




# Pima County Sheriff's Department

## Chris Nanos, Sheriff

MEMORANDUM

**To:** Honorable Chair Adelita Grijalva and  
Members of the Pima County Board  
of Supervisors

**From:** Chris Nanos   
Sheriff of Pima County

**Re:** *Response to Supervisor Heinz' Motion*

**Date:** October 23, 2024

In response to Supervisor Heinz' memorandum and motion, I would start by renewing my invitation to members of this board to contact me at any time there are concerns or issues to discuss. This is the same invitation I give to the public and within reason will always avail myself to handle county business when there is a need. My limitations in this are dictated by proper legal procedure, that is, I will not endanger the integrity of a criminal investigation or prosecution by offering comments outside of the correct venue, and by good taste—I will not entertain conversations that in any way further exploit or harm a victim of a crime that my office is responsible for investigating. Short of those issues, I am available to all.

Maintaining the integrity of the Pima County Sheriff's Department organization is a full-time responsibility of the sheriff. Ensuring smooth operations, information flow, and continuity demands that rules and policies are followed and that we respond quickly when there are situations that are disruptive. This is especially difficult when during this race, one of the candidates continues to work full time for the department. On the surface this has proven problematic—a currently employed candidate who falls in the chain-of-command beneath the sheriff and who has command responsibilities to maintain smooth operations while running for office and laying out a platform is extremely difficult. What this has led to is a campaign that has grown ever more negative and with each new tactic, a fresh assault on the integrity of operations has played out. Much of this has been tolerated as being the nature of a political campaign. However, ALL of it has put an unnecessary strain on the department and has challenged leadership to maneuver difficult issues with legal implications on a regular basis.

The genesis of this difficulty goes back to this Board's decision to reverse policy and allow an employee who is currently working for a department to run for a position within that department without having to take a leave of absence. That decision has tested the limitations of good sense in every aspect and created a burdensome responsibility for leaders to try to manage successfully. That said, we have proceeded with the best intentions in good faith to get through the campaign cycle as painlessly as possible. Unfortunately, that has not been the reality.

In the present circumstances, as I have explained in our own media release about the situation, the decision to place two individuals on leave was driven by the report of behaviors that are suspected of falling under prohibited actions in a number of relevant places in law and policy. The timing was dictated by the urgency of concern expressed by the public and the information discovered in our initial investigation which raised other questions about areas of responsibility and procedure which appear to have been neglected. In Supervisor Heinz' memo he makes the conclusive statement that the

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behaviors in question, i.e., possibly violating restrictions around campaigning, did not occur ("which neither of them did"). Unfortunately, investigations do not involve the practice of simply making proclamations of innocence and dismissing concerns and allegations outright before the matter has been fully explored. Investigations of this type are complex and touch on legal scholarship, case law, and a variety of government administrative policies. This is why it is my office's decision to forward these concerns to experts at the Attorney General's office and the FBI for their examination and analysis. Moreover, and perhaps more simply, when citizens call in reports of feeling intimidated by deputies with guns and handcuffs and attired in a way that was instantly recognizable as deputies who are obviously engaged in partisan campaigning, we all have a duty to put a stop to such actions and find out more about what is happening.

Mr. Heinz further describes this office's decisions as "election interference." The irony of this is that the restrictions on certain campaign behaviors in play here are designed specifically to prevent election interference. I believe that there is either some confusion about whose actions are in question or there is an agenda to make this situation into a political performance that is both untruthful and unhelpful to the citizens of Pima County. The conditions of administrative leave are standard. The scheduled hours are the same, the provisions allowing for time off requests are the same. The pay is the same. To suggest that being away from the workplace restricts the ability to campaign implies that campaigning was happening on duty—that would never be allowed during duty hours. Therefore, utilizing administrative leave in this case has no impact on individuals' campaigning or other off-duty activity.

