpaio that the paper had published.

In May, Gov. Janet Napolitano withdrew \$600,000 Arpaio had been hoping to use for immigration enforcement efforts. She gave the money to the state Department of Public Safety to use to clear up a backlog of tens of thousands of felony warrants, many for violent crimes, that had built up for years.

Even though she never made the link between the sheriff's immigration effort and the money, Arpaio did — in a steady stream of news releases accusing her of trying to undermine his effort.

"Despite the Governor's attempts to stop me from fighting illegal immigration, my deputies are under my order to continue to enforce all aspects of the human smuggling laws," Arpaio said in one of many statements distributed widely to the media.

But even as Arpaio's immigration program has brought MCSO into violation of federal rules on racial profiling, caused 911 response times to soar, and pushed the agency into financial crisis, the government entities responsible for keeping an eye on the agency have done little more than review reports and ask for information.

## THE COUNTY

Because Arpaio is an elected official — he's running for a fifth term this year — he has wide leeway to run MCSO any way he wants. The Maricopa County Board of Supervisors approves his budget overall, but not the specifics of how he spends it.

The supervisors also set performance standards such as response times for emergency



TONY D'ASTOLI, TRIBUNE

**POWER TO ENFORCE:** Sheriff Joe Arpaio has broad authority throughout Maricopa County.

calls. The board has set five minutes as the standard for the most serious calls. Even though MCSO averages 10 minutes as its response time, the board has never addressed that issue.

Four of the five supervisors are Republicans, like Arpaio. They have publicly aligned themselves with the sheriff.

None of the four — Fulton Brock, Don Stapley, Andy Kunasek and Max Wilson — returned repeated phone calls for this story. Stapley's spokesman called to say Stapley would not comment.

Mary Rose Wilcox, a Democrat, would only say that the board has very little authority over Arpaio because he's elected.

"If it was one of our departments, we'd be tearing it apart, OK?" Wilcox said. "But it's not one of our departments. It's an elected office. It's very different."

Not so, said Richard Romley, Maricopa County Attorney for 16 years until he left office in 2004. The supervisors have complete authority to force the sheriff's office to provide whatever information they seek.

"Shame on the board of supervisors. And quite honestly, they should be held accountable, they're not doing their job," said Romley, also a Republican. "They have subpoena powers to get his records."

At a June 19 budget hearing,

the four Republican members stood to show their support for Arpaio when he declared he would continue his immigration policies despite increasingly frequent and broad-based opposition.

Minutes earlier, more than 100 members of a group calling themselves Maricopa Citizens for Safety and Accountability demanded the supervisors give greater scrutiny to Arpaio's immigration policies and spending.

## THE FEDERAL GOVERNMENT

U.S. Immigration and Customs Enforcement last year partnered with MCSO and made 100 of the sheriff's detectives and patrol deputies sworn federal agents as well. The deputies now have broad authority to arrest illegal immigrants under federal law.

The powers come with stringent rules concerning how to use them, rules the sheriff's office admittedly ignores.

Vincent Picard, ICE's spokesman in Arizona, said Friday the agency did not have any comment on the sheriff's operations or the Tribune's findings. ICE officials have insisted that MCSO has not violated its contract with the federal agency and say they will not curtail Arpaio's immigration enforcement.

The lone federal exception may be the U.S. Department of Justice.

On April 4, Gordon, the Phoe-

nix mayor, asked Justice officials to investigate whether Arpaio's deputies are violating civil rights by using racial profiling on their immigration traffic stops.

"I do not make this request lightly," Gordon wrote in a four-page letter to U.S. Attorney General Michael Mukasey. "This request is based on Sheriff Arpaio's pattern and practice of conduct that includes discriminatory harassment, improper stops, searches and arrests."

Justice spokeswoman Carolyn Nelson confirmed that officials are monitoring the situation, but she declined further comment.

Phoenix FBI spokesman Richard Murray declined to say whether the FBI is involved. "That's just not one we can address," he said. Bureau policy bars public discussion of investigations until, and only if, indictments are issued.

Sheriff's office spokesman Capt. Paul Chagolla said he is unaware of any federal follow-up to Gordon's request.

