

INVESTIGATION 14-0543

TRANSCRIPT OF RECORDED INTERVIEW OF
SHERIFF JOSEPH M. ARPAIO

Phoenix, Arizona

February 25, 2015

DESERT HILLS REPORTING, INC.

Arizona Registered Firm #R1045

2415 E. Camelback Road

Suite 700

Phoenix, Arizona 85016

BY: Terese M. Heisig/RPR

Certified Court Reporter 50378

DV = Don Vogel, Investigator
JA = Sheriff Joesph M. Arpaio
MM = Mel McDonald, Esq.
SK = Chief Sherry Kiyler

DV: Just for the record purposes, it is Tuesday, February 24th. It is 10 o'clock exactly. My name is Don Vogel. And you understand my role here, sir?

JA: Yes.

DV: Okay. Go ahead and say your name just for the tape. Obviously, I know who you are, but for the benefit of the audiotape.

JA: Joseph M. Arpaio, A-r-p-a-i-o. Maricopa County Sheriff.

DV: Okay, thank you.

MM: My name is Mel McDonald. I'm the attorney for Sheriff Arpaio.

DV: Okay.

SK: Sheriff Kiyler. I'm a member of the monitoring team.

DV: Okay. And there has been a lot of correspondence back and forth prior to the interview today kind of so everybody has a good understanding of the conditions in which we are here under, but I know that Mr. McDonald wanted to make a record. So --

MM: Thank you very much. As I've indicated, I represent the Sheriff. For the last four or five days, Fred Petty, who is legal counsel for Mr. Vogel and I, have been stating opinions

and e-mails over the application of the Garrity rule. At one point in time, I had indicated that I didn't think Garrity applied. Mr. Petty felt it did apply. And I got an e-mail yesterday that Mr. Petty thought it didn't apply. I'm now unsure of whether it applies or not, so I indicated to Mr. Petty that it is my belief and advice to the Sheriff that he should probably have the same rights of any other employee within his office, that even though I've been informed that Mr. Vogel will not be giving him the Garrity warnings. But I wanted to preserve the record and indicate that if Garrity would apply, and that hasn't been decided by the federal judge, that I think it should apply to the Sheriff. If it didn't apply because of statements that Judge Snow has made reserving the decision of whether to refer this matter to the United States Attorney's Office for contraction of criminal contempt, I felt it was important for the Sheriff to at least have legal counsel present during this process. Either way, it is in advising the Sheriff and as we've considered this, we felt that if the employees of the sheriff's department were to come, the Sheriff felt that he himself should come, cooperate in the investigation, answer to the best of his ability, and that is what we will do. Thank you.

DV: And just to kind of follow up to that, there has been written correspondence outlining our position. So I'm confident that you have all of those from the e-mails I reviewed. If at any point in time you guys need to take a break to confer, I want you guys to let me know. It is not my intention to at all

interfere with his right to counsel. So I just want to make sure that that understanding is there. If you feel that, you know, there is something you need to do as counsel, I'm not prohibiting your involvement in any way.

MM: Good. Thank you.

DV: Now that all of that is done, good morning.

JA: Good morning.

DV: How are you doing today?

JA: Alive and kicking.

DV: Just to kind of get some background, and I understand that there is things that I -- that I'm certainly familiar with, and I know you are, that kind of set the table for how we got here today.

Sheriff of Maricopa County. Just answer with audible answers for the tape. How long have you been the Sheriff?

JA: Twenty-two years.

DV: Okay. And you are in the -- and I don't know this. I think you are in the middle of your second year of your current term?

JA: Sixth term, second year, yes.

DV: Okay. And during that term, you certainly had -- had the opportunity to see a lot of growth and change in the Sheriff's Office.

JA: Yes.

DV: Sometime back not too -- in the too distant past,

you brought Mr. Sheridan on board as the Chief Deputy; correct?

JA: Yes.

DV: Do you remember what year that was?

JA: I think it was around 2010.

DV: Okay. And what were the circumstances that you brought Mr. Sheridan on as the Chief Deputy?

JA: Well, we had an opening. Dave Hendershott was the Chief Deputy. He had left. Hendershott was in charge of the jails. Actually, in the sense the number two parishion that I considered, and the number two parishion when Hendershott left, I appointed him as Chief Deputy.

DV: Okay. Now, when Hendershott left, that is old news as far as I'm concerned. But it is my understanding that there -- there was some turmoil at the Sheriff's Office, I guess is a polite way to say it. Would you agree with that?

JA: Well, I don't know about turmoil --

DV: And if you can think of a better word --

JA: I think that Jerry Sheridan was well-respected, so I don't believe it was as much as a turmoil than it normally could be when you bring someone either from the outside or in to take that high position.

DV: Okay. When -- when Mr. Sheridan was put in charge of -- as Chief Deputy, do you have an opinion as far as what was the condition of the organization and tracking of all of the important matters that were going on in the department?

JA: Well, you know, we always have to improve. We've had -- not living in the black ages, or whatever, but we were always trying to improve, and especially our recordkeeping and that type of thing.

DV: Okay.

JA: So as time went on, I believe we had been improving, and we still are. So it was somewhat of a transition when he came aboard, but I didn't see any big problem with the troops.

DV: Okay. And as I -- as I'm trying to express my thoughts, I may be using some of the words that some members of the Sheriff's Office have used in past interviews. I've done a tremendous amount of interviews in this case -- cases. So some of the words that I use, I may be using those from those interviews. So if they strike a cord, that is not my intention.

But it is my understanding that, as you said, things evolve, and with the times, technology helps, or that helps the organization to keep matters straight. And I'm just trying to get a feel for your understanding of keeping track of the important stuff that was going on. The Sheriff's Office has -- just by the nature of the business, you are going to have a lot of involvement in the courts. You are going to have a lot of involvements -- budgetary issues with the Board of Supervisors. You are going to have just -- I couldn't even begin to list all of the potential sources of big issues that are going on within your office.

When it was turned over to Mr. Sheridan, Chief Sheridan,

how was it -- are you aware of anything that was done in the transition to bring him up to speed on everything that was going on so that he could have a handle on things?

JA: Well, I believe -- first of all, this is a large organization. There is 4,000 employees, posse, inmates in the jail. So it is a big, big responsibility. Number two, as far as being brought up to speed, we had weekly staff meetings with the top staff, and he was always there. So he had an idea of not just the jail operations, but the whole office.

DV: Okay. Did you attend the majority of those staff meetings?

JA: The -- the staff meetings were just the top people, five, yes.

DV: Did you have a set day of the week and time for that, or how were they -- how did people calendar it so you could fit five people and yourself with busy schedules to make sure you were all in the same place at the same time?

JA: Well, usually -- I don't know if we changed it, but in the recent past, it has been Monday morning at 10 o'clock.

DV: Okay. So everybody gets together. Is there an agenda, or is there a roundtable where everybody gets an opportunity to kind of talk about what they believe is important from their responsibility --

JA: We really don't have agendas. In fact, we don't even keep minutes of the meetings. We talk. We come up with what

is happening and any ideas.

DV: Okay. Was that in effect when Mr. Hendershott was the Chief Deputy? Maybe not Mondays, but the idea was done?

JA: It -- let me say this. Usually we had another meeting when we brought additional people in, for example, deputy chiefs. We do that now on a Thursday, unless it is canceled for some reason.

DV: Sure. So you would have a meeting Monday with -- and help me with --

JA: Well, the chief deputy and the executive chief, and the financial chief. So usually about five people.

DV: Okay. So a couple of you would get together, and you would talk about key issues on Monday morning, and then you would expand to Thursday when it worked?

JA: Yes.

DV: Okay. Was current -- in that Monday meeting was current litigation talked about?

JA: Well, we talk about many things. It could have been, but that wasn't the subject of the meetings. A lot of things were talked about. Maybe some cases in progress, financial, that type of thing.

DV: Okay. So -- and understand, I'm trying to get a grasp on how information exchange occurs.

JA: Yes.

DV: How would you keep abreast of important litigation

involving the Sheriff's Office? Who would brief you on that?

JA: Well, I think we all got together if we were talking about some litigation, because we have lawsuits, unfortunately, sometimes, and we talk about that, but we would never get into the nuts and bolts. That was up to other people in the organization and, of course, the lawyers representing us from the County or that type of thing.

DV: Okay. What level would you talk about it in your Monday meeting or Thursday meeting without getting too much -- I know you said you don't get in too much detail of the case, but what type of information would be exchanged at those meetings?

JA: Well, just that, for example, we have a lawsuit, but we didn't get into all of the details of that lawsuit. They are very complex. So that was not done in the meetings.

DV: Okay. Now, I understand, because of the nature of the business, there is a potential for a great deal of notice of claims and lawsuits, just because of the nature of the business.

JA: Yes.

DV: At any given time, how many active pieces of litigation would you say have progressed past the notice of claim? How many -- how many of these issues have turned into lawsuits at any given time? Do you know how many --

JA: I don't know:

DV: -- lawsuits?

JA: I don't know.

DV: Do you think it would be more than 20? And I'm just for my own -- if I say "a lot," I don't know what a lot is to you or what a lot is to me. Do you think that at any given time there would be more than 20 lawsuits pending against the Sheriff's Office?

JA: I don't have a handle on how many at one specific time.

DV: Okay. When a lawsuit comes in, let's just say today. We will talk about today's procedure. If you are served with a notice of claim, do they come and find you and hand it to you, or is there a process set up in the Sheriff's Office for them to accept service?

JA: Very seldom, maybe -- unusual. They may knock on my door, but that is very seldom. Usually it goes through our legal division that they handle it.

DV: Okay. Are you made aware of the fact that you guys were served with a notice of claim?

JA: Recently, yeah, I have been when it is a lawsuit and notice, yes.

DV: Okay. Is that something that you've directed people to do, is to notify you at any point in time whenever you are served with a notice of claim or a lawsuit?

JA: I think in the last year or two, I've wanted to at least know that I'm being sued in my life.

DV: Okay. Why did you change that in the last year or two?

JA: Well, I haven't really changed it, other than the fact that -- that I wanted to know, because some of these lawsuits hit the media, and I think I ought to at least know that I'm being sued. I don't go through them all. I have legal people that take care of it, so I don't get involved.

DV: Did you require that five years ago, or did you just start doing that, like, I believe you said, a year or two ago?

JA: You know, I don't recall when I started this, whether it was two years ago or -- but I -- and I never got the form itself for the lawsuit. So now I -- now I get it, and I just look at it and give it to -- back to the legal division. It is up to them and the lawyers to take care of it.

DV: Do you take a look at the name, try to figure out quickly what it is all about and then pass it on?

JA: Well, there is a lot of frivolous lawsuits, so...

DV: Sure. Certainly, somebody at your agency is responsible for being the liaison with the legal people, how the lawsuit -- do you have somebody at your agency that is assigned to do that?

JA: I think it goes to our legal division, and Jack McIntyre, he may look at it, but it is really up to the county attorney to handle these lawsuits when we are sued. And they may appoint an outside attorney; they may handle it themselves.

DV: So is it Jack McIntyre's responsibility to act as the liaison of the office on all active litigation?

JA: Not really. I think we give it to him because he is a lawyer, and he can at least look at it. But he has no real authority to do anything with it. On the other hand, if some lawyers have questions, outside attorneys or entity, he can listen to it. But he has no authority in a sense to represent the County.

DV: Okay.

JA: He is not a lawyer. He is a lawyer, but he has other duties, too.

DV: I understand that, but as far as do you have someone responsible to act as a liaison with the people responsible for the case in order to keep information free flowing between yourselves and the legal people?

JA: Well, we have the legal section that -- that processes these lawsuits.

DV: And is that a division within the Sheriff's Office?

JA: It is not an (inaudible) division directly. It is our legal that handles all the incoming lawsuits.

DV: Who is in that legal -- and I'm just trying to get a good handle on it. What kind of people? Deputies?

JA: Well, they are not -- they are civilians. Most of them are civilians.

DV: Are they employed over at the County Attorney's Office?

JA: No. They are in my office. It is in-house that takes all of these lawsuits, processes them. But they have no

authority as far as defense or (inaudible) where the lawsuits come in. They do other legal work, too.

DV: Okay. Now, do they ever prepare or brief upper level management on the status of these lawsuits?

JA: Well, I'm not sure -- well, they don't brief in that sense. They may -- I'm not sure as far as the status. I'm talking about initially when these lawsuits come in.

DV: Say you got one that is hanging around, and it is -- let's just use Melendres, because that is why we are here. Who in your office would be responsible for -- you know, obviously, the media picks up on some of these. Some of these get a little more attention than others. Some of them go further in the process than others. And I understand that from an organizational standpoint, you may take the approach of weeding some of the lawsuits out that aren't going to progress very far in the system so you can best allocate your resources. But as far as the ones that start to develop, how were those -- how were those -- who keeps an eye on those for you?

JA: Well, once again, I would presume that it would be the lawyers that are handling the case, whether it is the county attorney or outside counsel or whatever.

DV: So you don't have a sworn individual that has access, regular access, to your involvement, the monitoring of -- of issues that --

JA: Not that I know of. Once again, we rely on counsel

(inaudible) to handle the lawsuit.

DV: You made it a point -- I think there were over 4,000 employees?

JA: It was. It is down to 3,600 now. But our --

DV: You've got a lot.

JA: Pardon?

DV: You've got a lot.

JA: Well, we got posses. And, once again, we have an average of 800 -- over 800 in jail. So I bring that up only when I mention about lawsuits. So there is a lot of people that can file claims and lawsuits.

DV: Now, when you say "800," you mean 800 employees working in the jail system?

JA: No. I have 800 -- I'm sorry, 800 inmates --

DV: Okay.

