COB - BOSAIR FORM

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Submitted by Stefanie.Gillie@pcao.pima.gov

BOARD OF SUPERVISORS AGENDA ITEM REPORT (BOSAIR)

All fields are required. Enter N/A if not applicable. For number fields, enter 0 if not applicable.

Award Type:	Agenda Item
Is a Board Meeting Date Requested?	Yes
Requested Board Meeting Date:	03/03/2026
Project Title / Description:	Regular Agenda Item - Public Hearing on Ordinance Re: Regulation of Unidentified Masked Groups

Agenda Item Report

Introduction / Background:	The Pima County Attorney's Office requests that a Regular Session of the Board of Supervisors be placed on the agenda for the March 3, 2026, meeting for a hearing on an ordinance to amend the Pima County Code, Title 9, by adding Chapter 9.25, Regulation of Unidentified Masked Groups, Exempting Identified Law Enforcement Officers
Discussion:	N/A
Conclusion:	N/A
Recommendation:	N/A
Fiscal Impact:	N/A
Support of Prosperity Initiative:	N/A
Provide information that explains how this activity supports the selected Prosperity Initiative	N/A
Board of Supervisor District:	• 1 • 2 • 3 • 4 • 5
Department:	PCAO - Civil Division
Name:	Stefanie Gillie

Telephone: (520) 724-5700

Department Director Signature: _____ Date: 2/18/2026

Deputy County Administrator Signature: _____ Date: _____

County Administrator Signature: _____ for Date: 2/18/2026

ORDINANCE 2026 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO PUBLIC PEACE AND WELFARE; AMENDING THE PIMA COUNTY CODE, TITLE 9, BY ADDING CHAPTER 9.25, REGULATION OF UNIDENTIFIED MASKED GROUPS, EXEMPTING IDENTIFIED LAW ENFORCEMENT OFFICERS

THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:

1. Pima County is located on the international border with Mexico, and the federal government has issued numerous warnings concerning international cartels and criminal gangs crossing our nation's border to terrorize and victimize our community.

2. On or around October 17, 2025, the Federal Bureau of Investigation (FBI) issued a memo suggesting U.S. Immigration and Customs Enforcement (ICE) agents and other law enforcement officials to "adequately identify themselves" when engaging with the public. The FBI memo warns that criminals across several states are impersonating Immigration and Customs Enforcement (ICE) agents to rob, kidnap and assault unsuspecting victims. The victims reported being threatened, robbed, kidnapped, and sexually assaulted by individuals posing as federal officers.

3. It has become difficult for communities to distinguish between legitimate federal law enforcement operations and illegitimate impersonators, endangering both civilians and real federal officers. These impersonations also endanger the health and safety of local law enforcement officers.

4. Officer impersonation endangers victims, terrorizes communities, undermines confidence in legitimate local and federal law enforcement, and impedes legitimate local and federal law enforcement operations when citizens refuse to comply with legitimate local and federal officers due to a mistaken belief that the officer is a criminal impersonator.

5. Reports suggest that groups appearing to be ICE agents could attempt to surround the polls during elections, undermining constitutional rights, public safety, and possibly operating to intimidate voters.

6. Clear and adequate identification of law enforcement officers—including visible agency affiliation and unique identifiers—supports accountability, lawful conduct, and public trust, as suggested by the FBI.

7. Conversely, the presence of masked, unidentified individuals carrying weapons or

law enforcement-style equipment in public spaces or near polling places creates confusion, fear, and potential danger for both residents and legitimate officers.

8. State and Federal law prohibits local law enforcement officers from interfering with federal law enforcement operations. However, local law enforcement must be able to rapidly determine if a person is impersonating a federal officer or is a legitimate federal officer.

9. Clear identification of law enforcement officers supports accountability, lawful conduct, and the ability of individuals to exercise their rights. Furthermore, it prevents local law enforcement from unintentionally hindering federal law enforcement operations in violation of federal and state law.

