



Stephen W. Christy
Supervisor, District 4

PIMA COUNTY BOARD OF SUPERVISORS

33 N. STONE AVENUE, FLOOR 11
TUCSON, ARIZONA 85701

TELEPHONE 520-724-8094
E-MAIL: district4@pima.gov

MEMORANDUM

DATE: September 10, 2024

TO: Melissa Manriquez
Clerk of the Board

FROM: Steve Christy
District 4 Supervisor

SUBJECT: Agenda Addendum Item



Please place the following item on the Addendum to the Agenda for the Board of Supervisors meeting of September 17, 2024:

BOARD OF SUPERVISORS

Discussion/Direction/Action regarding the County Administrator's memorandum of September 4, 2024, entitled "Response from the Attorney General's Office regarding Request for Independent Investigation". (District 4)

Thank you.



MEMORANDUM

Date: September 4, 2024

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Lester 
County Administrator

Re: **Response from the Attorney General's Office regarding Request for Independent Investigation**

On September 19, 2023, the Pima County Board of Supervisors voted to request an independent investigation by the Office of the Attorney General of actions taken by Sheriff Nanos in review of an alleged sexual assault of a female deputy. Of particular concern to the Board was the manner in which the internal investigation was to be conducted by the Sheriff's Office.

On Friday August 30, 2024, I received the attached response from Nicholas Klingerman, Chief Counsel of the Criminal Division of the Attorney General's Office. Mr. Klingerman reports that investigators within the Attorney General's Office have conducted a review of the provided investigative materials. It is noted that since Sheriff Nanos is waiting for the criminal trial to end before launching the Internal Affairs (IA) investigation into the incident, the IA investigation has yet to be completed.

The Attorney General's Office found no criminal wrongdoing in the investigative process. The Office did, however, note four rules of the Pima County Sheriff's Department that may have been violated.

1. "All members are required to take appropriate police action toward aiding a fellow police peace officer or department member exposed to danger or in a situation where danger might be pending." This policy may have been violated by command staff.
2. "A member shall act in an official capacity, whether on or off duty, if an incident is observed which requires policy action and time is of the essence or when such action will safeguard life or property, preserve the peace, or prevent the escape of a criminal. All responses must be consistent with the responses of an on-duty member." This policy may have been violated by a sworn police officer who was off duty but on scene.
3. "Supplemental Reports should be submitted when commissioned members participate in law enforcement activities requiring a case report to document their involvement in the incident." This policy may have been violated by command staff who were on scene or received direct reports but failed to document their involvement.

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Response from the Attorney General's Office regarding Request for Independent Investigation**

September 4, 2024

Page 2

4. "Unless otherwise approved by a supervisor, all property and/or evidence shall be packaged and secured in an approved property and evidence locker or delivered to the P&E Unit prior to the end of shift." This policy may have been violated by a detective failing to properly secure evidence.

The Attorney General's Office noted their willingness to review the IA investigation after it is completed by the Sheriff's Department should the Board continue to have concerns.

JKL/anc

Attachments

c: The Honorable Chris Nanos, Pima County Sheriff
The Honorable Laura Conover, Pima County Attorney
Sam Brown, Chief Civil Deputy, Pima County Attorney's Office
Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
115 N. CHURCH AVE., 2nd FLOOR, Suite 231, TUCSON, AZ 85701-1317
520-724-8661, FAX 520-724-8171

JAN LESHER
County Administrator

September 27, 2023

Arizona Attorney General Kris Mayes
Office of the Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004-2926

Re: **Request for an Independent Investigation by the Attorney General of Actions of the Pima County Sheriff**

Dear Attorney General Mayes,

On September 19, 2023, the Pima County Board of Supervisors voted to request an independent investigation by the Office of the Attorney General of actions taken by Sheriff Nanos' in review of an alleged sexual assault of a female deputy.

Of particular concern to the Board of Supervisors is the manner in which an internal investigation is to be conducted.

We urge the Attorney General to act swiftly in this matter.

Please contact me at 520-724-8661 or Jan.Lesher@Pima.Gov if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Leshner".

Jan Leshner
Pima County Administrator

c: The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Laura Conover, Pima County Attorney
Sam Brown, Chief Civil Deputy, Pima County Attorney's Office
Col. Jeffrey Glover, Director, Arizona Department of Public Safety



KRIS MAYES
Attorney General

Office of the Attorney General
State of Arizona

August 29, 2024

County Administrator Jan Leshar
Pima County Administrator's Office
115 North Church Avenue, #231
Tucson, AZ 85701-1317

Re: Request for Independent Investigation by the Attorney General's Office

Dear County Administrator Leshar,

In response to your request for the Arizona Attorney General to review the actions taken by Sheriff Nanos in his department's review of an alleged sexual assault of a female deputy in December of 2022, investigators within the Attorney General's Office have conducted a review of the investigative materials developed in that case and provided to us by the Pima County Sheriff's Department. We note that an Internal Affairs (IA) investigation into this incident has yet to be completed, and that Sheriff Nanos has indicated a plan to wait until the end of the criminal trial to begin the IA investigation. We found no criminal wrongdoing in the investigative process; however, based on our review of the materials, we are concerned about the following possible violations:

- Pima County Sheriff's Department General Order 2022-034, Chapter 5(l)(A)(5)(c)(7) provides "All members are required to take appropriate police action toward aiding a fellow police peace officer or department member exposed to danger or in a situation where danger might be pending." Based upon the content provided to the Arizona Attorney General's Office, this policy may have been violated by command staff who were notified of the situation and/or responded to the scene, but provided limited or no assistance to department members dispatched to the scene.

- Pima County Sheriff's Department General Order 2022-034, Chapter 5(II)(C)(1) provides "A member shall act in an official capacity, whether on or off duty, if an incident is observed which requires police action and time is of the essence or when such action will safeguard life or property, preserve the peace, or prevent the escape of a criminal. All responses must be consistent with the responses of an on-duty member." Based upon the content provided to the Arizona Attorney General's Office, this policy may have been violated by a sworn police officer who was off duty, but on scene, and failed to immediately report the incident or observed conduct to emergency dispatch or on-duty department members.
- Pima County Sheriff's Department General Order 2022-026, Chapter 5 (XXI)(B)(1) provides "Supplemental Reports should be submitted when commissioned members participate in law enforcement activities requiring a case report to document their involvement in the incident." Based upon the content provided to the Arizona Attorney General's Office, this policy may have been violated by command staff who were on scene or received direct reports from witnesses involved in this incident but failed to document their involvement with reports.
- Pima County Sheriff's Department General Order 2020-007, Chapter 4 (IV)(C)(4) provides "Unless otherwise approved by a supervisor, all property and/or evidence shall be packaged and secured in an approved property and evidence locker or delivered to the P&E Unit prior to the end of shift." Based upon the content provided to the Arizona Attorney General's Office, this policy may have been violated by a detective failing to properly secure evidence with the Property and Evidence Unit prior to the end of the detective's shift.

We understand that additional information will be developed during an IA investigation which may provide explanations or justifications for these areas of concern. The AGO would welcome the opportunity to review the IA investigation after it is completed by the Sheriff's Department should this Board continue to have concerns.

Sincerely,



Nicholas Klingerman
Chief Counsel
Criminal Division

cc: Pima County Sheriff Chris Nanos