Gordon on Saturday wouldn't talk about whether Arpaio or his political allies have retaliated against him for challenging the sheriff, saying that the Justice Department has advised him not to say anything.

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# OFFICIAL SECRETS

MCSO stymies requests for information — even from regulators

By RYAN GABRIELSON  
TRIBUNE

The Maricopa County Sheriff's Office tries to stifle almost anyone checking on its operations.

It keeps secret the most basic data about its police work that other departments publish every year. It refuses to release public records — or tries to remove information from those records — without any legal right to do so.

And even agencies that oversee Sheriff Joe Arpaio's office cannot pry free documents that MCSO wants to keep from the public.

In 2006, the Maricopa County internal audit department tried to do a routine check of statistics the sheriff's office had provided on clearance rates — the number of cases MCSO finishes or "clears" each year.

The sheriff's office had reported that it cleared 57 percent of its criminal investigations during the 2005-2006 fiscal year, finance records show, up three percentage points from the previous year.

When a county auditor asked MCSO for records showing how it calculated that figure, sheriff's officials refused to turn them over.

"We were not allowed access to supporting documentation," the auditor's report says.

As a result, it is impossible to know how sheriff's detectives are handling the roughly 10,000 criminal investigations they open each year. From the few crime statistics MCSO occasionally releases, the number of violent crimes in the small towns and unincorporated areas appears to be rising sharply — particularly homicide.

The county's internal audit department works for the Maricopa County Board of Supervisors. The supervisors set policy for most county departments, except those headed by elected officials, like the sheriff's office.

But the supervisors decide how much taxpayer funding MCSO receives each year and are supposed to monitor how the office operates. The supervisors received the audit report, but none worked to pry loose the criminal investigations files.

Loretta Barkell, MCSO business services chief, worked with the county auditor on the investigations review and said that it was Chief Deputy David Hendershott who chose not to cooper-

ate. Hendershott is the agency's second-highest-ranking official, below only Arpaio. Hendershott did not return repeated calls for comment and did not attend the Tribune's interviews with MCSO officials, despite the newspaper's specific requests to speak with him.

Asked why the agency would withhold information from the auditor, Barkell said the sheriff's office could not just release files from investigations.

However, MCSO provided the Tribune access to dozens of investigation files in response to public records requests. Those records were provided in full form, without any information, including personal identifiers such as Social Security numbers, being redacted.

Clearance rates, which reflect the number of criminal investigations law enforcement agencies finish, are among the most basic of police statistics, and virtually every department in the United States tracks them. Detectives generally clear cases by making arrests, finding a case has no merit or closing it because they lack leads or victims who are willing to prosecute.

But sheriff's officials admit they don't know exactly how many criminal investigations detectives open or close.

Or the precise number of cases that end with an arrest. Or whether there are cases that detectives fail to investigate.

MCSO has not connected all of its law enforcement divisions to its computer records-keeping system, agency officials say.

As a result, a number of cases never get counted; of course, it's unknown how many.

## COSTLY TO HIDE INFORMATION

The sheriff's office frequently refuses to comply with public records requests and the taxpayers have sometimes paid the price for that.

Last year, the West Valley View successfully sued the sheriff's office for withholding press releases, costing county taxpayers \$38,000 to pay the newspaper's legal fees. The sheriff's office lost another lawsuit in February after it took six months to provide

**From the few crime statistics MCSO occasionally releases, the number of violent crimes in the small towns and unincorporated areas appears to be rising sharply — particularly homicide.**

On 10/22/07 HSU conducted a detail in the area of Saguaro and Desert Vista in the town of Fountain Hills, [redacted]. There were a total of five traffic stops made from UC vehicles relaying that day laborers were picked up from the area. Two of those traffic stops revealed the occupants were Mexican Nationals and were in the country illegally. [redacted] indicated by MCSO marked patrol units, [redacted] stop. [redacted] they were taken into custody under Immigration law. A total of four individuals were taken into custody and will be taken to ICE for processing.

