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Racial profiling in Arizona? That's nothing new, critics say

Sheriff Joe Arpaio has held illegal-immigration 'sweeps' for years in Maricopa County. They have made him popular in the state, but also have spurred lawsuits, investigations and complaints.

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Reporting from Phoenix — As the country debates whether a tough new Arizona law against illegal immigration will lead to racial profiling, Latino activists and civil rights attorneys contend that profiling is already a reality in the Maricopa County, where two-thirds of the state's residents live.

For three years, Maricopa County Sheriff Joe Arpaio has been arguably the most aggressive law enforcement official in the country in using his powers to enforce federal immigration laws. Most prominently, since 2008 he has sent hundreds of his deputies and sworn volunteers on "sweeps" through immigrant-heavy neighborhoods, where they stop jaywalkers or drivers with broken taillights and ask for identification and immigration information. An analysis by civil rights lawyers found 70% of those arrested in these operations have Spanish surnames. Maricopa County, which includes Phoenix and Scottsdale, is only 31% Latino, the majority of whom are legal residents or U.S. citizens.

Arpaio's tactics, which he says are necessary to suppress crime, have made him wildly popular in Arizona. But the mass arrests have also resulted in an investigation by the Department of Justice's Civil Rights Division, lawsuits from civil rights lawyers and complaints even from longtime police supporters like Dan Magos.

The 64-year-old contractor was pulled over by a sheriff's deputy in December, purportedly for not having a license plate on the trailer affixed to his pickup. Magos, a U.S. citizen since 1967, had a gun for protection inside his truck — which is legal under Arizona law and had never been an issue before with police. He said the deputy made him wait 10 minutes before letting him go with the words: "I don't want you to think this has anything to do with racial profiling."

Magos didn't believe him. "I lost respect for the sheriff's office, for his deputies," said Magos, who describes himself as the sort of citizen who regularly calls police to report the slightest disorder in his foothill neighborhood. "He changed my view of myself. I always felt American, no hyphenation. Now he put the hyphen on."

Arpaio, whose latest sweep operation concluded Friday night, has repeatedly brushed off allegations of racial profiling. "I'm an equal-opportunity guy, I lock everybody up," he said at a news conference Thursday. "We don't go on the street corner and grab people because they look like they're from another country." Arpaio says his tactics have enabled his deputies to identify 6,000 illegal immigrants and refer them to federal immigration authorities. In the jails he runs, 32,000 others have been identified, usually after being arrested by another police department.

The new Arizona law in effect orders every Arizona law enforcement officer to respond like Arpaio's deputies. If they suspect people they encounter in the course of their duties are illegal immigrants, they must now determine whether the people are in the country legally and make an arrest — as long as it is practical and doesn't interfere with an ongoing investigation. Backers of the law contend that it simply empowers local police to use existing federal immigration laws and will be applied sparingly. "Officers in Arizona are professionals," said Brian Livingston, executive director of the Arizona Police Assn., noting that Arpaio's department has not been convicted of profiling. "We don't care what race people are."

But immigrants rights groups note that the law, which passed on a party-line vote in the Legislature and was signed by a Republican governor, was backed by many political supporters of the Republican sheriff. And it allows citizens to sue police departments if they are not aggressive enough in enforcing it.

"This law will make every officer in the state an ICE [Immigration and Customs Enforcement] officer like the officers that Sheriff Arpaio has," said Salvador Reza, a Latino activist here.

Arpaio's office said it could not respond to individual cases like Magos'. But for years, there have been allegations of profiling against the department.

Sergio Martinez Villaman was arrested in 2008 after a deputy saw him fail to use his turn signal while making a left, according to a lawsuit he filed against Arpaio's office. The legal immigrant was booked into county jail on suspicion of failing to have a driver's license. But charges were never filed, and he was released — after 12 days.

Manuel Ortega, also a legal immigrant, was one of several Latino men pulled by deputies from a car driven by a white man in 2007 in the suburb of Cave Creek. According to a lawsuit filed in Ortega's name, he was cuffed despite having pain from a previous broken wrist and detained for four hours until he was taken to federal immigration authorities, who quickly released him. The white driver of the car was apparently never held.

A brother and sister — Velia Meraz and Manuel Nieto, Jr. — stumbled into one of Arpaio's sweeps in their neighborhood in 2008. When they suddenly pulled away in their car, one motorcycle officer and three sheriff's deputies' cars chased them to their family's nearby auto shop. Nieto called 911 for help before his father told the deputies his children were U.S. citizens. Then they were released, according to a lawsuit.

Meraz, Nieto and Ortega are all part of a massive federal civil rights lawsuit, slowly moving through the legal system, accusing Arpaio of systemic racial profiling. In a deposition in the case last year Arpaio flatly stated: "We don't stop people by their appearance," he said. "We follow the law."

In the course of defending the lawsuit, Arpaio's office has addressed allegations raised by some of the incidents. It argued in court papers that Ortega's legality was most easily sorted out by the federal government and that Meraz and Nieto were "fleeing" authorities, so the response was appropriate.

David Bodney, the lead counsel in the case, is skeptical. "The indicia of illegality is often no more than skin color, Spanish language and dirty clothing," he said.

Bodney and others fear that those characteristics will invite even more scrutiny once Arizona's new law goes into effect in 90 days.

Magos is concerned he could be stopped again once the new law goes into effect.

He said that when he was stopped in December, the deputy frisked him and yelled at him several times. Magos, a soft-spoken man, is still shaken. "What I'm afraid of is being stopped again," he said. "I already have that anger towards them. I know I can contain it. But there should be no reason for anyone to suppress their feelings because the police feel they can roll over one part of the population."

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