10. The County has statutory authority to enact regulatory measures for the protection of public health, safety, morals, and welfare under A.R.S. § 11-251(31), which authorizes the County to "[m]ake and enforce all local, police, sanitary and other regulations not in conflict with general law." *Bd. of Sup'rs of Maricopa Cnty. v. Stanford*, 70 Ariz. 277, 282, 219 P.2d 769, 772 (1950) ("the county is a political subdivision of the state existing and created to aid in the administration of the state's laws and for purposes of self-government.").

11. The County has statutory authority to enact regulatory measures for the protection of public health, safety, morals, and welfare under A.R.S. § 11-251.05(A)(1), which authorizes the County to "adopt, amend and repeal all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county which are not otherwise specifically limited by § 11-251 or any other law or in conflict with any rule or law of this state."

12. The County has statutory authority to enact regulatory measures for the protection of public health, safety, morals, and welfare under A.R.S. § 11-251.05(A)(2), which authorizes the County to "[p]rescribe punishment by fine or imprisonment, or both, for the violation of an ordinance adopted pursuant to paragraph 1 of this subsection. A fine or imprisonment shall not exceed the maximum limitations for a class 1 misdemeanor."

13. The County has statutory authority under A.R.S. § 11-251(4) to "control and manage public roads, ferries and bridges within the county."

14. The County has statutory authority under A.R.S. § 11-251(30) to "[d]o and perform all other acts and things necessary to the full discharge of its duties as the legislative authority of the county government."

15. The County has statutory authority under A.R.S. § 11-251(17) to "[a]dopt provisions necessary to preserve the health of the county."

16. The County has statutory authority under A.R.S. § 11-251(21) to make and enforce

necessary rules and regulations for the government of its body, the preservation of order and the transaction of business.

17. The County has statutory authority under A.R.S. 11-201(4) to "make such orders for the use of its property as the interests of the inhabitants of the county require."

18. The County has statutory authority under A.R.S. § 16-1021 to enforce the provisions of Arizona Revised Statutes, Title 16. Elections and Electors, through civil and criminal actions in any election for county office, community college district governing board, judge or a county initiative or referendum.

Purpose and Aspirations

A. The Board of Supervisors reaffirms Pima County's commitment to public safety, election integrity, and transparency in law enforcement operations. This Ordinance seeks to protect residents, and federal and local law enforcement, from criminal impersonation, to ensure safe and fair elections, and to support coordination between local and federal law enforcement agencies in enforcing federal law. When community members are able to verify that an officer interaction is with a legitimate law enforcement officer rather than a criminal imposter, trust is fostered between the community, federal law enforcement officers, and local law enforcement officers to help effectuate the enforcement of federal laws.

B. The Board of Supervisors reaffirms Pima County's commitment to fostering the safety and efficacy of all law enforcement officers conducting lawful operations in Pima County.

C. The Board of Supervisors desires to prevent local law enforcement from unintentionally interfering with lawful federal law enforcement operations due to mistaking the officers for gangs, cartels, or other criminal imposters.

D. The Board of Supervisors reaffirms Pima County's commitment to judge elections, declare the result, and issue certificates thereof, as well as to carry out the County's election duties delegated and authorized by the State of Arizona in a manner that prevents voter intimidation.

E. The Board of Supervisors encourages and urges cities, towns, and other local governmental entities within and beyond Pima County to consider adopting similar policies and resolutions that promote transparency, accountability, and public trust.

F. It is in the best interest of the County to amend the Pima County Code by adding a requirement that regulates unidentified groups of masked individuals and assists in the identification of law enforcement.

G. This Ordinance is intended to be in accord with all local, state, and federal laws

regarding law enforcement operations. A federal law enforcement officer may still wear a mask to conceal the officer's face and prevent "doxing" while at the same time remaining identifiable to local law enforcement and the community as a legitimate law enforcement officer. Federal law, and DHS policy, requires federal law enforcement officers to visibly display agency affiliation and a unique identifier. Additionally, federal law requires that officers who have been authorized to make arrests must identify themselves as soon as it is safe and practical.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. A new Chapter 9.25 of the Pima County Code is enacted regarding regulation of Unidentified Masked Groups, as follows:

CHAPTER 9.25 REGULATION OF UNIDENTIFIED MASKED GROUPS, EXEMPTING IDENTIFIED LAW ENFORCEMENT OFFICERS

9.25.010 Declaration of policy. The purpose of this chapter is to protect the inhabitants of Pima County from unidentified masked groups and prevent local law enforcement from unintentionally interfering with federal law enforcement operations in the County.

