

March 14, 2022

**VIA HAND-DELIVERY AND  
ELECTRONIC MAIL**

Councilmember Sal DiCiccio  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.6@phoenix.gov](mailto:council.district.6@phoenix.gov)

City of Phoenix  
City Clerk  
200 West Washington Street  
Phoenix, Arizona 85003

**VIA ELECTRONIC MAIL ONLY**

Mayor Kate Gallego  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)

Councilmember Ann O'Brien  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.1@phoenix.gov](mailto:council.district.1@phoenix.gov)

Councilmember Jim Waring  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.2@phoenix.gov](mailto:council.district.2@phoenix.gov)

Councilmember Debra Stark  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)

Councilmember Laura Pastor  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)

Councilmember Betty Guardado  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.5@phoenix.gov](mailto:council.district.5@phoenix.gov)

Councilmember Yassamin Ansari  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)

Vice Mayor Carlos Garcia  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)

**NOTICE OF CLAIM PURSUANT TO A.R.S. § 12-821.01**

**Claimants:** Keisha Acton, Nathan Aderholdt, Britney Austin, Dominic Bonelli, Lee Percy Christian, Ryder Collins, Bruce Franks, Jr., Jessica Gibson, Milton Hasley, Jonah Ivy, Camille Johnson, Amy Kaper, Marysa Levya, Nathaniel Llanes, William Reed, Christopher Roberson, Malyka Shively, Sarra Tekola, Ryan Tice, Brandon Valentin, Kalixta Villasaez, and Richard Villa.

**Against:** City of Phoenix  
Sal DiCiccio

**Demand:** **\$3,500,000.00 per Claimant**

Dear Sirs and Madams:

As you know, this law firm represents the 22 claimants named above (the “Claimants”)—all non-violent First Amendment demonstrators who were defamatorily labeled as “rioters,” wrongfully arrested for crimes they did not commit, and conspiratorially prosecuted for major felony charges based on false testimony concocted by Phoenix Police officers and Maricopa County prosecutors.

As a result of the combined actions of Phoenix Police Officers and Maricopa County prosecutors, all 22 of our clients faced felony prosecutions for crimes they did not commit—many of them facing decades of possible prison time. The conspiracy continued unabated until exposed by ABC15’s “Politically Charged” investigation. A series of investigations followed, revealing the direct participation of high-level officials at both agencies: at least three former PPD Assistant Chiefs, multiple PPD commanders and lieutenants, an MCAO Division Chief, and an MCAO Bureau Chief.

We are writing today about our discovery of a possible involvement of a new participant in the efforts to charge protestors: Phoenix City Councilman Sal DiCiccio.

We send this letter today pursuant to Arizona’s Notice of Claim statute, A.R.S. § 12-821.01. This Notice is intended to facilitate your investigation, assessment of liability, and settlement of these claims prior to litigation, and to assist with the City’s planning and budgeting. *See Vasquez v. State*, 220 Ariz. 304, 206 P.3d 753 (App. 2008). Please let us know immediately if you need any additional information to assist your analysis of these claims, and we will be happy to provide it.

///

### **BRIEF FACTUAL BACKGROUND**

This conspiracy should be well-known to you by now, given our past notices of claim, the numerous investigations the City has commissioned into it, and the Department of Justice's inquiry into Phoenix PD's pattern and practice of treating First Amendment demonstrators. We trust that you now know that between July and October 2020 MCAO and PPD conspired to unlawfully arrest and maliciously prosecute Black Lives Matter demonstrators in retaliation for their actual and perceived criticisms of law enforcement.

This letter will not restate the history of the 2020 protests, PPD responses, and PPD-MCAO collusion with which you are already familiar. Instead, it will focus on events that have not previously been addressed.

In 2021, our office made a series of public records requests of the Phoenix Police Department and Maricopa County Attorney's Office. For the better part of a year, PPD has seemed to be in no hurry to respond to our requests. MCAO, however, has been periodically providing documents responsive to our requests. We received one such production on December 14, 2021.

In that December 2021 production, the County disclosed to us a series of emails and text messages by and between MCAO officials. This production included documents neither mentioned nor included in the reports of Judge Roland Steinle or Ballard Spahr. These documents shed light on a number of City of Phoenix officials who sought to inject themselves into the County Attorney's decisions with respect to charging protestors.