JA: -- working in the jail system -- not working. Then we have 1,800 detention officers.

DV: Right.

JA: I'm talking about the lawsuits you brought up that, as you are running a jail, sometimes those result in some lawsuits, too.

DV: And it is -- and that happens to jails.

JA: Yes.

DV: As far as the deputies, do you have a good relationship with most of the deputies?

JA: I think I do. I've been around 22 years, and I love my deputies. They are dedicated and have a tough job, and I think that we have good morale. I mean, I don't take polls on it, but...

DV: Okay. And I've seen -- obviously, I've lived in the Valley for a long time. I've been involved in law enforcement for a long time. And I see that -- and I watch the news. But as we sat outside, when I walked in here, I may have met you once, but I couldn't swear to it. But I think it is safe to say that from what I've seen in the news, when a deputy is injured or some type of critical incident happens, you have a great deal of concern for your employees.

JA: Yes. All employees, not just deputies.

DV: So this Melendres case, you are pretty familiar with it?

JA: Well, I don't know all of the facts on it, but I do know it occurred, I believe, in 2007. Way back 2007.

DV: When you say you don't have a lot of facts on it, what I'm saying is, you may not have, you know, intimate knowledge of all of the intricacies of the case, but you are certainly aware that this is a major deal with the Sheriff's Office?

JA: Yes.

DV: Okay. When -- when did -- when did it develop on your radar screen that this is a serious case?

JA: Once again, I think it goes back to 2007. Now you say -- excuse me, we have other lawsuits that I consider serious,

too, not just that.

DV: Correct.

JA: So when you say when did it go on my screen, you know, when it was filed or the situation started. And that was just one situation occurring in the Sheriff's Office. On the screen would be other lawsuits in the jail that were high profile, too, going on in those years.

DV: Okay. I think -- I think the understanding I have from our conversation was, you get served. You kind of look at it and you pass it on, and it is the legal people's job to do it. It is not yours. That is reasonable?

JA: Yeah. And my staff I delegate. I have a big organization. I'm the type of guy that likes to delegate. I have confidence in my people, so I don't get involved in all of these -- the nuts and bolts.

DV: When -- when did you start hearing more and more about the Melendres case to where that case kind of rose -- rose out of the -- out of the crop?

JA: Oh, I don't remember the time span exactly when it became important or not important. Every lawsuit --

DV: Every lawsuit --

JA: -- is important to me.

DV: Right.

JA: This one had something to do with the illegal immigration, or not something, it had to do with the illegal

immigration. Of course, we were enforcing those laws, too, way back. So that -- and then there is a lot of publicity on the illegal immigration problem I believe going back to 2007. And, then, I believe it was 2008 -- or, actually, 2007 I believe we were authorized to conduct illegal immigration situations by Washington, 287(g). I believe it was about that time.

DV: Okay. So I just want to have a clear understanding when you started -- when it became apparent to you that this Melendres case -- and I'm just -- I don't want to go back and pull names out of the media of other cases that in my opinion were substantial cases in -- in that period of time, but, obviously, Melendres at some point elevated itself from, you know, a lawsuit that is probably very important and has to be handled correctly by the County, but this one is different.

JA: Well, I don't know about different. A lawsuit is a lawsuit. But you have to say, excuse me, that subject matter was somewhat different, because I -- just prior to that, a couple years before, we had State laws that were passed --

DV: Right.

JA: -- giving us the authority on illegal immigration --

DV: Okay.

JA: -- enforcement. So when you take all of that and then you take a lawsuit coming up, there was a little -- probably more interest in that lawsuit.

DV: So approximately what point in the progression of time did it start to become a name that you certainly recognized and started listening maybe just a little bit better when that case was brought up? Not that you don't listen well all the time, but when did it become obvious to you that, you know, this is a case that I need to pay a little bit more attention to?

JA: Well, quite frankly, I don't really say that we should have paid more attention to it, because, once again, we pay attention to a lot of other things, too. So I don't know if I just said, oh, this is a big problem here. Let's pay more attention. Although, we were paying attention to it. So I -- I just can't say --

DV: When did it become apparent to you that this -- that this case could have a very large impact on the operation of the Sheriff's Office?

JA: Well, as time progressed, details came out, but it just -- it did not, me personally, have an idea, wait a minute, this is a very serious thing. So I just can't answer when you -- for me to say, this is going to be a big impact or so on.

DV: Do you think this is a -- now at this point in time as we sit here today, do you think this is a serious case?

JA: Yeah, I think it has ramifications and so on because then it started to go through the court system.

DV: And, then, dealing with this case as we sit here today, you would agree that it has had a big impact on the Sheriff's Office?

JA: Yes, I would agree to that, whether it is financially or whatever.

DV: Okay. Or operational?

JA: Yes.

DV: So I guess I'm just trying to ascertain that today, as we sit here in '15, that it is an important case?

JA: It is a long case. It is now about 2017. We are in '15 now. That is a long time.

DV: 2007 to 2015.

And I guess, Sheriff, I don't know the numbers, I'm guessing you guys probably get served with probably 75 to 100 notices of claims a year. And I'm just guessing. I don't have a basis for that. I'm just thinking that that might be somewhere in the neighborhood. These notices of claims, a lot of them are weeded out. Some of them you never hear back from. Some, the County decide to address early on, and then they go to lawsuits, and, then, at some point, there is a few of them that really become newsworthy. You can see that coming. You are a smart guy. There are some you are going to say, I don't want to be -- I don't want to be hit in the side of the head with this thing. Keep me posted.

When in the progress did the Melendres start getting to the point where, this is an important case, guys. Let me know what is going on.

JA: Well, once again, I say I delegate. I don't read every piece of paper, and we have our lawyers. We have our -- I'm

not going to say this in an insulting manner, but we have our bureaucratic -- it is not a bad word --

DV: No.

JA: -- organization. And, once again, I would say that I do delegate. I don't get into the nuts and bolts normally of the operation. But I do get some information as to important events that happen.

DV: Who did you delegate Melendres to?

JA: Well, it -- I didn't say you are delegated. Just because of the chain of command in who is handling the operation is what I call delegation. So I believe the Melendres, going back to 2007, we had a former Chief Deputy, and we had Sands who was the Deputy Chief, and then he became the Chief. So he handled most of the operations when you deal with illegal immigration.

DV: Okay. So your group of civilians that deals with litigation handles the litigation. You said Sands dealt with illegal immigration.

JA: He was a top -- he was a point man for that.

DV: He was the highest ranking official involved in that, highest ranking member of the Sheriff's Office?

JA: Involved in that operation. He still reported to a Chief Deputy.

DV: Right, okay.

At any point in time under your -- under your umbrella of leadership did you ever appoint or tell someone, I want you to

watch this case and keep us informed?

JA: No. I just -- my normal operations that that would happen.

DV: Did you ever receive any briefings on it?

JA: I -- briefings on what -- what case?

DV: Did anyone -- on Melendres. Did you ever receive any briefings by anyone under your command to bring you up to speed on the status of that litigation?

JA: On the lawsuit?

DV: Yes.

JA: I don't recall sitting down and having -- I may have met with the attorney once or twice, but I never had the -- sat down and went through the -- all the facts of that lawsuit.

DV: Did you ever have any casual conversations with anybody so that you knew the status of it?

JA: I don't recall.

DV: If it happened, would you recall it?

JA: Probably not. I have many meetings. I can't remember years ago what I may have -- as I said, I have other duties, too, not just the Melendres case. It could happen. We could have talked, but I don't have any formal -- I don't have any recollection of formal meetings going through this.

DV: If people underneath your command told me that they were present or witnessed briefings to you on the Melendres case prior to 2011, would they be telling me the truth?

JA: Well, it is actually recollection.

DV: Okay.

JA: I'm not saying they are right or wrong. I just can't remember when I have so many meetings a day.

DV: Do you have any information that would dispute the fact that they were telling me this, that it did or didn't happen?

JA: That they mentioned that they briefed me on an investigation?

DV: Yeah.

JA: Well, I -- no, I wouldn't have. It is a possibility they could, yeah.

DV: So you can't say, "I don't know what they are saying, but that never happened"? You are just going to say, "I don't remember it"?

JA: I don't know what they said to begin with.

DV: I don't remember that encounter.

JA: Yeah, but I don't know what they said, whether I would remember or not.

DV: Okay.

JA: If they said something that would stick out in my mind, I would -- it would refresh my memory.

DV: Is there any reason that any member underneath your umbrella of command would say something about you that isn't true?

JA: I don't know. I have no idea.

DV: You don't know, but is there anything that sticks

out in your mind that may be a motivating factor for somebody in your upper level command to tell me something about you that isn't true?

JA: Oh, it is a possibility. I'm not accusing anybody.

DV: Who would that be?

JA: Well, I presume it would be Brian Sands. I'm not going to get into his latest book he wrote, but --

DV: Did you read it?

JA: I just briefly read it. Why would I waste my time, the comments he made, so -- but I'm not criticizing him on that. But you asked me the question. I'm trying to be honest about this.

DV: Thank you. Other than Sands -- let's take Sands out of the equation. Is there any other members of your executive staff that could have a reason to tell me something about you or information that they shared with you on Melendres, would they have any motivation to lie?

JA: I have no idea, but I'm going to say, again, I think that they may -- I think the question was, did they -- anybody ever brief me?

DV: M'hum.

JA: Once again, I can't remember when that happened. I'm not saying it never happened, but I just can't remember. So whether they lied or not, I have no knowledge of that.

DV: But -- and I'm just going to pull -- does Jack McIntyre have any reason to tell me anything that is not true about any information in this case?

JA: Well, I think he is a pretty honest guy. He is a lawyer.

DV: Okay.

JA: That makes him more honest. And I don't know, I don't think he would purposely lie.

DV: Okay. Same with Trombi?

JA: Yes.

DV: Same with Chief Sheridan?

JA: Yes.

DV: Same with the other members of your executive staff?

JA: Yes.

DV: Okay.

JA: But, once again, I don't know what they said.

DV: Right.

JA: You are asking me about personality and so on, and I --

DV: And as I --

JA: -- trust these guys, and I don't know.

DV: And aside from what they may have said, you would count on them to tell the truth in here?

JA: Yes.

DV: Okay. I want to talk with you about a particular situation, and it was told to me in great detail by multiple people.

It was in the evening hours, and one of your sergeants

was out in the field, and they had just made a stop, and they were moving forward with their investigation. It was involving a human smuggling case. And the investigation had progressed -- progressed to the point where they had transported some individuals to one of the Sheriff facilities to continue their investigation. It became very apparent to them -- and this is post 2011, okay, after the December 11, 2011 -- December 23rd, 2011, court order. And it became very obvious that to the individuals on the scene that they did not have State charges and that they had to immediately release the individuals that they had in their custody. The sergeant was given -- was given a message to call the Sheriff, and he did so, and he did so on a speakerphone with a room full of people and had a conversation with you about the disposition of these individuals in custody. Do you recall the phone call like this?

JA: I recall some calls to ICE, if -- I don't know what circumstance you are talking about.

DV: Okay.

JA: But if it was on a speaker and I was there, then that I recall.

DV: There was a speakerphone at the Sheriff's Office.

JA: At my office?

DV: In one of the Sheriff's Office facilities. Even -- you are not in this facility. You are somewhere else. So there is the sheriff -- the deputy sheriff, there is a sergeant, other people in the room witnessing the call. He is on a speakerphone,

and he dials the Sheriff, you.

JA: Okay.

DV: And he gets you on the phone. And another person is conferenced in. And I have multiple accounts about that phone conversation to where they told you, Sheriff, we were told to call you and brief you on this case. We've got a traffic stop. We will move forward. We cannot make the State charges. We have to release these people. Multiple people have told me you said, don't release those people. I want you to hold them. I'm going to be down with the media. You need to hold them. And the response was, Sheriff, I can't do that. I'm familiar with the law and the court order. I can't do that. We don't have any charges on these people. And you said, I'm the Sheriff, and I'm giving a direct order to hold those people.

JA: Well, I don't give direct orders. I don't believe that. And I don't know all the circumstances of those two people, whether they could have been turned over to ICE. So I -- I don't remember that conversation.

DV: And then they said, Sheriff, we are letting them go.

JA: Okay.

DV: And they put them on -- and they released them.

JA: Okay.

DV: And there is multiple people giving me the same account of that phone conversation. And I said "multiple people,"

and you were just able to offer the fact to me that there were two people.

JA: It may have been a conversation about the ICE situation.

DV: Tell me about your thoughts about this situation I was just telling you about.

JA: Yeah, I don't recall it. If I did talk to them, it had to be somewhat about -- this is after the 2011?

DV: Yes.

JA: We were still, I believe, calling ICE to determine whether they could take them. And I don't know if they called ICE. They called me, so I don't know why a sergeant would be calling me.

DV: Because he was directed to call you. His lieutenant told him. I received a message. You need to call the Sheriff.

JA: Okay. So I don't know all the details why I said this. I didn't say this to defy any order or anything else, if that is what you are talking about. So I don't know why -- there had to be some other conversation for me to say, don't release them, whether it is to call ICE, see if they can pick them up in that type of situation.

DV: Multiple people have told me that you said, don't release them until I get down there with the media.

JA: I don't know about the media.

DV: Is there a reason that multiple people would tell

me independently under the guise -- under -- in this investigation under Garrity, when these interviews were done in succession, so there was no opportunity for Individual A to get to B to get to C to get to D, that these interviews were done in quick succession once I found that information, and there are multiple accounts that match?

JA: Well, I'm going to say again, I didn't have all -- all the -- I don't know what the conversation was about, but that was a time when I believe we were dealing with ICE, and we were making phone calls to ICE to see if they would pick these individuals up. So that was -- and also was at the time that ICE stopped picking them up, stopped picking these individuals up right after that.