## KEY FINDINGS REVISITED:

- Deputies are failing to meet the county's standard for response times on life-threatening emergencies. In 2006 and 2007, patrol cars arrived late two-thirds of the time on more than 6,000 of the most serious calls for service.
- MCSO's arrest rate has plunged the past two years even as the number of criminal investigations has soared.
- The sheriff's "saturation" patrols and "crime suppression/anti-illegal immigration" sweeps in Hispanic neighborhoods are done without any evidence of criminal activity, violating federal regulations intended to prevent racial profiling.
- Rampant overtime spending on immigration operations drove the agency into financial crisis and forced it to

close facilities across the county. Although MCSO officials have said state and federal grants covered all of the expense, illegal immigration arrests actually are costing county taxpayers millions of dollars.

- Despite the money and manpower expended, the sheriff's office has arrested only low-level participants in human smuggling rings: drop house guards, drivers and the immigrants they ferry.
- Deputies regularly make traffic stops based only on their suspicion that illegal immigrants are inside vehicles. They figure out probable cause after deciding whom to pull over.

records to the Tucson Citizen.

While newspapers and plaintiff's lawyers file lawsuits to pry information from MCSO, the county auditor dropped the issue.

In refusing to provide the auditor with the criminal investigations documentation, sheriff's officials told the auditor that their computer system for tracking criminal cases wasn't reliable, so they would not release information from it, said Richard Chard, the county's deputy audit director.

"I don't know how hard we pressed on that," Chard said of the rebuff.

The Tribune filed a records request for e-mails between the auditor and MCSO officials, but the county says it erased those records after the auditor retired in December 2007.

Ultimately, Chard said, there was little recourse for the county audit department if the sheriff's office refused to cooperate. The auditor would have had to read through thousands of pages of investigative files to sort out MCSO's flawed system.

"We could basically go through all kinds of gymnastics, if you will, to try to get at this information. But the bottom line was, either way we weren't going to certify their numbers," Chard said.

## STATISTICS ARE IMPORTANT

Crime statistics are notoriously misleading. Numbers fluctuate up and down depending on how each police department defines or targets particular crimes.

If drug arrests are on the

rise, is there more drug use on the city's streets? Or are police pursuing dealers more aggressively?

But MCSO doesn't always provide statistics to question.

Every year, the FBI compiles and releases crime data it collects from police departments across the country, including MCSO.

But in 2005, MCSO did not provide any information about the number of murders, rapes, robberies, assaults or any other crime the agency handled.

Sheriff's officials said problems with their records-keeping system prevented them from releasing crime figures that year.

Police departments volunteer their crime data and there is no penalty if an agency doesn't do so.

In 2004, MCSO reported 12 homicides. Two years later, when the sheriff's office next provided its data, there were 25. The number of aggravated assaults showed a similar climb; rapes and robberies increased as well, though not as steeply.

These numbers are almost certainly too low because MCSO does not enter every incident into its computer system. The sheriff's office reports figures to the county's Management and Budget Office on how well it performs — including its percentage of investigations cleared — each year with a major qualification.

"Due to a lack of administrative staff, many areas of the office do not have complete ... data. Therefore, the data for the Criminal Investigations Bureau is not considered accurate," the reports say year after year.

## THWARTING CRITICS

Yet another shortcoming — the sheriff's office also does not document all of its traffic stops, which is routine for many agen-

cies.

Critics of MCSO's anti-illegal immigration operations have increasingly accused deputies of making traffic stops based on racial profiling. To prove that such profiling is widespread requires statistical analysis of all deputies' traffic stops, and the race of each car's occupants.

The Hispanic Bar Association is investigating the sheriff's office in preparation for a lawsuit accusing deputies of violating motorists' civil rights by racially profiling.

"We don't have the statistics to show it one way or the other. But they're at the same disadvantage," Lisa Allen, the sheriff's media relations director, said of the critics. "They can't prove it because they don't have the baseline to go from."

Lawyers aren't the only ones MCSO doesn't want to know how it conducts its operations.

In response to a public records request, the sheriff's office provided the Tribune with the reports it sent to U.S. Immigration and Customs Enforcement about its illegal immigration arrests. Those reports show that deputies chose which vehicles to stop based on who was inside, which would support critics' allegations of racial profiling.

Officials had tried to black out suspects' names and sentences that detail how deputies conducted their operations, without any legal justification for removing the information.

But the sheriff's office didn't do a very good job of covering it up. Nearly every marked passage can still be read easily.

Tribune writer Paul Giblin contributed to this report.

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