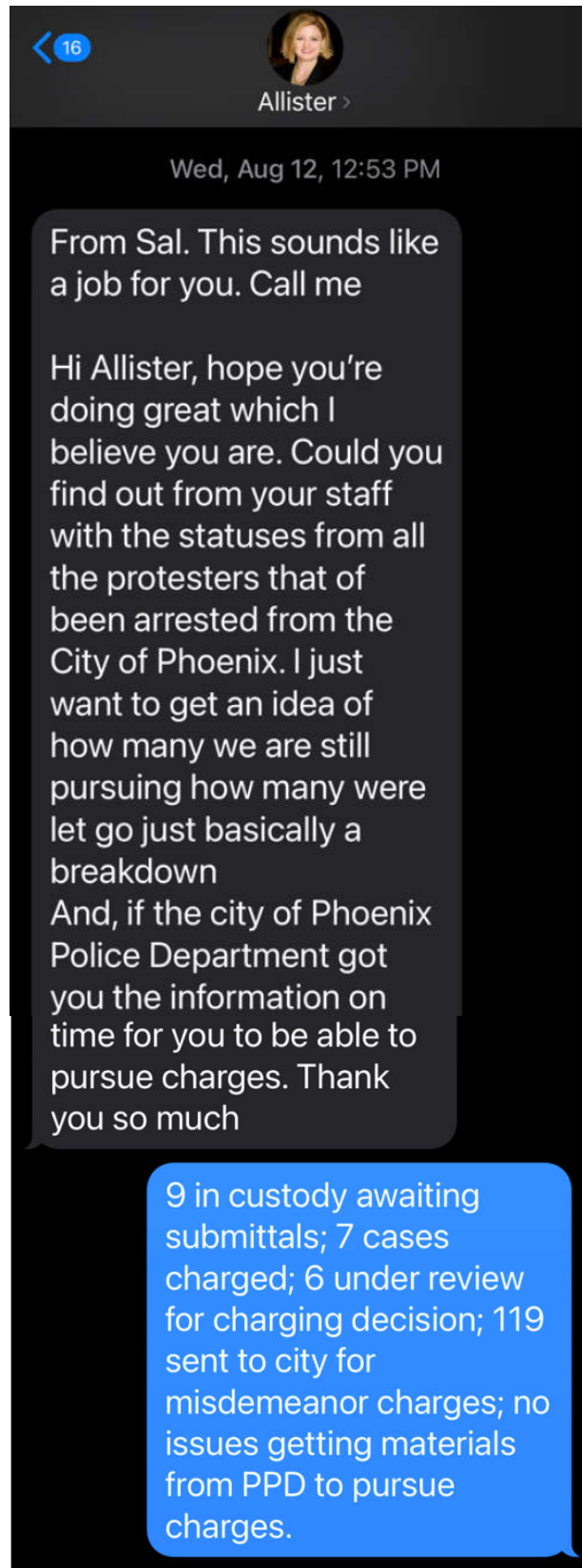
As you know, on August 9, 2020, Phoenix Police arrested multiple protestors at a non-violent demonstration outside Phoenix Police Headquarters in downtown Phoenix. Three days later, Tom Van Dorn—a former Phoenix Police Commander who left PPD in November 2019 to join Adel's staff—forwarded a text message to County Attorney Adel from "Sal."

In the message, the original sender—believed to be City Councilman Sal DiCiccio—addresses the request directly to County Adel, calling her by her first name. He then requests a personal update from Adel regarding the status of the charges against the protestors. Finally, he inquires whether the Phoenix Police Department has forwarded along all necessary information to enable Adel to pursue charges against the protestors.<sup>1</sup>

///

---

<sup>1</sup> Graphic on following page consists of multiple messages, combined into a single file for continuity and readability.



On February 12, 2021, in a Friday evening news-dump, County Attorney Adel announced that her office was dropping charges against the 15 adult protestors who were arrested and maliciously prosecuted as members of the fictional street gang concocted by PPD and MCAO. The next day, Van Dorn received a text message from an unidentified sender.