DV: Okay. This is --

JA: So the point was, if I said that, it was to understand that these people were being released when in the past they were being picked up by ICE. So that is the reason if I said that.

DV: From the dialogue of the conversation that has been shared to me on multiple occasions, it was said that there was no question that what they were telling you was, we do not have a legal right to hold them. We have got to let them go. And you said, hold them until I get there with the media.

JA: Well, if I had the media there, it was, once again, to show that ICE was refusing at that time span to pick up the -- the illegal aliens.

DV: Okay.

JA: They were in the past, and, all at once, they are not picking them up.

DV: Okay. The media is not in -- and I'm just sharing that with you because that was the context -- that is what was told to me. The media is not an issue. The fact that you told them -- I want to understand why you told them to hold them after they told you legally they can't and they are violating the court order if they do.

JA: I don't remember anything about court order, saying they are violating a court order.

DV: What do you remember about that call?

JA: I -- once again, I'm not -- I'm trying to remember. It could have happened, but if I did say that, it was, once again, that these people should have been turned over to ICE. But the bottom line is, they were released.

DV: They were released --

JA: Yeah.

DV: -- because the sergeant said, Sheriff, I'm not doing it. I'm releasing them right now.

JA: Well, I don't remember any sergeant saying that or talking -- it could have happened.

DV: Quite honestly, when I -- when I was told he said it, I thought, boy, took a lot of courage to do that.

JA: You mean the sergeant?

DV: Yeah.

JA: Well, I think they understand the Sheriff, that I don't hold anything against them, and they can do things and not be penalized for it. So that is -- if you want to call that courage, okay.

But the bottom line, they were released, and if I said that, it had to do, again, with ICE about turning these two people over to ICE, which at that time I believe they were refusing to pick them up.

DV: After the issuance of the 2011 order, does the order address the fact of holding people for ICE when you don't have criminal charges?

JA: No. I believe that you have to have a criminal charge, stop someone on a criminal violation, and then call ICE.

DV: So in the absence of a criminal violation, why would you be acting under the -- the impression that they were to hold them for ICE when they told you they didn't have a criminal charge?

JA: Well, I didn't have all the details on that. Also, when you talk about that 2011 order, I wasn't familiar with that order, the 2011 order.

DV: When did you become familiar with it?

JA: It took time. I don't even know when I was notified of it. I don't believe I was notified (inaudible) there was an e-mail that everybody was on except me. So I was not cognizant of that order until months later.

DV: Okay.

JA: So when I was saying that, I wasn't saying that pursuant to any order. Just the way we were doing it.

DV: But I think -- and I'm not trying to get into an argument with you. I'm just -- I'm just pointing out that, and Mr. McDonald's notes will even reflect that if we need to go back to it, you said at that time after the 2011 order, we were holding people and releasing them to ICE, and that conduct is strictly prohibited in that order. So why would you tell them, go ahead and hold them for ICE, or at least --

JA: I didn't realize the order at the time.

DV: So you are telling me you -- you told them to hold them for ICE, but you didn't think there was anything wrong with that?

JA: No. I'm saying that that may have been why I said, don't release them.

DV: Okay.

JA: Because we were having a problem with ICE. I don't think the order had anything to do with it, but they started to stop picking up the -- the illegal aliens. For some reason, they were not picking them up anymore, so we had to decide what to do with them.

DV: And when you are saying, I may have said it for this reason, you are accepting the fact that you said it, because all of these witnesses --

JA: Well, if they said I said it, but it had nothing to do with defying a court order. I would never defy a judge's order.

DV: Okay.

JA: That is difficult to answer when you don't have all of the facts of why -- why did two -- I don't even know if they were involved with the human smuggling. I don't know if they were co-conspirators. At the time, we were keeping co-conspirators. So it could have been two co-conspirators.

DV: You have -- you have been in law enforcement a long time. You have -- you were a DEA agent; correct?

JA: Head of DEA.

DV: I'm sorry, no disrespect. I know you were with the DEA. I know I read a couple paragraphs, you had a colorful career. Back when law enforcement hadn't quite evolved up to where it is today, you had some pretty interesting encounters.

And I guess where I'm going with that is, you understand how to make a case against somebody, criminal.

JA: Things have changed, but since I've been the Sheriff --

DV: Things have changed, I agree.

JA: From the old days.

DV: I've been retired 10 years, and things have changed. So since you've been out there making cases, things have changed, as well. But the fact about satisfying the elements of a crime hasn't changed. Would you agree with that?

JA: Yes.

DV: And if you are going to charge somebody with acts, you have to satisfy the elements of acts before you can charge them

with it. I don't care what it is. Agreed?

JA: Sometimes you need legal advice.

DV: These days you do. But it is your job as the -- as the Sheriff to make sure that your officers have all the training to be able to make the best decisions they can on the street.

JA: Yes.

DV: Okay. Now, have you reviewed the order?

JA: The 2011?

DV: Correct.

JA: Yes.

DV: And you are familiar with the language that states that, in my plain and simple language, you can enforce state statutes?

JA: Yes.

DV: And if I'm misstating something, I want you to correct me. And it talks about the elements of human smuggling.

JA: Yes.

DV: And this is contained in the order. Are you familiar with the elements of human smuggling to be able to speak with it casually right here?

JA: I think I am.

DV: What are they?

JA: The human smuggling?

DV: The elements of human smuggling from the State statutes.

JA: You mean, the criteria of the --

DV: Sure.

JA: -- for stopping a vehicle or --

DV: No. What are the elements of the crime? What do you have to show to satisfy the State statute in order to charge somebody with human smuggling?

JA: Well, there is many --

DV: There is three.

JA: The vehicle --

DV: The first having -- let me help you.

JA: Yeah.

DV: And I'm not trying to interrupt you. But the first is, basically, that somebody is in the country illegally. Second is that they are being transported basically for some type of pecuniary gain or commercial purpose. Okay? That is kind of what you have to show.

JA: Yeah, if you get up to that point.

DV: Okay. And -- and in -- inside of the order, it also indicates that there is no state officer that can determine if somebody is in the country illegally, that that can only be done by a federal agent or an immigration officer.

JA: Do you mean post or prior to 287(g)?

DV: Post. This is in the 2011 order, so -- and I'm bringing this back to the phone call. If they had people in custody for what they believe was human smuggling and they called you and the statutes are such, I don't understand -- and I just want you -- to

give you the opportunity to make it clear to me, so I can make it clear in my report, why under any circumstances you tell them to hold them.

JA: I don't know the facts of that case, the investigation.

DV: Let me tell them to you.

JA: Yeah.

DV: They made a traffic stop. They did their field investigation, and they thought they had reasonable suspicion to continue with their investigation and transport the individuals who were in the vehicle to the station to continue the investigation. They brought the people in, interviews were conducted, and it became apparent that they could not meet the elements of the crime, and they had to release the people immediately.

JA: Once again --

DV: That is the case.

JA: Okay. But, once again, the possibility always existed to call ICE if -- and I believe if that happened, they were -- they knew they were here, those two were here illegally.

DV: Okay.

JA: And it was also always the policy to call ICE to see if they would take these two people in.

DV: And was that the policy that remained in effect after the issuance of the December 23rd, 2011, order?

JA: I don't know. I don't know if that policy ever got

down to the troops. I think we had a miscommunication problem over this 2011 order. I didn't know about it. I didn't read it until later.

DV: When did you read it?

JA: I don't recall when I -- but it was quite a bit later.

DV: Okay. It was issued --

JA: I have read it since.

DV: Okay. It was issued in, let's just call it, 2012, first day of 2012.

JA: Yeah it was December --

DV: December 23rd, 2011.

JA: And also it was Christmas.

DV: Yeah.

JA: And there was a lot of miscommunication getting this order down to the field.

DV: So let's just -- let's be safe and say January 1 of 2012, and here we sit today. Okay. So you've got less than three years in that window. Did you read the order three years ago, two years ago, one year ago?

JA: I have no knowledge when I -- it wasn't three years ago. I'm sure I read it prior to that. I mean, after the -- so I don't have a timeframe when I read the order.

DV: When is the last time you read it?

JA: Well, I read it recently.

DV: When is that?

JA: A couple weeks ago.

DV: Okay. Why did you read it a couple weeks ago?

JA: Because I thought it was necessary to read it.

DV: Okay. What -- what precipitated -- what event precipitated your decision that it was important to read it at that time?

JA: Oh, there was a lot of controversy over this order, and I wanted to review it again.

DV: Okay. Did you read it in preparation for the interview today?

JA: No. I read it prior to that.

DV: Okay. So we know you were -- and that wasn't your first time you read it, a few weeks ago? That was --

JA: I believe I read it a while back. I don't have the year or the date.

DV: Okay. In my opinion, you are a very intelligent man. I think you are -- you --

JA: (Inaudible) really well. I don't have all the degrees and so on, but thank you for --

DV: But you know what is going on. You've got a lot of smarts. You have more common sense than most people put together.

JA: Well, common sense after being a federal official for 30 years. You don't defy orders. I don't defy the Judge's order, the court orders, regardless of what people come up with a

circumstance. And once again, I don't understand, other than the fact I can surmise that at that time, we had a battle with ICE would not pick these guys up.

DV: Okay.

JA: And if there was any media involved, it was to send a message that ICE refuses to do what they had been doing for years, for years. It had nothing to do with the court order. I was more concerned why ICE --

DV: Okay.

JA: -- is turning us down.

DV: I understand that, and I understand that you are able to tell me about that, and that has been going on for a long time. And I would hope that you would, with the same level of clarity, be able to talk about the order, because I think it is reasonable to think that you've read it multiple times.

JA: Not multiple. I said I read it a while past, and I read it again --

DV: I think it is reasonable to think that -- I mean, you've been to court more than once. They haven't all been the most comfortable visits to the courtroom that you've ever had in your career. I would think it is reasonable to think that after that court, you are going to sit back and you are going to say, I'm going to read that darn thing and see what it says. I want to be informed. Because you are a smart guy, and I know that it was uncomfortable for you there. So I think it is reasonable to believe that you've

read it as these proceedings were going on.

JA: I don't have the timeframe.

DV: Okay. You don't know the timeframe, but you will agree that you've read it?

JA: Yes.

DV: Okay. Would you agree that you've read it as these proceedings were going on as far as addressing the compliance or noncompliance of the order?

JA: The timeframe.

DV: Well, you know, you've got the other order in '13 that said, why aren't you following what I told you to do in '11? I think it is very reasonable to believe you read it before you got that '13 order.

JA: Well, once again, I'm going to say this, that I rely on the legal opinions. I rely on my staff, and I'm not even -- I said I read the order a while back. I don't know when I read the order, other than recently, so I can't give you the timeframe of when I read the order the first time.

DV: Okay. So it is your position that, I rely on people to keep me informed.

JA: The order I'm sure was read by -- whether I read it or not, was read by the legal people, the lawyers, and I would presume by my staff.

DV: Okay.

JA: Because I was delegating this whole situation to

my staff.

DV: But you don't have any recollection of any information exchanges about that order that people contacted you and said, Sheriff, this is what I've got to do?

JA: I don't recall that that happened. I don't -- I don't understand your question.

DV: Will you tell me --

MM: Can we take a restroom break?

DV: Sure. The clock says 11 o'clock.

MM: Yes.

DV: We will come back at about 11:10.

MM: Yes.

DV: Let me show you guys where the restroom is.

MM: Thank you.

(Pause.)

DV: My clock says 11:07. We left the tape running continuously to memorialize the break. Are you guys both okay to continue at this point?

MD: Yes.

JA: Sure.

DV: And, again, if for whatever reason you need a break, just let me know.

I just -- I went back and looked at some of my notes from the interview that I was talking about dealing with that phone call, and specifically on the record what was said by the individuals that

witnessed the call was that actually ICE had refused to come and get these people and that they were going to send them to the border patrol. And it was at that time that you said, hold them. Don't release them to border patrol until I get there with the media.

JA: Okay. So --

DV: So it wasn't a --

JA: The point was, we were going to turn them over to the border patrol.

DV: Right. But you had said to hold off on that release, that you need to hold them in Sheriff's Office custody, and they said, Sheriff, we are ready to let them go. You said, hold them there until I get there with the media.

JA: Well, the point was, I'm going to say it again, we had a problem with ICE. They had stopped picking up, like they always did, and we were dealing with the border patrol. They were willing to pick them up.

DV: Okay.

JA: So that is -- if I said hold them, it was to turn them over to the border patrol.

DV: Well, they said -- why would you feel the need to tell the deputies to hold them and delay the transfer to border patrol until you got down there with the media?

JA: Well, once again, this is a critical issue where the ICE was refusing to pick up our people.

DV: M'hum.

JA: And it was publicized and so on. So this is an issue that the media should have been -- or the people of this county should have been (inaudible.)

DV: Okay.

JA: So it wasn't telling them to violate any judge's order.

DV: Why would you feel the need to delay the transfer of the people out of your custody in order to comply with the court order in order to make this issue available to the media? Why couldn't you just report it? Why would you feel the need to tell your guys, hold onto them. I'm coming with the media. Do not release them. And they said, we've got to get -- we've got to let them go now. We've got to turn them over to the border patrol, Casa Grande border patrol, right now. And they said, no, Sheriff, they are gone.

JA: Were they gone? Were they gone?

DV: They were there at that moment.

JA: Yeah, but they were gone.

DV: No.

JA: They were picked up by the border patrol.

DV: But you instructed your guys to hold them. Do not release them. I want to get down there before they are released with the media.