9.25.020 Regulation of unidentified masked groups.

A. Except as otherwise provided in this chapter, it is unlawful for any group of two or more persons to gather upon publicly maintained streets and thoroughfares within the unincorporated county, or on private lands without the consent of the lawful owner, when two or more persons within the group:

1. wear facial coverings obstructing more than 50% of the face, **and**

2. carry on their person one or more of the following items:
   a. Kinetic Impact Projectiles ("KIPs") including but not limited to rubber bullets, plastic bullets, and beanbag rounds,
   b. Flash-bang grenades,
   c. Conducted Energy Devices ("CEDs", "TASERs", "stun guns"),
   d. Police-style batons,
   e. Chemical agents delivered via grenades, canisters, sprays, or aerosols designed to cause causing intense burning, eye watering, and respiratory distress, including but not limited to tear gas, pepper spray, Oleoresin Capsicum, 2-Chlorobenzalmalononitrile, Chloroacetophenone, Dibenzoxazepine, Adamsite, and Bromobenzylcyanide,
   f. Handcuffs,
   g. Zip ties.

9.25.030 Exemptions. This Chapter does not apply to any of the following:

A. A law enforcement or U.S. military officer of any local, state, or federal agency or branch who has clearly visible on an outermost garment upon the officer's person all of the following:

    1. The name of the law enforcement agency or military branch employing the officer, and
    2. A unique identifier, such as an officer's badge number or legal name.

B. A law enforcement or U.S. military officer of any local, state, or federal agency or branch, who in the regular course of the officer's official duties meets one or more of the following:

    1. does not carry distinguishing equipment and does not wear distinguishing garments,
    2. is engaged in a clandestine undercover operation, or
    3. is part of a Specialized Elite Tactical Team and is engaged in a response to an emergent or high-risk situation. "Specialized Elite Tactical Team" as used in this Chapter means a highly trained team of elite law enforcement agents specially trained to respond to an unusually emergent, high-risk, or dangerous situation, including Special Weapons and Tactics Teams (SWAT), Counter Sniper Teams (CS), Special Response Teams (SRT), Counter Assault Teams (CAT), and Special Operations Group (SOG).

C. A person actively engaged in lawfully hunting wildlife. For the purposes of this Chapter, "actively engaged in lawfully hunting wildlife" does not include traveling to or from a hunting location by way of a paved public street or thoroughfare which is not approved as a lawful hunting location.

9.25.040 Violation—Penalty. A person's first violation of this chapter constitutes a petty offense and is subject to a fine of up to $300. Each act of violation shall constitute a separate offense. A person's second or subsequent violation of this chapter may constitute a Class 3 misdemeanor and is punishable by a fine, imprisonment, or both not to exceed the maximum limitations for a Class 3 misdemeanor.

9.25.050 Scope.

A. Nothing in this Chapter shall be construed as restricting or interfering with any of the following:

    1. the execution of court orders or lawful judicial warrants,
    2. the rights of any person or entity under state or federal law,
    3. providing assistance to any local, state, or federal law enforcement agency's investigative activities regarding suspected violations of criminal law, or
    4. the enforcement of criminal law.

B. To the fullest extent possible, this Chapter shall be construed in a manner that is in accord with all of the following: the U.S. Constitution, the Arizona Constitution, the Arizona Revised Statutes, the U.S. Code, and the Code of Federal Regulations.

C. Any part of this Chapter found invalid or unenforceable by a court of law is severable; the remainder of the Chapter remains in full force and effect. The application of any part of this Chapter found by a court of law to be invalid or unenforceable as to any person or circumstances is severable; the remainder of the Chapter remains in full force and effect.

SECTION 2. Effective date.

This Ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this __ day of _____, 2026.

_____
Jennifer Allen, Chair, Board of Supervisors

ATTEST:

_____
Melissa Maniquez, Clerk of the Board

APPROVED AS TO FORM:

_____
Sam Brown, Civil Chief County Attorney