Although MCAO did not produce the entirety of the original message, the original sender indicates that his phone has been “ringing off the hook all morning from police. He suggests that most of the pressure he is under is coming “from police union guys” and “some of the upper management guys.” He requests a personal conversation with Adel to have her explain to him “why we got those charges dropped,” indicating that the people asking him questions are particularly interested in knowing what additional evidence is needed in order to “re-file” charges.

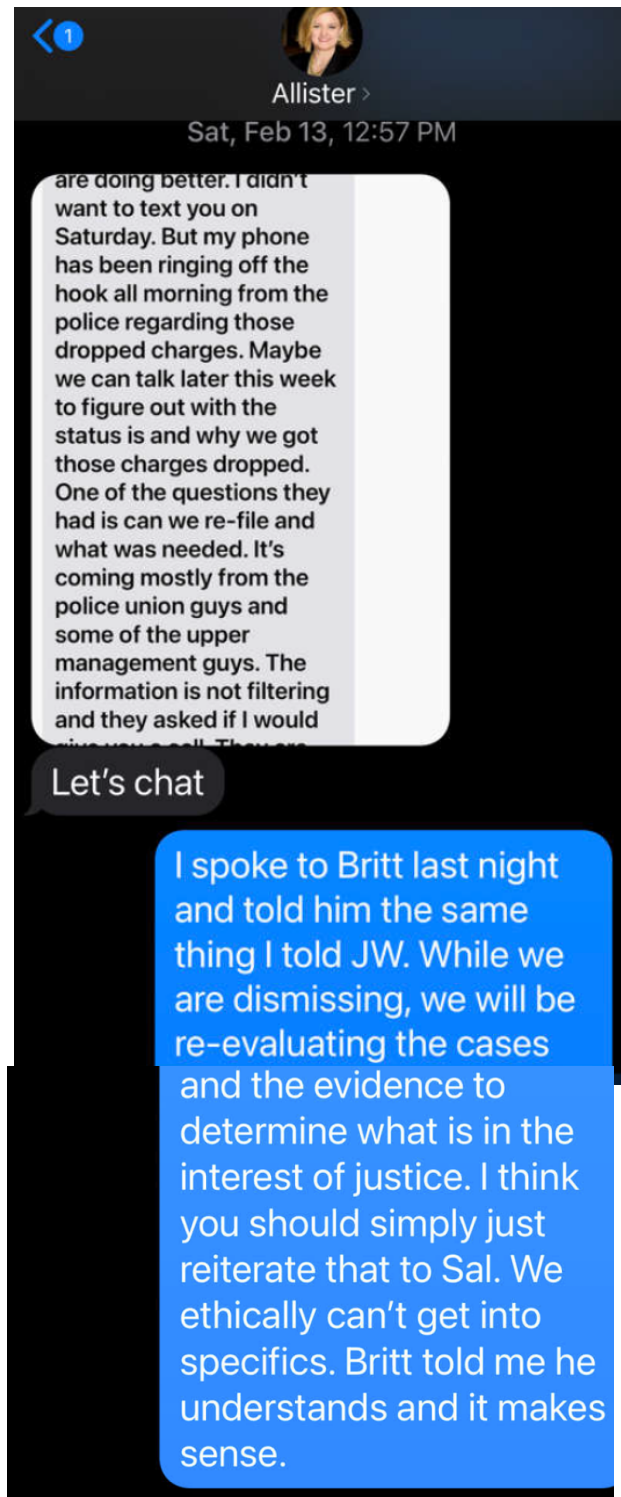
After forwarding the message to Adel, Van Dorn suggests “let’s chat.” Adel responds. She indicates that she spoke “to Britt last night and told him the same thing [she] told JW”—namely, that MCAO would be “reevaluating the cases and the evidence to determine what is in the interest of justice.”

County Attorney Adel’s next comment implies the identity of the man who originally contacted Van Dorn: “I think you should simply just reiterate that to Sal.”<sup>2</sup>

---

<sup>2</sup> Graphic on following page consists of multiple messages, combined into a single file for continuity and readability.

///



It is unknown exactly how “Sal,” “Britt,” and “JW” are. Given the context of the messages, though, we can make some educated guesses.