JA: Well, if that was the case, I -- we were having problems with ICE.

DV: Okay.

JA: It was a law enforcement problem, immigration problem. So if I said the media, it was to prove a point that ICE was refusing to pick up our -- which they always have done. And that was about the time that they stopped picking them up.

DV: Okay. Whether that happened or not, which that is what your guys are telling me, I'm just having a hard time understanding why there is the need to delay the transfer out of Sheriff's Office custody in order to make that point to the public?

JA: Well, I just -- I said why.

DV: I didn't understand it. Could you say it again?

JA: We were having problems with ICE.

DV: Okay. I get that.

JA: It was a big problem.

DV: I get that.

JA: In lieu of that, we were going to turn over -- because border patrol said, we will take them.

DV: We will take them.

JA: Okay?

DV: Okay. So why not just let border patrol take them and report to the media what happened? Why do you have to say, hold them longer? Don't give them to border patrol yet. I'm on my way. Hold them. Why would you have to prolong your custody of them?

JA: You see, I'm not sure whether border patrol was coming to pick them up.

DV: But -- and I --

JA: And it takes time --

DV: Right.

JA: -- to come from Casa Grande, if that was the case, to pick them up. So we had plenty of time to --

DV: But you told them, do not release them. Don't let them go until I get there.

JA: That could have been the case. I'm not -- I'm not sure, but if you say that is what they said, it could have happened, but I don't recall that.

DV: Why would you make that statement, though? Why -- why would it be important to make -- for you to get there well after hours with the media to memorialize that with the media? Why? I don't understand.

JA: Because I'm saying, again, we were having problems --

DV: Okay.

JA: -- whether you call it political problems or otherwise, ICE refusing at that time to take, so -- which they have always done before. So I was -- if I did do this, I don't have all the facts, it was to send a message that ICE has refused to pick up these people that -- people here illegally.

DV: And is it your understanding of the order -- as we sit here today would your conduct, as described to you, then be a violation of the order as you understand it right now?

JA: No, I have no idea. Once again, when you read these orders -- as you say, I'm not a lawyer myself. I have lawyers to interpret what the -- the Judge's order.

DV: So are you telling me that as you sit here right now, you don't know the content of the 2011 order?

JA: No. I'm saying, I have reviewed the order. But, once again, the lawyers have also reviewed the order, too, and --

DV: Okay. And as you sit here --

JA: -- give advice.

DV: As you sit here today as the sheriff, would the conduct that I described to you that happened in that border patrol release incident, would that be in violation of the order as you understand the order right now?

JA: Right now, but I didn't understand it at that time.

DV: So your understanding of the order right now, holding those individuals after the moment it was determined there were no criminal charges, State criminal charges, that would be in violation of the order?

JA: Now, I said I didn't --

DV: Today.

JA: -- know at that time.

DV: Right, but as we sit here today at this moment in time, you're agreeing with me that if that situation were to happen again today, with the knowledge you have today, that would be a violation of the order?

JA: I think one thing -- once again, the lawyers have to look -- I think the Court did say that you can call ICE when you stop these people.

DV: I'm asking what your understanding of it is.

JA: My understanding is that you could call ICE when you come across these subjects.

DV: Okay.

JA: But you have to be careful how long you keep them for ICE to show up.

DV: How long can you keep them as --

JA: That is another legal question. I --

DV: What guidance are you giving to your troops today?

JA: I don't give the guidance. I have my lawyers and subordinates that give the guidance.

DV: What guidance is being given to your troops today?

JA: Well, I think that we did do a -- a -- in fact, I -- I believe I did it. I sent out a guidance.

DV: Okay. What did that guidance say?

JA: A newsletter saying that you cannot use race, and you have to have a criminal charge to hold these people. I think I personally sent that out.

DV: Okay. So what guidance are you giving to your officers today about ICE's involvement if they don't have criminal charges?

JA: I just mentioned the --

DV: You mentioned racial profiling.

JA: And I also say you can't hold -- you have to have a criminal charge.

DV: So if you don't have a criminal charge, you have to release the people immediately?

JA: I would say, yes.

DV: So how could you hold them for ICE if you are releasing them immediately?

JA: That is a -- that is a good question.

DV: Okay. Do you have an answer to the question?

JA: I don't have an -- it is a legal question.

DV: How is the Sheriff's Office operating today with that question?

JA: Today I would hold that they fall under the Judge's order.

DV: And --

JA: And if they come across some illegal aliens, they have no charges on them, they have to be released, which is a concern sometimes, releasing people in the desert --

DV: Sure.

JA: -- that they could die in the desert.

DV: I get that.

JA: So there is a lot of ramifications.

DV: But as far as the application of the order today, would you tell the deputies hold them until I get there?

JA: No.

DV: Wouldn't do that. Why not?

JA: Why not?

DV: Yeah.

JA: Because the Judge's order said today --

DV: Your understanding of it as we sit here at this moment.

JA: Yeah.

DV: But that may not have been your understanding of it back when this call occurred.

JA: No.

DV: And if I told you this call occurred within 30 days of the order being issued, what would your response to that be?

JA: That I didn't know about the order.

DV: Do you think it would be odd that your troops would know about the order and you don't?

JA: I have -- I thought there was a communications problem, but I don't know. I don't know if they knew about it, but I didn't know about it.

DV: I guess, you know your organization better -- certainly better than I do. Why would information of that importance not -- why wouldn't you know that, and why would a sergeant out there working after dark know it and you don't?

JA: I have no idea.

DV: Does that concern you?

JA: No.

DV: Why not?

JA: Well, it concerns me if -- it concerns me if the communications was not there to pass this on to everybody, but I would presume the possibility of the sergeant is a human smuggling -- and that human smuggling -- maybe someone mentioned that to him, because he was in that unit. That is just my --

DV: I think --

JA: -- idea behind it.

DV: I think -- I think to some extent you and I have some of the same qualities, and I think if I were in your shoes, I would have somebody's tail real fast if this was going on and nobody told me about it, especially after the first moment I sat in Judge Snow's court and heard about it. And I can't believe you didn't close the door and have some words with some people to find out why -- why are you leaving me hanging, guys? I can't believe that.

JA: Which -- what time are you talking about?

DV: Any timeframe about when you first became aware of the order. You are saying it was issued December -- December 23rd, 2011, and a period of time had passed until you became aware of the order and read the order. And in that period of time has got me in a lot of very uncomfortable situations.

JA: Well, I don't know if there has been any violation of that order.

DV: I'm not saying a violation. I'm saying it has

gotten you in some very uncomfortable situations. I never used the word "violation." I'm saying it has gotten you into some very uncomfortable situations, and I want to know how come people that I've promoted into very important positions aren't keeping me apprised of what is going on and are leaving me hanging out. I can't believe you wouldn't have closed the door and had those conversations with people that are under your command.

JA: I'm trying to get the timeframe again.

DV: Any time. Well --

JA: Well, I guess I could do that tomorrow, too.

DV: Yeah, but have you done it yet?

JA: I'm sure that they got the message.

DV: How did they get the message?

JA: I'm sure they got it from our lawyers and policies.

DV: How about from you?

JA: Well, I'm sure that when the actions are being taken like what we've done and in compliance in the last year or two years proves a point, excuse me, that we are taking action. I don't have to bring someone in my office. And, like you say, things are being done.

DV: But stay on point. I'm not talking about things being done. I'm talking about the lack of communication in an upward momentum where this information gets presented to me as the sheriff of the Maricopa County Sheriff's Office, I'm the top guy, and this order is coming down, and somebody is not passing along to me. Why?

I want to know who, and I want to know why. I can't believe you didn't do that.

JA: Well, I think that what we are going through right now on the internal investigation proves that something is being done --

DV: Okay.

JA: -- to get to the bottom of it.

DV: But --

JA: I'm not going to talk about this until someone looks at the investigation.

DV: What -- what don't you want to talk about?

JA: No, you are saying why didn't I take action --

DV: Yeah, why didn't you say --

JA: -- when -- disciplinary action --

DV: I'm not saying disciplinary action. I'm saying, why didn't you pick the phone up and call Sheridan and say, Jerry, get in here. What is going on? This order exists, and you didn't tell me about it. Did you know about it? Find out where the breakdown is, and I want some answers.

JA: Well, I'm sure that has -- the message has --

DV: Did you have --

JA: -- come across.

DV: -- that conversation with Sheridan?

JA: In the past two years, three years or recently?

DV: Yeah, the past three years. When you first became

aware that this order is out there and some time had passed, did you say, why and who? I want some answers.

JA: Well, I don't think he knew all the answers, either.

DV: Okay. Let's stop there.

JA: Because there was a communications problem.

DV: Did you have that communication with Sheridan?

JA: I may have.

DV: May have or --

JA: But I know that things had been changed and a lot of work has been done.

DV: Okay. I understand that.

JA: Whether I said it personally to him, but it is being done, and I told him to handle it and get these things resolved, yes.

DV: Okay. But did you tell Sheridan, I want to know why I didn't know. Who had this order and who didn't tell me about it?

JA: No, I don't recall saying that.

DV: Wouldn't you want to know that?

JA: I -- I think I took it for granted that -- that all of these issues were being rectified by him and his staff.

DV: Okay. Wouldn't you want to know --

JA: That proves something is being done.

DV: Wouldn't you want to know who failed so that they are not in an opportunity to fail you again on such an important issue?

JA: Well, I didn't conduct -- I didn't ask for an

internal investigation at that time.

DV: And -- and you can ask for answers about what is going on in the office without requesting --

JA: Well, I know --

DV: -- an internal investigation.

JA: -- we may have talked about it, but I don't -- I don't remember the timeframe.

DV: Okay.

JA: I don't remember the specific conversation.

DV: Did you talk about it? Not being able to tell me the timeframe or the exact dialogue, did you have that conversation?

JA: I may have, at least in the last year.

DV: May have or --

JA: Well, I'm not sure. I don't remember. We had many conversations about many items.

DV: Is it a question on your mind that you probably want an answer to?

JA: Once again, I don't remember having a formal conversation saying what happened. I'm sure informal or just discussions, let's get this thing rectified, yes. Let's get this settled, get some controls in there, cooperate with the monitor. That was my philosophy.

MD: Don, let me just indicate one thing. Part of my confusion and my role here, I know in Garrity I can't participate, and I'm sitting here not participating, because I want the Garrity

to apply. There are other issues, though, where as a lawyer, if it didn't apply, I would be making statements. I think it has been covered, don't answer this, whatever. I'm really caught in a Catch-22 right now, because I want to respect Garrity, and I don't want to take advantages of what other people don't have in Garrity, but on the other hand, I think a lot of the issues are being beaten to death. I mean, he has indicated in some of the responses, he doesn't remember a lot of the details. I know that there is enormous changes taking place in the office, and I know he has never willfully violated the court order. I don't know what else we can do. I don't know what really should take here.

DV: Well, as I want to point out and I want to read what I read earlier, I'm not interfering with your right to counsel. And I'm not interfering with your Sixth Amendment rights. I'm not interfering with your ability to confer. And as I said, ask for a break whenever you would like. For you to even have a hint of Garrity in your mind, that is your decision. I'm not operating under the provision of Garrity.

MD: Actually, it was Fred Petty's opinion, too. He told me he thought Garrity applied, and he is your lawyer.

DV: Well, that is a discussion to have on another day. I know that there have been many written correspondence, and this interview is not being held under the -- under the umbrella of Garrity, and I made that very clear about I'm not interfering with your right to counsel. Okay? So --

MD: I have been purposely staying quiet because of Garrity. I'm reaching the point where I think he has done the best he could to answer, and I don't want to be in a situation where I say, don't answer the question, it has been asked and answered, but -- because I want to give you free opportunity to proceed with this. For example, on the call you've made what these other people have reported, he hasn't been given a report. He doesn't know who the people are. He doesn't know the date or the time or the circumstances, and I just think a lot of this is really unfair to him to try to pin him down on something that he hasn't had a chance to look at or prepare.

DV: What I'm doing is sharing the same recollections of other folks with him. And if he doesn't remember that, I don't know what his ability to remember is until I ask a question. And it has been my experience, for doing this for over 30 years, is you continue to converse and offer more details that sometimes people remember. So I'm trying to give him the benefit of all of the opportunities that I can to help him to remember.

MD: Again, what I'm saying, there has probably been 20 or 30 times he said, "I don't remember," that if that happened, this might be a reason why. I don't remember it happened, but it might have been this.

THE WITNESS: I'm trying to be honest and cooperate.

DV: And as we go on, Mel, I want to let you know, I'm not interfering with your right to counsel this. If you choose in

your mind to operate that Garrity may be in effect, I'm telling you, I have not read Garrity, and this interview is not being conducted under the umbrella of Garrity.

MD: And I -- and I'm telling you, I -- I perceived it as being operated under the umbrella of Garrity. You haven't given him the Garrity instruction. I think the Garrity applies. I think the Sheriff is entitled to the same protection, at least it can be argued as such. And so I just don't -- I don't want to have a point later come, well, gee, you raised objections or points. You can't do that when you are having a Garrity. That has been the dilemma that I've been in.

DV: Well, how you proceed, that is your choice, but I'm telling you, I'm not interfering with your right to counsel. If you -- you know, how you proceed is your choice, but I am not interfering with your right to counsel in any manner. Whatever your actions are are your actions, but I have not informed him of Garrity, and it is my understanding Garrity does not apply here today. And I've not given any hint that it does.

MD: Okay. We can go forward.

DV: Do you get e-mail?

JA: Do I what?

DV: Do you get e-mail?

JA: I don't have an e-mail.

DV: You don't -- you don't have an e-mail address at the Sheriff's Office; is that correct?

JA: No.

DV: Why not?

