



# Maricopa County Attorney

BILL MONTGOMERY

December 16, 2011

John Morton  
Office of the Director  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536

Re: Actions Regarding Immigration and the Maricopa County Sheriff's Office

Dear Mr. Morton:

I write in response to your letter of yesterday, December 15, 2011, in which you announced that the U.S. Immigration and Customs Enforcement ("ICE") would take certain actions in response to allegations from the U.S. Department of Justice that the policing and detention practices of the Maricopa County Sheriff's Office ("MCSO") resulted in constitutional violations.

As the Chief Prosecutor and public safety advocate for the citizens of Maricopa County, I respectfully request that the Department of Homeland Security rescind the set of decision made yesterday in response to the allegations against the Maricopa County Sheriff's Office because these actions are likely to endanger the public, violate international treaty obligations, and may result in constitutional violations.

Ending MCSO's participation in the 287(g) program and precluding access to Secure Communities' databases will unduly impact our ability to identify those in the country illegally. As a direct consequence, serious criminals who should not be admitted to bail under Arizona's constitution may return to the communities where they committed crimes, flee the jurisdiction, and/or leave the country to avoid prosecution thereby frustrating the due administration of justice and violating a crime victim's right to justice and due process. It will also impact our ability to determine the status of a foreign national for compliance with the Vienna Convention on Consular Procedures, requiring us to notify all detained foreigners of their right to have their consulate informed of their detention.

Earlier today, my Chief Deputy attempted to contact Gary Mead, Executive Associate Director of ICE's Office of Enforcement and Removal Operations, to discuss these actions and request reconsideration of them by calling the phone number in your letter, but was unable to leave a message for Mr. Mead. I am confident that we can work together to resolve these issues in a manner which does not endanger the public, violate international treaty obligations, violate the constitutional rights of victims of crime. Please do not hesitate to contact either myself or my Chief Deputy to discuss this matter.

Very truly yours,

WILLIAM G. MONTGOMERY  
MARICOPA COUNTY ATTORNEY