“Sal” appears to be Councilman DiCiccio. The reference to pressure from the union, suggests that “Britt” is PLEA President Michael “Britt” London. And it seems Chief Jeri Williams is the most likely “JW” to reach out to Adel to question her decision to dismiss charges against the protestors.

We believe this speculation is reasonable. And, if it is true, it portends a particularly ugly twist to an already sordid conspiracy: A sitting City Councilman, acting on behalf of the Phoenix Police Union and PPD “upper management” to pressure a prosecutor to consider re-charging improperly charged protestors—after the union president and Chief of Police already called her to do exactly that.

### **LEGAL CLAIMS**

A.R.S. § 12-821.01 does not require that claimants articulate the causes of action they intend to file against a government employee or agency. Our clients will not voluntarily do so here and in any way limit themselves. Instead, we simply note that our clients have pending litigation in federal court, which alleges—among other causes of action—claims sounding in civil conspiracy. You should be aware that, unless our concerns about the identity of “Sal” are disproven, our clients intend to pursue every possible claim sounding under both state and federal law against Councilman DiCiccio, and the City on whose behalf he was acting.

### **DAMAGES**

Thankfully, the pressure exerted by “Sal” did not result in County Attorney Adel re-filing charges, as suggested. It appears, however, that it may well have weighed into the County’s refusal to dismiss charges without prejudice—causing all of our clients to incur not only legal fees, but the ongoing fears of future charges and retaliation.

More, as has already been articulated, our clients experienced a wide array of general damages arising out of the conspiracy as a whole (of which it now appears that “Sal” was a part): Impairment of their job, housing, and educational prospects; restrictions on their freedom imposed by conditions of release; the effective loss of their First Amendment Rights while facing felony charges; reputational harm; and the emotional trauma and terror of the entire weight of the law enforcement complex coming down on them and threatening multi-year (and, in some cases, multi-decade) prison sentences.

In other parts of the country, these types of harms might be difficult to value. But in Maricopa County, there is clear precedent for the cost of these types of conspiracies and political prosecutions: \$3.5 million, as established by Supervisor Don Stapley's 2013 civil settlement with the county following his political prosecution as instigated by then Sheriff Joe Arpaio and maintained by former County Attorney Andrew Thomas.

The Claimants subject to Councilman DiCiccio's abuse of power are entitled to no less than Supervisor Stapley: \$3.5 million per person.

### **CONCLUSION**

Over the past three years, our office has forwarded various Notice of Claims to the City, detailing the contours of this conspiracy and putting the City on notice of the coordinated effort between the Phoenix Police Department and the Maricopa County Attorney's Office to politically target and prosecute critics of the police.

The impact of these political prosecutions has been pervasive and they have sent a clear message to the community: Specifically, that the City of Phoenix—through its representatives, policy-makers, and employees—believes that the decision to honor the protections of the First Amendment is discretionary, contingent upon the content of the political speech involved and whether its police officers agree with it; and that this City is not only willing to apply wildly divergent standards to police critics, but will utterly disregard its ethical and legal duties in order to crush dissent and incapacitate its own critics.

Although Councilman DiCiccio has made no secret of his disdain for police-accountability activists, the discovery of his possible involvement in a conspiracy of this significance and breadth is truly shocking. If the "Sal" who contacted Allister Adel through Tom Van Dorn is, in fact, Councilman DiCiccio, this would evidence a gross abuse of power—one that was wielded not just by low-level police officers working on the streets, but by "upper management" at the Phoenix Police Department, union representatives, and a sitting City Councilman.

As we indicated last year, such historic breaches of public trust come with great reckonings. In this case, that figure will be \$3.5 million for *each* of the 22 First Amendment demonstrators whose lives were held in the balance for months while PPD and MCAO colluded to criminalize political speech with which they disagreed.

///



3/14/22

Page 9

Pursuant to A.R.S. § 12-821.01, this offer will expire in 60 days, at which point in time we will either file a separate lawsuit against Councilman DiCiccio and the City of Phoenix, or amend our existing complaint in *Acton v. Adel* (to which the City is already a party) to include Councilman DiCiccio as a Defendant.

Very truly yours,

THE PEOPLE'S LAW FIRM, PLC

A handwritten signature in black ink, appearing to read "Benedetto", with a long horizontal flourish extending to the right.

Steve Benedetto

For the firm