JA: I don't have a computer. I don't have a -- I'm not into this high tech equipment.

DV: A guy as busy as you, I can only see where it would be a nice tool to have. And I'm just curious if you've ever had e-mail.

JA: Not directly to me, no.

DV: Does it go to somebody else?

JA: I think my secretary may have one.

DV: Okay. And so if somebody wanted to send something to you, an e-mail communication, how would they do that?

JA: I tell them I don't have an e-mail. That is it.

DV: I guess --

JA: I don't even have an e-mail to know to give out to send anything.

DV: If there is an important sheriff's office matter, whatever it may be, someone says, hey, I've got to send this to you in e-mail. Who do you say to send it to?

JA: Usually the secretary has an e-mail (inaudible.)

DV: Okay. So if somebody has to get, like, an important document, would you ever say, send it to -- would it be, like, send it to my secretary or send it to Sheridan or send it to somebody else? I mean, how do you -- here is an e-mail dated December 23rd, 2011, at 5:23. Take a look at -- and I don't know, but it would

be my understanding that there is additional text to this e-mail that I've not been provided.

JA: I don't know. I can see I'm not on this e-mail.

DV: Because you don't have an e-mail address.

JA: Okay.

DV: If you were on this e-mail, I would like to know what your e-mail address is, but looking at this e-mail, it is from Tim Casey. Agreed?

JA: M'hum.

DV: Who is Tim Casey.

JA: He is a lawyer appointed to represent us at the time.

DV: And he -- when you say "us," do you mean the Sheriff's Office?

JA: Yes.

DV: Does he also represent you?

JA: Yes.

DV: Okay. Now, it is your decision whether you want to -- if I ask you a question that deals in anything with any conversations with any lawyers, you don't have to tell me about that unless you choose to. Okay?

JA: Yes.

DV: So I don't want to get into a situation where -- where there is any thoughts that I'm trying to trick you into saying something. If there is something between you and Tim

Casey or you and Tom Liddy, and I ask a question that goes into that area, I'm not trying to trick you into telling me something about the conversation that was held between you and your lawyers that would be protected or privileged. Okay?

JA: Okay.

DV: So, I mean, if a question goes in that direction, I'm not eliciting information from you that is protected.

MD: Let me just indicate, Sheriff, if you get a question that he asks what Liddy said or what Casey said, as I understand it from Michelle Frode (phonetic), there has not been a waiver of the attorney/client privilege, so don't disclose communications from Casey or Liddy or any other lawyer who has advised you in any of the cases.

DV: Now, to follow up with what Mel said, and please listen to your lawyer after what I tell you. I have been told that you, in fact -- if you consciously prove that -- consciously make the decision to share those conversations with me, that is okay, because it is your privilege to waive.

MD: That is true.

DV: Okay. But I don't want to do it in the -- I don't want anyone to think I'm trying to get you going in a conversation and trick you into saying something that is protected because it is happening so quickly. I'm just being fair. Do you agree with that, Mel?

MD: Yes, yes.

DV: Okay. I just want you to understand that. Okay?

JA: If I can understand it, okay.

DV: What don't you understand about it?

JA: Well, it was a little bit confusing. Go ahead.

DV: I want you to understand it, so you can consciously tell me about conversations you had with your lawyers, but I want to make sure you are doing it, you know what I'm doing, that I'm not tricking you into doing that.

JA: Okay.

DV: Are we good?

JA: I guess so. If I can remember.

MD: Sheriff, what I will do is if he is asking you a question, and you may not be understanding that it is calling for a communication with a lawyer, I will try to indicate that it is calling for a communication with a lawyer. You can waive the privilege and answer the question, but in talking to Michelle, it is my understanding that you're invoking -- you are not waiving the attorney/client privilege.

JA: Yes.

DV: But it is your right to waive. Nobody else owns that but you.

JA: But I didn't waive it.

DV: But you may choose to waive it today. I don't know. That is yours -- that is your decision to make.

JA: Well, we do have other attorneys involved, too, in

this situation, so I don't think I'm going to waive.

DV: Do you want to hear the questions I was going to ask you?

JA: Sure, yeah.

DV: Or do you want to make just a general determination you don't want me to talk about anything that (inaudible.)

MD: If you are going to be talking about attorney/client communications, I think it would be a waste of time to ask him if Casey said this or Liddy said this. The instruction would be, we are not waiving the attorney/client privilege, so --

DV: Okay.

JA: -- I don't think it would make a lot of sense to ask questions.

DV: I just want -- I want it to be fair, so that is -- thank you.

When I spoke with other command level employees, and unfortunately, I've had to speak with most of them, I was told that -- and I'm just going to summarize kind of the group with the idea that they told me, that -- and no disrespect. I'm just going to use last names and not titles. It helps me to stay on track.

When Sheridan took over for Hendershott, and this is just a summary of your employees' statements, that things were kind of a mess taking over Hendershott's responsibilities, for whatever reason. And when -- when Sheridan took over, you basically said, Jerry, I've got a mess for you. You are Chief Deputy. Clean it up.

That is not important. You put Sheridan as Chief Deputy, and, these are my words, kind of every time he opens another desk drawer, he finds another problem, another big issue. I am aware that there were some issues with the communication with other levels of Maricopa County government. Jerry was trying to mend some of those bridges, and he had the Department of Justices, issues with the jails going on. He had budgetary issues, cross-funding. He had a lot of very big deals going on. Is this accurate to this point from the best of your recollection?

JA: Yes.

DV: Okay.

JA: There is no doubt about that. Some continued on, some of the problems.

DV: And I'm not throwing stones at Hendershott saying he left -- you know, he had a different management style. So be it.

And Sands and Trombi are kind of over here on the outside taking care of monitoring some other issues, because Jerry's plate is full. Is that accurate?

JA: Yes.

DV: Okay.

JA: One man can't do it all or two men. That is why you delegate.

DV: Right. Now, I've been told by your staff that -- that there is a belief that Sands had an active role in monitoring what was going on with Melendres from the day Mr. Sheridan

took over as Chief Deputy.

JA: Yeah.

DV: Is that true?

JA: Yeah. He delegated that to Sands.

DV: And from what I'm being told is Sands had it and continued on with it once Sheridan became Chief Deputy.

JA: Yes.

DV: Is that accurate?

JA: As I recall, yes.

DV: Sheriff, my goal here today is to get you to tell me, "I remember it" --

JA: Well --

DV: -- period.

JA: -- it is how you put it, but, yeah.

DV: And --

JA: I'm telling you about the delegation.

DV: Okay.

JA: It goes from him to Sands.

DV: Okay.

JA: So I'm answering your question in a bureaucratic way.

DV: Just talk to me, okay?

So Sands has Melendres. In 2010, Sheridan is the top guy beneath you. He has got a bunch of stuff going on, and on that given day in 2010 when he is elevated, Melendres is over here. And,

quite frankly, these are my words, Melendres hasn't probably elevated to the point -- I mean, you are not at the 2011 order yet, you know, the December 23rd, 2011, late in the year. This is in 2010. Sands is over Melendres. Sands is monitoring Melendres for your office. Okay?

Would you expect Sands to report up to Sheridan different communications and the progress of this case, or do you think that Melendres -- was that stopped at Sands, that that doesn't need to rise above his level?

JA: Well, I can't answer that for Sands. I mean --

DV: I'm asking it from you as the top guy, would you expect something of that importance to rise to the level of Jerry Sheridan?

JA: Well, yeah. If anything is important, yes.

DV: Okay. So, yes, I think that it is obvious that you would expect that to happen.

JA: Yes.

DV: Okay. Do you know if there was ever any communication between Sheridan and Sands about what is going on with this thing?

JA: No, I don't -- I won't tell you there was or isn't. I don't know. Could be. I presume there was.

DV: You watch the news?

JA: Do I watch the news?

DV: I --

JA: Sometimes.

DV: Do you read the paper?

JA: Yes.

DV: Do you read the New Times?

JA: Once in awhile. When I'm in it, which is every week.

DV: Yeah. You've got a subscription?

JA: No. It is free.

DV: If any of this stuff was in the newspaper about Melendres, is it reasonable to think you would have seen it?

JA: Yes. In fact, I would presume everyone would see it.

DV: If there was ever anything written about that 2011 order, would you expect you would have seen it?

JA: I would expect. I'm not saying which one or when, the timeframe, when I saw that particular article, but I do read the paper.

DV: Have you ever read something in the paper, and you think, boy, that is my office. I would like to know a little bit more about that. And then you go to work the next day -- or you pick up your cell phone and call Sheridan or call somebody else and say, hey, I'm reading about this. What is going on with it?

JA: Yes.

DV: Did you ever do that about Melendres with all of the publicity it got around this order?

JA: I don't -- I don't say yes or no. I may have. I'm not denying it, but I don't, in my own mind, know specific times, excuse me, when a newspaper comes out what I do with it. I'm sure --

DV: Would it be reasonable to think that if something is getting substantial news coverage that you would have seen it?

JA: Yes.

DV: Thank you. You have PIOs in place; right?

JA: Yes.

DV: Is part of the PIO's job to monitor media reports and report anything of interest or importance to you that is in the media?

JA: Yes.

DV: Did they ever tell you anything about the Melendres order?

JA: I don't recall.

DV: If they were to tell me that they did, would you have any information to dispute that?

JA: No.

DV: I'm going to take a minute here, and I want to pull up in just a moment. The computer lost its connection. I want to pull up a news report, and it is going to take a minute.

And I would just like to kind of discuss that for a moment. It is still connecting.

JA: It's a golf course.

DV: Beautiful golf course, isn't it? Do you know where

that is?

JA: Hawaii?

DV: No. It is up in Prescott.

JA: Very nice. Summertime.

DV: Definitely. Still connecting. It is a slow connection process in this building. I apologize for that. I connected it earlier, but apparently it dropped (inaudible.)

You -- in talking to your deputies, I remember when I was a cop -- let's just discuss this, so I don't lose the connection. We will go back to that.

Okay. This is a story dated March 4th, 2014, and it is from Fox 10. And I will get through this advertisement as soon as it allows me to.

Sorry about the waste of the 30 seconds of your time. I can't get through it. Do you know what I'm going to be showing you here?

JA: No.

(News clip playing: Last year a federal judge found the Maricopa County --)

(Inaudible) Sorry, I lost the connection. We are going to give it one more try. We will have to listen to the advertisement again.

I am just going to let it play through until I see -- so we don't have --

(News clip playing: Deputies racially profiled

Hispanics during crime sweeps.)

DV: I will keep going through it. I will come up at about one minute, the portion I would like to discuss. And what I would like to ask you is, I would like you to take a look at this, and it is going to be about 45 seconds' worth of video, and I just want to ask you a couple of questions after it. As soon as I see that, I will turn the volume up. I'm sure as soon as you see it, you will know exactly where we are at. Okay.

(News clip playing: -- constraint on us, that federal judge did with the City of New Orleans Police Department, and their police officers were murdering people and tell you how ludicrous this crap is. Sorry you have to do this. I wish we didn't have to waste our time doing this, but it is a necessary evil to fix this. What the Chief Deputy said and what I've been saying, (inaudible) I don't care what everybody says.)

DV: Okay.

(News clip playing: So it was because of that video that all of those guys were called in to court today --)

DV: Do you need to see that again, or are you good?

JA: No, that is the video that we voluntarily submitted, I believe.

DV: However they got it, the content is the content; correct?

MD: I'm having a cramp in my leg.

DV: If you need something more, Mel, just let me know.

MD: Okay.

DV: Let's talk about the first part about when Chief Sheridan was up talking about whatever it was he was talking about.

JA: Well, the reason we had the meeting -- what was this, '14? 2014?

DV: March -- it is dated March 24th of 2014, the newscast.

JA: Okay. We had the operation going where they killed one of my detention officers.

DV: Correct. In his driveway.

JA: And we feel gang-related. So we -- we were sending our deputies out to obtain intelligence on the gangs. And that is what that meeting was about.

DV: Okay. I understand that.

JA: And we had to presume, Sheridan especially, wanted to do -- tell our deputies, be careful out there. Don't get hurt. And he may have brought up -- I guess he brought up the court case.

DV: No question he brought up the court case.

JA: Yeah. And I think he apologized after that.

DV: Okay. And you will agree that based on the information that I know about your deputy's death, that that happened after the issuance of the March -- I believe it was the March of '13 order basically saying, how come you are not following the December '11 order, and the Judge came down on you.

JA: Yes.

DV: And this operation happened after the '13 order.

JA: Yes.

DV: Okay. So there is no question, you guys know after that '11 order, the '13 order, you got a pretty good handle on what is going on.

JA: Yes.

DV: Okay. And you were present in the room when Mr. Sheridan said whatever it was he said that is captured on videotape. And there is more on both sides, but you were present for that.

JA: Yes.

DV: And then you followed up with some comments that -- saying that, you know -- saying exactly what Chief Sheridan said.

JA: Well, in the context, that could have been more expanded than just that remark. We were talking about, make sure our deputies are safe and that type of situation.

DV: Okay.

JA: Motivate them and not get hurt.

DV: Okay.

JA: And I think Sheridan was trying to say, regardless of the Sheriff's -- of the order, take care of yourself.

DV: Okay. I didn't hear him say that on here, did you?

JA: Well, I don't know.

DV: Did you hear him say that on this tape?

JA: Not on that segment.

DV: Okay. And I understand there is more on both sides, but I didn't hear him say that, did you?

JA: I don't recall.

DV: Should I play it again?

JA: But I do know that the -- that we were trying to motivate -- whether he said it or not, trying to motivate our deputies. We had one of our own that was killed.

DV: Okay.

JA: And we were going to do an operation.