Unlike other positions, the sheriff's department does regulate how our members, particularly our commissioned staff, conduct their lives away from the workplace. This is part of what ensures public trust. To assist with this responsibility, there is case law that codifies an agency's right to restrict behaviors that promote disharmony within the department and behaviors that would jeopardize public trust. This case clearly triggers those responsibilities and rights. The Hatch Act, which has stood since 1939 with the specific purpose of protecting election integrity has been recognized in every court as the definitive law on these matters and is a key concern in this situation. As guardians of county interests, it is important to note that if there is a finding of Hatch Act violations, all federal funding that comes into Pima County to support government functions could be forfeited. In addition to specific prohibitions under the Hatch Act, for which there are no constitutional protections under the 1<sup>st</sup>, 5<sup>th</sup>, 9<sup>th</sup>, or 10<sup>th</sup> amendments, here are some of the policy concerns we have examined thus far:

#### **LEMSR XIV-1 GENERAL**

B. Use any official authority or influence in any way to affect the result of any political election or nomination.

D. Discriminate in favor of or against any County employee or applicant because of such employee's or applicant's political contributions or activities.

### **Personnel Policies**

#### **8-119 - RULES OF CONDUCT**

Z. Prohibited conduct – County employees shall not:

1. Hold financial or personal interests that could negatively impact the interest of the County.
2. Use or attempt to use their official positions or confidential information for financial gain or for personal advantage.
3. Permit themselves to be placed under any kind of personal obligation or allow themselves to be put in any kind of situation which could lead any person to expect official or personal favors.
4. Give preferential treatment to any private organization or individual.
6. Perform any act in a private capacity which could be considered to be an official act
9. Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office.

### **Administrative Procedures**

#### **3-26 County Employees – Conflict of Interest**

##### **F. Appearance of Impropriety and the Pima County Gift Policy**

It is important to recognize that the appearance of a conflict of interest may also damage public trust and confidence in local government and may impair Pima County's ability to conduct its legitimate operations. For this reason, employees are required to scrutinize their actions and to avoid situations where their official acts appear to affect their own private interests.

All County employees must observe the following basic work rule principles:

- I. Perform a full day's work in an efficient and professional manner in accordance with the methods and standards required by the County.
- J. Carry out specific orders or instructions from the immediate supervisor or another employee in charge.
- M. Establish and maintain effective working relationships with others and do not take part in harmful and/or malicious gossip.

### **Rules and Regulations**

#### **Chapter 4 – General Policies, Procedures and Regulations**

I. STANDARDS OF CONDUCT

B. Basic Rules and Regulations

11. All members are required to report to their supervisor any unusual activity, situation, or problem with which the department would be concerned.

Chapter 7 – Administrative Policies and Procedures

XX. PRESS RELATIONS

D. Release of Information by Department Members

6. The department does not permit news interviews of prisoners in any stage of detention without the prior permission of such prisoners and the approval of the Sheriff or Corrections Bureau Chief.

Chapter 8 - Appearance, Uniforms and Equipment

C. Commissioned and Non-Commissioned Uniform Attire

1. Uniforms

- e. Uniformed members may not mix uniform and civilian clothes.

Chapter 13 – Weapons

- V. B.7 Off-duty commissioned members should carry a handgun except in cases where good judgment dictates otherwise.

It is my hope that this communication brings a different perspective to this Board on this delicate matter. The timing of these events was not of my choosing, but the obligation to deal with it in a manner that protects the county, and the department is my obligation. As you can see, the complexity of issues and the volume of policies for consideration beg for an outside review by those with the legal expertise and purview to analyze these matters. I believe the Arizona Attorney General's office is a great place to start, and because of the federal legislation that touches this situation, the Federal Bureau of Investigation is another body with the expertise and experience to give it a thorough examination. I am already in contact with these agencies, and they have already agreed to assist us. I close with my thanks to Board members for their attention and with a reminder that I am available and aim to work with you always to further improve Pima County for all its residents.

CN:cgv

c: Honorable Laura Conover, Pima County Attorney  
Jan Leshner, Pima County Administrator