DV: I understand.

JA: A criminal operation, not an illegal immigration operation. It had nothing to do with illegal immigration.

DV: I never said it did. What I'm saying is, I didn't hear Chief Sheridan say anything about, I'm telling you this to protect yourself. I just verbally said --

JA: Yeah.

DV: Agreed?

JA: Yes.

DV: Thank you. Was that -- was that exchange that Chief Sheridan had with the troops, do you endorse that exchange?

JA: Well, I think he was quoting the law, and so on, there, also. I'm not a lawyer. I could not evaluate what he said, whether it was true or not.

DV: I'm just asking --

JA: No, as far as the law.

MD: Can we take a couple minutes? I want to consult with my client.

DV: That is fine.

(Pause.)

SK: You know, bananas work.

MD: Actually, I had a banana coming down. I am mentally ill when it comes to exercise. I go about six miles a day, and I haven't missed -- I had blood clots four years ago, but I haven't missed a day in, like, 15 years, except for some time down with blood clots. So I --

SK: Are you a runner or a walker?

MD: I walk.

SK: Okay.

MD: At 73, you walk. I don't run anymore.

SK: Now -- now, that is a huge statement to walk
(inaudible.)

DV: The question that I was going to ask right before the break was I asked if you endorsed the video, if you endorsed the conversation that Chief Sheridan had with the troops that was captured on video.

JA: Yes. You have to understand, excuse me, the -- we had a lot of passion that night.

DV: M'hum.

JA: -- sending our guys on the street to --

DV: I get that.

JA: You know.

DV: I get that.

JA: And I'm going to say it again, it had nothing to do with illegal immigration, but we probably made a mistake in the heat of passion trying to make sure our guys are safe, and we had an officer who was killed. So probably made the mistake by giving our opinion at that time.

DV: Okay.

JA: So --

DV: So you admit that Sheridan made a mistake by having that exchange or offering those thoughts?

JA: I'm not speaking for him.

DV: I'm speaking for you. In your opinion, did Sheridan make a mistake by sharing those thoughts with the troops?

JA: Well, I would say, yes --

DV: Okay.

JA: -- because he did apologize --

DV: Okay.

JA: -- before the Judge.

DV: As Sheridan's boss, what did you do to hold him accountable for his mistake?

JA: Well, I told him, don't do it again. But what else should I have -- it is an educational process. People do make mistakes.

DV: Absolutely. Did you document your counseling with him?

JA: No.

DV: Did you at all utilize the policies and procedures of the Sheriff's Office in the disciplinary process to address that mistake that was identified?

JA: No.

DV: Why not?

JA: Because I -- I think that it was a learning process, and he understood, and he apologized.

DV: Okay. And I just made a note, because I do want to ask you something about that on a different note, but much like you, I need to write a few things down these days.

You are a visible person; agreed?

JA: Yes.

DV: Okay. And -- and I'm just asking you this just for informational purposes. Do you have a PIO's office? Right?

JA: Yes.

DV: Do you know how many PIOs you have?

JA: About three.

DV: Is there anybody else that handles your relationship with the press from the Sheriff's Office's perspective other than the PIOs?

JA: There may be others that will speak out on certain situations, but as far as lining up interviews --

DV: Yeah.

JA: -- that is not --

DV: What about press releases?

JA: Press releases are usually done through the PIOs.

DV: Usually. Would you say they are almost always are done from the PIOs?

JA: Yes.

DV: If somebody else in your agency wanted to make a press release for you that didn't go through the PIO's office, who (inaudible) that doesn't happen? So you wouldn't -- you would never expect that to happen?

JA: No.

DV: Nobody is going to put words in your mouth that you don't know; correct? There is not some lieutenant out there on the street writing up a press release without a position that you take and submitting it without your --

JA: Well, they may be talking to the media --

DV: Yeah.

JA: -- without my knowledge.

DV: Yeah. But for the media to get a press release saying, that is Sheriff Arpaio's position, that goes for the PIOs (inaudible.)

JA: Yes.

DV: There had been several press releases about the Uncle Sam's operation. Do you remember that one?

JA: Yes.

DV: Okay. Do any of those -- and all of the press releases go through your PIOs?

JA: I think that is under -- I think that is in the Court system now, that case.

DV: Criminal or civil?

JA: Oh, the -- the -- the arrest and the --

DV: I don't know which case you are talking about.

JA: Uncle Sam.

DV: Uncle Sam.

JA: That is the big Neville (phonetic) or whatever.

DV: And -- and --

JA: It is in court right now.

DV: -- more of the status of the case -- that is fine. I don't care about the status of it. That is not why I was asking you.

I guess why I am asking you is there has been a lot of press releases where you've taken -- you've taken some strong positions in those press releases.

JA: Uncle Sam?

DV: Yes.

JA: I don't remember how many press releases.

DV: There is a lot that goes out of your office.

JA: On Uncle Sam's case?

DV: You've got press releases going out of your office

on stuff all the time.

JA: Are you talking about Uncle Sam or --

DV: Uncle Sam's and everything.

JA: Oh, okay.

DV: You've got -- you've got a volume of press releases going through your office in any month.

JA: Yes.

DV: Do you approve all of those?

JA: I -- I scan through them.

DV: So you see them before they go?

JA: Normally. Not every time.

DV: But if something goes out -- have you ever seen anything go out that you don't -- that you don't agree with that says that this is the sheriff's position?

JA: Well, I -- sometimes I don't read the whole press release.

DV: But have you ever read the paper and said, boy, this is saying this is how I feel, and they got it wrong?

JA: Usually it is the paper that gets it wrong.

DV: Okay. Have you read anything on the Sheriff's Office's investigation into Uncle Sam's where they got it wrong about your opinion?

JA: I don't recall what was in the press release.

DV: Have you contacted the -- any newspaper to correct a position that you took in the immigration -- in the employment

investigation at Uncle Sam's?

JA: I don't know -- I have not. I don't know if the public information office has.

DV: Did you direct anybody to ever correct a position that was printed about your feelings on the employment investigation at Uncle Sam's?

JA: I don't recall.

DV: Do you -- do you contact the newspaper often to correct your position?

JA: Me?

DV: Yeah.

JA: No.

DV: Okay. Do you ever remember contacting them?

JA: There may be occasions, but I leave that up to my public relation.

DV: Or give a direction to somebody.

JA: Well, if there is something wrong, sometimes they may call.

DV: But what I'm saying is, it doesn't happen very often, so if it did, that -- that is not like a casual contact in the hall with somebody. If somebody got something wrong to the point where you felt it was necessary to be corrected, and you took corrective action, that would be something that --

JA: Well, there may be a response sometimes to the editorial board or comments, that type of thing, but I don't do it.

It is usually Public Information.

DV: When did you first become aware of the order in -- you became aware of the '13 order when it was issued certainly; right?

JA: The --

DV: May of '13. I think you were in court.

JA: That was the -- the trial.

DV: The May of '13 corrective order telling you guys to get in line with the '11 order.

JA: '11, I wasn't involved in the 2011.

DV: But the May of '13 order where they told you to get in line --

JA: I believe I testified.

DV: You were in court that day.

JA: Two thousand --

DV: '13.

JA: I wasn't in court through the other --

DV: No, but when the '13 order was issued, it all became pretty clear; agreed?

JA: Yes.

DV: Okay. So anything that the Sheriff's Office did after May of '13, you had complete understanding of the '13 and the '11 order.

JA: Well, I didn't have complete understanding, because, once again, there is a lot of level situations. So, once

again, we have lawyers --

DV: Okay.

JA: -- to look at this order.

DV: Okay.

JA: I'm not an attorney.

DV: Okay. You had complete responsibility for it through your organization, didn't you?

JA: I would say, yes.

DV: Okay.

JA: And you look at the guy at the top takes the responsibility --

Q. Yeah.

JA: -- even though he delegates.

DV: But you were responsible for it, and you were present, so you knew it existed, and you knew that there was a level of responsibility that you have; correct?

JA: Yes.

DV: Is it acceptable if any conduct occurred after that '13 order that is in violation of the Court's direction, is that accept- -- do you feel that is acceptable for your performance?

JA: For my performance?

DV: Yes.

JA: As the sheriff?

DV: Yes.

JA: Once again, I can't answer that, because I don't

know what you are talking about, what part of the order? What is the legal part of it --

DV: You are responsible --

JA: -- and I could go on and on.

DV: It is your job to know. It is your job to understand. And if you don't, it is your job to make sure you do; agreed?

JA: If you are saying the buck stops at the --

DV: Right.

JA: -- guy, I presume you could use that rationale.

DV: Okay. The buck stops with you. In 2013, you were aware that the buck existed, May of '13, because you were there; agreed?

JA: I'm trying to recall. If you say I was there, then I was there. I'm a little confused which time I was there --

Q. Okay.

JA: -- but --

DV: In May of --

JA: -- I'm trying to figure out when I testified.

DV: When the May of '13 order was issued, that was -- that was a big day.

JA: Okay. But I'm not sure if that is the time I testified. I may have been sitting in the courtroom --

Q. Okay.

JA: -- with my lawyers.

DV: I may stand corrected, but I believe that is the day that Chief Sheridan stood on the steps of the courthouse and said, we are out of the immigration business.

JA: Yes.

DV: Is that how you remember it?

JA: I remember that comment.

DV: So you were aware this was quite serious at that point in time, based on the tenor of that court proceeding; agreed?

JA: Yes.

DV: And it is also your responsibility, if you don't understand something, it is not somebody's job to come to you. It is your job to go to them. Because if you don't say "I don't understand," nobody knows it; agreed?

JA: Well, once again, I'm sure lawyers discussed this with my subordinates.

DV: Okay. But as far as you, is it your job to make sure you understand and your job to seek additional help and understanding if you don't understand it?

JA: Yes.

DV: Okay. Did you do that?

JA: Yes. I'm telling you, again, my lawyers and other people looked into this.

DV: So you continued to seek help in understanding it after the May of '13 order?

JA: I believe so. But, once again, we are talking

about a long time ago.

DV: And would you agree that as the top person that -- and you already told me that you are responsible for the actions of the Sheriff's Office.

JA: I said that there -- there was a history that you can always say the top guy is responsible.

DV: Do you feel you are responsible?

JA: Well, let me -- let me put it this way. Once again, I had delegated much of this to my subordinates and to the lawyers. But if you go in and say as in the role of the sheriff am I responsible, I would say, yes.

DV: Okay. And I understand that we can't determine what happened between December of 2011 and May of '13, but we can determine that from May of '13 forward, it is your responsibility to understand all aspects of this, whether you did or didn't.

JA: Yeah, but whether I'm responsible or not is a different issue. If there is any violations or so on, I don't think you can hold me responsible for that. If you talk about the management, the philosophy, maybe yes. But I'm not responsible for any violations of the law and so on.

DV: And I understand what you are saying and why you are saying it, so I'm not trying to be argumentative with you. But -- but I'm just saying, it is your job to know it, and it is your job to make sure things are being done right in that simplest form. I'm not saying -- I am not saying that you -- I'm not discussing

intent. What I'm discussing is a theory that it is your job to do it. It is your job to make sure it is being done, because if you can't do it, nobody can, because you are the top guy and people take orders from you.

JA: I agree with that.

DV: Okay.

JA: On the other hand, the Sheriff can't be involved in everything that is occurring, so we have to have the caveat, to get that job done, I can't do it myself. I delegate that to my subordinates.

DV: Who did you, after '13, delegate to make sure that this was getting done right?

JA: It was always the opinion that the -- Brian Sands was the key person on this as far as the point guy. And the Chief Deputy was there, also.

DV: When Sands left --

JA: Well --

DV: -- who was in charge of it, Sands or Sheriff?

JA: When Sands left the office?

DV: M'hum.

JA: I'm not sure whether Trombi replaced Sands at the time. I think he -- or he was acting. I think Trombi was acting during the (inaudible) period.

DV: Okay. Is it their responsibility to report up?

JA: If -- if they think it is serious enough or

is -- you know, it is their opinion to do so, yes.

DV: Is there any --

JA: But everybody doesn't just report every situation that occurs. They make decisions. We give them the authority to make decisions.

DV: Would you expect that the Melendres order is important enough -- maybe not on a -- on a momentary decision-by-decision process, but to keep the Sheriff abreast of what is going on with the compliance of the federal court order after what happened in May of '13? They didn't want to know what was going on or how are we standing in line with this order? Is that fair to say that that is important enough to rise to the level of Sheriff?

JA: Yes, but I'm going to say it again, we had attorneys. We had a lot of people reviewing these orders, giving advice and so on, so I felt comfortable with the way the attorneys and my people were following or not following that order, I don't know. That is --

DV: At the end of the day, are the attorneys responsible or are you responsible?

JA: Well, the attorneys give advice.

DV: But are you --

JA: But I would presume that -- that if you want to go up there, the Sheriff would be responsible --

Q. Okay.

JA: -- on the management or political situation we are

talking about.

DV: And if you don't tell somebody that you don't understand it, is it up to them to figure out that you don't understand it or if you don't say, "I need help, I don't understand it," they can't anticipate that. That is something you have to communicate to them.

JA: Well, I would say so, yes.

DV: Did you ever communicate to anybody that is not your attorney that you didn't understand it and you needed help understanding the order?

JA: I don't recall. Once again, you are talking about a long time ago. I had many conversations on many issues. So this wasn't the only issue facing the Sheriff's Office.

DV: So you don't remember ever sitting there scratching your head saying, "I don't understand it. Jerry, explain this to me one more time"?

JA: No, I had some -- I've had some times where I was confused with the order and by the legal authorities. For example, I was really confused on going back when you stop a vehicle and you determine -- you know, I'm talking about legally stopping --

DV: Sure, sure.

JA: -- on a state charge, and you find out there is some illegals, and the judge says you can -- yeah, you can hold them and call ICE. But how can ICE respond if they say we want to pick them up and yet you can only hold them so long? So I'm a little confused

about this. So that is an example on a lot of things that you can be confused about. But that is what the attorneys are there for, to try to alleviate or explain the situation.

DV: Okay. And it is your job to get that explanation until you are satisfied; right.

JA: It is the job of the people running the programs that I had delegated to that specialize in that subject matter that run that operation. Whether it is the narcotics squad experts or this squad or that squad, it is their job to make sure they understand the program they are running.

DV: Now I want you to -- let's try to answer this with a yes or a no. Can we try?

JA: I will give it a shot.

DV: I was hoping you would say yes. December '11 the order comes out. You don't know when you first gave it a read, but we knew -- we know that you knew it was going on in May of '13. Is it acceptable that that order was issued in December of '11, something of that importance, and that the Sheriff wasn't up to speed on it? Is that acceptable?

JA: Can't be a no or yes.

DV: Come on, Sheriff.

JA: So repeat the question again.

DV: Is it acceptable that you are claiming you didn't understand what was going on between '11 and '13? Is that acceptable?

JA: Did I -- I didn't say that. Even -- if I did not?

DV: Well, you -- well, when did you know -- when did you have an understanding of the order?

JA: Oh, I said I don't have the timeframe when I knew about the order.

DV: Okay. Do you think you knew about the order before May of '13?

JA: I may have, yeah.

DV: Okay.

JA: That is my memory, again. (Inaudible) dates again.

DV: So when you were sitting in the courtroom in May of '13, it wasn't a surprise to you that all of this stuff was being talked about. It wasn't the first time you heard it?

JA: No.

DV: Okay. So we know you reviewed it before May of '13. Is it acceptable that the order was provided to your department in this e-mail, December 23rd, 2011, and you weren't made aware of it right away? Is that acceptable?

JA: No.

DV: Do you know when you were made aware of it?

JA: Once again, I don't have the timeframe.

DV: Okay.

JA: Whether it was weeks or whatever. But I do -- but I hear there is tremendous lack of communication getting this order

out to all of the people. I think that is one reason that I personally, at the request of my staff, to put that message out. I think we've done 15 to 16 messages to the troops. But this, I never read those others regarding this whole situation. But that one asked me to put my -- my signature on it, which I did.

DV: So the date that that first message went out to the troops, you knew about it from that date forward?

JA: No, I'm talking about later on when I said -- and I think that was after the '13, where I said, you cannot use race. You must have a state violation. And that is when I -- that was the first time I put that out regardless of all of the others that went out that had -- I don't remember reading those others. So I did take some action.

DV: Oh, I'm not saying you didn't. I'm just trying to --

JA: Well --

DV: -- nail down when. That is all. I know you did.

JA: Yeah, we are talking three, four years ago. It is difficult -- not that I don't have a brain, but it is very difficult with everything else going on when you question whether I remember it that day or that day or that day.

DV: And I hope you understand that I'm not asking for dates and times. I'm asking for periods of time.

JA: Well, it is still -- it is a long period we are talking about.

DV: I understand that, sir.

If you could do this differently, let's go back to December '11 -- December 23rd, 2011, at 5:30, and I'm your Chief Deputy, and I'm calling you and saying, Chief -- Sheriff, sorry -- "Hey, Sheriff, I've got this order. What do you want me to do with it?" How would you play it differently?

JA: Well, I think this whole situation is difficult. Just back to that one, you never know. But when the monitor came to see me the first day, I -- I actually congratulated him, because it was something that we -- if we made mistakes and we can learn from the mistakes, I think that is very important.

DV: M'hum.

JA: And I think all of us may have learned, and we are doing a tremendous job correcting. And it is good in a way, because in management, you can always learn. Everybody doesn't know everything. You learn by your mistakes, too. So I'm not opposed to it.

When you say, would you do it over again, I think maybe we should have given a little more attention or -- regardless of what the situation was.

DV: So when I asked what would you do differently, you would say, we should have given it a little more attention?

JA: Well, maybe the management part of it on communications and getting the word out to the troops and -- and getting the right equipment to track the vehicles and the training,

revise the staff, revise the IA, get more control, more -- so that is something I -- I don't oppose.

DV: Would you have read the order?

MD: I'm sorry, I didn't hear your question.

DV: I'm sorry, would you have read the order?

JA: You know, that is a good question, because I have a lot of other legal matters, lawsuits, and everything that comes to me, and, quite frankly, I don't read them. I have my staff do it. But if you want to talk in retrospect under the same circumstances, I did read the order later on. But maybe improve the communications, make sure that that did get out to all of the troops. So now we have controls in progress.

DV: Let me --

JA: -- to make sure we do that.

DV: Let me get this straight. I'm -- I'm offering you the opportunity to -- to look back and have some reflexes over things you may or may not have done that were --

JA: (Inaudible).

DV: -- the best or maybe not the best for you and the office. And I'm asking you, if you had to do it over again, if you would read the order upon receipt of it. You are telling me no?

JA: No, I didn't say that.

DV: What are you saying?

JA: I'm -- you are telling me what type of order.

DV: If you got that --

JA: If it was the same situation --

DV: Same situation.

JA: -- exactly. Oh, yeah, probably would have read it sooner, if I got it. If you look at the --

DV: If I called you up and said --

JA: -- e-mail, I didn't even know about it.

DV: If I called you up and said, "Sheriff, we've got this order. I will bring it over to your house," you are telling me that you wouldn't think it is important enough to read within the next 48 hours?

JA: If you deliver it to the house, yes. I'm being facetious, but --

DV: No, no.

JA: -- there are so much other things going on. But if you go in retrospect back to this situation --

DV: Yeah, this one.

JA: What happened this exact -- yeah, I agree with you.

DV: So you agree that, looking back, the best course of action would have been for you to read it and make sure you understand it very quickly.

JA: Quickly, quickly.

DV: Okay.

JA: But I didn't get it quickly.

DV: I'm saying, what if.

JA: If I got it quickly.

DV: Okay.

JA: And under the same circumstances, yeah.

DV: Just a couple more thoughts to go off on. I was a cop for a long time. I can tell you every occasion where the chief of police came out and spoke to me in the middle of an officer-involved shooting or a criminal investigation, whichever chief it may have been through my tenure. I can tell you how many times -- I can tell you each case that happened on. And I'm hearing from the deputies that it is not uncommon in the HSU unit, that is not uncommon to have you out interacting with the troops on different operations that they may have done. Would you -- would you agree that you were out there quite often?

JA: Yeah, I'm a very active sheriff.

DV: Okay. Would you agree that you had rapport with a lot of -- a lot of the guys?

JA: I would hope so.

DV: Okay. Did you know what they were doing?

JA: No. I -- no, because they -- they did the nuts and bolts. If -- I just go out and keep my mouth shut and just be there to let them know you've got the Sheriff supporting. I don't tell them how to run an operation.

DV: Okay.

JA: That is a fact. I don't say, you do this, you do that. They do it. If I go there, it is just to show that the Sheriff is standing there. But I don't tell them how to do the job.

DV: And that was my next question. I didn't -- I was wondering, what is your involvement when you are out on the scene.

JA: I'm there -- especially high profile, sometimes I have to respond to the media, since --

DV: Okay.

JA: -- you have so many demonstrators talking to the media, especially on illegal immigration. I think the Sheriff should be able to defend his office and respond. And it is not just that, I go out on other high profile, investigating the shootings. Unfortunately, we have too many. And, remember, one of my guys was killed, and we went into that area. You are going back to that video.

DV: M'hum.

JA: We went into that area, and the reason I was there, to show my deputies we are not going to tolerate our people being killed. It had nothing to do with illegal immigration in that sense.

DV: And I've been involved in a lot of high profile investigations that can become emotional, as well, but we still have to follow the law; correct.

JA: That's correct.

DV: I would like to take a five-minute break just to collect my thoughts and see what else I would like to address, so we can do it all in one -- one time.

JA: Okay.

DV: And with -- there is a couple of questions that I think that he could offer some clarification on on one other case.

I just don't want to, you know -- I told you he was coming here on Melendres, and I want to respect that. And his name just came up a couple of times in Armendariz. They are very, what I consider -- what I consider very minor questions.

MD: Okay.

DV: And I think he can just tie the loop on two very quick questions.

MD: All right.

DV: Okay. I just didn't want to surprise you. I just want to check a couple things real quick.

SK: Don't forget --

DV: Yeah, the tape is on.

MD: The what?

DV: The tape is going to continue to run.

MD: Oh, why don't we go out, so we can at least talk.

(Pause.)

DV: Let's tie up a couple loose ends on another case.
It is 12:43. This is the tape.

SK: Is that your phone?

MD: Yeah.

SK: I keep hearing it.

MD: Yeah. I put it on vibrate, so it wouldn't disrupt the meeting.

DV: You are familiar with Charlie Armendariz.

JA: Yes.

DV: You were the Sheriff when he was hired.

JA: Yes.

DV: Do you have an active role in the hiring process.

JA: No.

DV: When is -- when is the first time that Charlie Armendariz would have walked in this room? Just an idea in time. When was the first time you knew who Charlie Armendariz was?

JA: If I recall, I think I met him one time, but I can't identify him if he walked in here, other than his latest photo. But I may have met him on an operation, and that was it.

DV: Did the deputies from HSU from time to time come up to your office maybe for a meeting?

JA: Once in awhile, yes.

DV: If Armendariz were to have come up to your office potentially to participate in a meeting, would that be suggestive that you had any type of relationship with him?

JA: No.

DV: Do you ever remember meeting with Charlie Armendariz one-on-one in your office.

JA: No.

DV: As the Sheriff, and let's just say the last five years, has Chief Sheridan, Trombi, Sands, anybody ever come to you and said and advised you on deputy disciplinary issues?

JA: Not that I can recall.

DV: If somebody is going to get fired, who makes that

decision, you or Sheridan.

JA: Sheridan.

DV: Would he -- would he share that with you more as an -- would he ever share that information with you before he does it?

JA: I'm sure if it reaches that stage, he would, yes.

DV: Does he tell you kind of as a courtesy, maybe just to bounce it off of you, but is it his decision?

JA: Yes.

DV: Did anybody ever talk to you about the progression of disciplinary issues that Charlie Armendariz was facing?

JA: Not 'til after he died. I knew nothing about it.

DV: There is one incident -- there are a couple of incidents, one in particular that I think just stands out to any law enforcement person. Everybody that I've spoken to remembers this, and I'm just curious if you were ever made aware of it. A citizen calls the Sheriff's Office and says, I just saw a deputy park his patrol car and take off his shirt and walk across the street and go into, I believe, the Cellblock Bar, and he is in there drinking right now. He had a couple watch commanders, Ms. Babb, I think she was a captain at the time. She responded. They handled it that night. They saw Charlie in there, alcohol on his breath, took him home. Have you ever heard of that before now?

JA: No.

DV: Do you think you would remember that if you heard

of that? It is pretty unique.

JA: Yeah, taking the shirt off and so on, yeah, probably.

DV: Nobody ever told you about that?

JA: No.

DV: And had you ever heard -- do you think it would be appropriate -- what type of discipline do you think somebody should be looking at for something like that? Would it be pretty serious, or would it be, don't do it again?

JA: I don't know. That is up to the people to get all of the facts.

DV: Common sense. You've been in law enforcement forever. Do you think it is appropriate if somebody did that in a marked Sheriff's Office car, to take a shirt off, put it underneath the front seat, and went in and had a couple of beers? The public saw this. Whether the public saw it or not, do you think that that is an offense for a very new employee just off probation for somebody to say, kill the internal affairs complaint. I told him not to do it again. It is over.

JA: No, I feel maybe it should have been looked into.

DV: A little bit deeper?

JA: Yeah.

DV: Okay.

JA: But, once again, I'm not questioning all of the circumstances. I don't know --

DV: Just with the facts that I've given you.

JA: I don't know. There could be extenuating circumstances. But it is not -- it is not the normal thing to do.

DV: It doesn't sound right on the surface.

JA: No, well, especially what you hear now. You back Monday night quarterbacking now. You go back in history and (inaudible).

DV: The fact is, Joel Fox sent him a text message. He killed the memos that were sent up. He killed the memos, and he sent Armendariz a text and said, don't do it again. And the supervisors were fairly outraged for the fact that Fox killed this. And the whole department is talking about it saying, what happened to this guy? Nothing. And everybody was pretty upset about it. That is the facts.

And I understand you didn't know about that at the time.

JA: No.

DV: Looking -- could that have been handled better back in two thousand, whenever it happened?

JA: Well --

DV: That was a 2007 issue.

JA: -- once again, if those facts are exact -- with no extenuating circumstances, some action maybe should have been taken, but I'm second-guessing. I don't know all the facts. And that is why you have internal affairs that make decisions.

DV: And that is why you would want internal affairs to

investigate it; right?

JA: Yes.

DV: So it would be inappropriate for a supervisor to kill an internal affairs investigation when it has been directed up by the chain of command for one guy to get it and say, no, nobody needs to look at this?

JA: Once again, that is not proper, but --

DV: Okay. And you wouldn't expect that to happen today in your organization, would you?

JA: No.

DV: Do you have any other information about Armendariz.

JA: Well, not really. I think someone told me he was an aggressive deputy. Once again, I always thought he was a tall guy, and then I find out he is a short guy. So I had no -- but, quite frankly, there is some questions that I need answers, and I'm going to get them.

DV: And I hope to provide them --

JA: And the monitor could help on it. I'm just concerned how he slipped through and got on the job to begin with from Texas or somewhere. He had other issues that I'm not going to get into regarding his personal life, but --

DV: And as far as --

JA: It is a good study maybe to hope it doesn't happen again.

DV: As far as any other questions that you would like

answered, other than how he -- how he got hired, I think is what I'm hearing you say, why was he was hired, based on his history in Texas? Are there any other questions as the Sheriff that you would like me to try to answer in the ongoing investigation? I've got a lot of questions that have been supplied in Armendariz.

JA: You mean Armendariz?

DV: Yeah.

JA: No. I just -- you know, personal life may have some bearing on supervision and so on.

DV: Yes.

JA: But it is a sad situation, and it doesn't reflect on this -- the deputies in my organization. You always have a couple questions, and you guys know it.

DV: Oh, yeah.

JA: But it is sad. In fact, I think I was out there when he committed suicide.

DV: And if there is any questions that you have, any additional questions that you would like answered, please contact me and let me know that, and I will try to address them, because I've conducted many, many, many interviews in that case.

MD: Are you doing the IA on Armendariz?

DV: Yes. And I think I've done (inaudible) on that. Very in-depth stuff. So --

JA: I know that the -- even our lawyers say he is a rogue deputy. I have to kind of agree with him on that. As I say, it

doesn't reflect on our other deputies, but how he got away -- how he got by with it, I don't know.

DV: We can try to find out what happened and correct any breakdowns or institutionally --

JA: One again, it is a learning process. Sometimes you learn by mistakes, and make the organization even better than it is. And it is a good organization.

DV: And I hope -- and I really hope we can take that same spirit into Melendres --

JA: It is a good organization.

DV: -- and learn from any mistakes that were made.

JA: And I'm not saying that because I'm supposed to be the leader. When you really look at our organization, you know it is professional. But, once again, there is a lot of good changes. We got body cams coming, which I agreed to. Took a little time.

DV: You going to wear one?

JA: It might get on TV if I do. And remember that incident that we are talking about about Jerry Sheridan, remember who the Sheriff was that went out there and stopped two cars? I did that night.

DV: When Sheridan -- when you --

JA: When we went to the streets, where was the Sheriff? He was out there stopping cars, videotape, and because I wanted to see what our guys are going through at night when they stop cars. Although, it didn't work out too well, because the first car had four

Hispanics in it that I could not identify because it was dark, but what happened, they all came out on the street to take -- to have pictures taken with them. The next car I stopped had four Hispanics, and they came to the street and took pic- -- they wanted pictures of the Sheriff.

So I got an experience of racial profiling firsthand. And we stopped them on traffic violations. I didn't ask them for their papers or anything, driver's license, but that is all on tape. So when you say I go out there, yeah, I go out there to show my deputies that I support them.

DV: Well, as you said with Armendariz, that it was a learning experience. And moving forward, I just -- I hope that we are all able to take that approach with Melendres and gather all the information.

JA: A lot of good things came out of it.

DV: And --

MD: Can I just make one comment on this? And I will tell you, I've spent hours with the Sheriff going over this. There are some things that to me are obvious. The Judge made an order in 2011, and MCSO dropped the ball. The order didn't get communicated. Some of your frustration over the e-mails is some of my frustration. He doesn't have e-mail, and clearly everybody agrees that the Judge's order should have gone out. It should have been presented to everybody, and it wasn't. So it is going to be a very simple proceeding.

The second point is I've known the Sheriff since 1981 or '82 when he was over DEA. I was U.S. attorney at the time, and we would spend many hours working cases. The video you played, obviously, troubles me, because at times the Sheriff may say things and not realize that the impact it would make. I will tell you, though, everything I've seen about him has been one of respect for the authority of the judges. He may not agree with them, and he sometimes speaks out and his words get him into trouble, but for the idea of willful defiance of the Court, that has never happened. With statements like that, would I like to see them undone? Yes. One of the offers that I made to the ACOU was -- in an idea to settle the case would be for the Sheriff to make a video that every person in this department would see. It would address Judge Snow's concern, which are legitimate concerns. And I am convinced, with the Sheriff, some people have the perception that it is two Type As that are going, and who is going to give? Judge Snow wins the battle. He is the judge, and that is the law. And every aspect of what I've seen with the Sheriff is that he respects the Judge and is going to follow the law. And that is what his mission is.

Oftentimes, I've noticed -- he is 83 years old, and in my days with him, details can be really fuzzy, and I think a lot of times when you are asking the questions about what about the details and this -- I mean, some of those rulings were 100 pages long. And in talking to him, I've compared him, from my experiences with Ronald Reagan. Ronald Reagan was famous for getting people and delegating

it, and you want to be briefed on it. But I am positively convinced that -- that if you look at the structure, the problem was that people weren't monitoring Brian Sands and finding out what was happening, and information wasn't getting there as it should have been. My hope out of this process is that it will be a great learning experience. I think he has talked about the video cams, but I think more important than that is the dialogue, the boards, the briefing boards, the importance of lawyers getting to the Sheriff and to the Chief and other people to get their communications to them. I've seen some very, very positive changes, and I will tell you, as part of this IA, I think the Sheriff believes that, too, there is always room for improvement.

In this area, I think there was a need for real improvement. I can hear Judge Snow's frustration and probably disbelief that how can you make an order like that and people that are in the command level don't even know about the order? One of the great things I think that has come out of this is the training programs. But when you, at the end of the day, when you (inaudible) there is no question that mistakes have been made. They haven't been willful mistakes. It may take a civil contempt ruling to wake it up.

But I think the progress, when I look back from 2011 through the years, I think with any organization this size, it is going to take some time to get it through. But I think the Judge's message has landed loud and clear. And I think the Sheriff is

supporting what he is doing. At times, he may have disagreed with it, and at times shared it. But he is still the Judge, and you've got a right to self-expression, but I think what he wants to do is to make sure the troops understand that that is the way it is going to be. It is not one of these -- this was my biggest complaint with Hendershott. I think Hendershott had this mental philosophy, if -- act like you are doing it, but really, guys, under the table, this is bull crap. That philosophy I think is gone with Sheridan and others.

And I'm seeing the changes in the sheriff's department, but we wanted to come here. We wanted to let you ask him the questions. We will be the first to say, there have been mistakes, and he is -- you know, he is not the kind of guy that is going to sit and study the orders and understand everything. In a department his size, I don't know that you can. I think it has been a learning experience for everybody. That is it.

DV: And one follow-up on what you said, because I meant to ask and I didn't.

MD: Yes.

DV: The communications that you sent up to your troops that you signed, were those put on the briefing boards, or were those sent out in another fashion?

JA: Briefing boards.

DV: Okay.

JA: Everybody gets it.

DV: So your message to the troops goes out on the briefing boards.

JA: Yeah. Message it. I very seldom use that.

DV: Okay.

JA: But I did on this occasion. I think we sent out 15 of these -- they are called briefing board, 15. I never got involved. And this is it. Sheriff is saying --

Q. Okay.

JA: -- race doesn't apply, even though that is another issue where the feds said it does. These other -- there are a lot of other ramifications to this whole situation. Even though the feds say you use race, the Judge said you don't use it. You stop someone on a criminal violation. So I put that out for everybody to see. Also, I -- there have been a lot of controversy about going to school. The Judge ordered everybody, including the posse, to take the course. My wife and I did it. You were there.

SK: I was.

JA: Hey, you don't know everything. It was a learning experience. We lost some people. They refused to go. They can't take 20 hours of their time, so they (inaudible.) So the training even, I can understand why the Judge did that. He wanted to make sure everybody knew what the order -- that was pretty tough to get everybody up, and we did it. We had 3,000 people. We trained them. We send that message out. So it is not like we are hiding things. We are trying to get it up.

DV: Let me ask you one last question. I want you to just think about it for five seconds before you answer. Are you sorry that you didn't read that order and we are where we are today?

JA: You mean way back?

DV: Yes. Are you sorry for that?

JA: Well, I think that pieces were verbally -- we talked about it, but yeah, maybe I knowing -- maybe I should have read it that night, but I didn't get it. Not excuses. I didn't get this thing for a while. And I always thought someone else did. But in retrospect, yeah, probably should have read it.

DV: And if you had to sit back, I mean, you could just -- you know, I'm sorry we are where we are today, would you agree with that? Are you sorry for this whole thing and getting where we are today? I mean, the organization -- let me -- I've talked to so many people in your group. Let me just tell you this. And there are so many people in your organization that -- in fact, the better term, they are almost beat up when they come in here, because this has been going on for so long. There is so many people that are not of ranking positions, street cops, sergeants, that when they signed up to be a cop, they wanted to be a cop. They didn't want to be in the middle of this. They are good people. They want to do their job. There are people that got promoted to sergeant, and, you know, maybe they weren't given the opportunity to succeed because they weren't given the best -- they weren't given any training, and they were put in some difficult situations, and now the microscope is on

everybody. Do you feel bad for where we are today?

JA: Well, it is up to me to keep it together.

DV: But do you feel bad that these experiences are being had, that this situation is being experienced the way it is?

JA: Well, all I can say is, we live in a constitutional law-abiding environment, and you have to abide by the Judge's ruling or the Court's ruling, whether you believe it or not. There is ways to appeal and all of that, but you have to do that.

MD: Sheriff, I think what he is asking you, do you feel bad that we are going through this in front of Snow?

JA: Well, yeah.

MD: All of your deputies are -- I mean, it has ripped that department apart. I meet with those hierarchy guys. I've met are Sheridan and some of those guys, and, I mean, these are guys that their energy should be focused to doing police work, and they are focused to trying to keep a criminal referral from going. People are spending a fortune. The money, it is a disaster, and that is why my point has been, let's find a way to heal this damn thing and get it healed. It never should have gotten here. The order should have been followed, and they weren't.

JA: But, Mel, it is up to Sheridan and I to make sure these guys continue to do their job regardless of this situation. That is a challenge, but you've got to keep the morale going and --

MD: I know, but --

JA: -- and make sure they continue to do the job.

DV: Do you drive yourself home at night, or do you have a driver? I don't know.

JA: No, I have security now.

DV: When you are driving home and you are sitting in the back of the car and you are just sitting there thinking about what is going on, do you feel bad about it?

JA: This situation?

DV: Yeah.

JA: Yeah.

DV: Okay.

JA: Yeah.

DV: Okay.

JA: And I'm not going to get into a lot of other things about politics --

DV: No, no, no, I don't want to.

JA: But what has happened to my organization that I lead, I'm not too happy.

DV: But it is what it is.

JA: And -- and the money, okay, I know it cost a lot of money, but -- but the training is important. Try to make sure it doesn't happen again. And I will tell you one thing, things have been learned.

DV: Okay.

MD: It is a better organization with Judge Snow's ruling. So changes are positive, and we've gone through this. I

think he agrees with the training. A lot of this stuff wouldn't have happened without his directive. His directive came, and people have learned it.

You are right, there is a culture that has been in this department for a lot of years, and I think it was -- Hendershott had his own culture, and it was -- I think the changes are being made. I think they are going to continue to be made. This is why the Sheriff and I talked, would it help to do a video which everybody signs for, if there is areas that the Judge wants reinforced, to hear the Sheriff himself on the video say, this is what we are going to do. There is going to be no nonsense. If you are not going to follow the policies, you are gone. There is going to be no racial profiling. If people are arrested, you've got to have probable cause. We are not going to hold people because they are Hispanic or any other reason, and I think these are positive changes.

I think with legislature and some of these senate bills, Russell Peace and that, I think there has been a lot of crosscurrents, but at the end of the day, he knows that the federal judge is calling the shots, and he is going to follow them.

DV: So help me to walk out of here knowing -- feeling good, because I told you early on, I would love to have you just answer yes or no to a question. Do you feel bad about what is going on here today with all of this stuff and how paying attention to the order early on or the lack of knowledge of the order early on has gotten everybody to where they are and your people -- people under your

command are going through the things they are going through. I mean, are you disappointed, and do you feel bad about that?

JA: I feel bad about it, but --

DV: Okay.

JA: Wait a minute, I don't feel bad about this.

MD: Yes or no?

JA: Okay. All right, yeah.

DV: Thank you, sir.

JA: I got to say one thing, but I don't -- I don't have anything against your procedure, what you are doing. Does that make sense?

DV: Yes.

JA: I had to put that caveat there. I don't feel bad because you are interviewing me.

DV: Right.

JA: You get the point? When you -- that is a tough one. The answer is no.

DV: Right, and what I'm saying is, do you feel bad about what your organization is experiencing now because of how the order was handled?

JA: Yes.

DV: Thank you. Thank you for your time today.

MD: Good to see you again, Don. Are you still on that judicial commission?

DV: I am.

MD: Really? Yeah, he helped select the --

JA: What?

MD: Yes.

JA: Helped select judges?

MD: Yes.

JA: You do? Federal or state.

DV: State.

MD: State.

JA: You do?

DV: I do.

MD: Conscientious.

JA: For the governor?

DV: I do.

JA: The new governor?

MD: Everybody that wants to be a Superior Court judge.

JA: Really?

MD: Goes to a commission --

JA: You do?

DV: Yes.

MD: He -- when you are dealing with somebody who wants to get in, there are about three or four people you go to that are leading it, and he is one of them. Ron Wright, is Ron still there?

JA: Ron Wright is also there.

(The interview concluded.)

STATE OF ARIZONA)

) ss.

COUNTY OF MARICOPA)

I, TERESE M. HEISIG, Certified Reporter No. 50378, Transcriptionist, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript, from electronic recording, of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

SIGNED and dated this 25th day of March, 201t.

TERESE M. HEISIG, RPR, CSR, CPE

Certified Court Reporter #50378