

March 20, 2025

Via Service of Process

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1750 E. Benson Highway
Tucson, AZ 85714

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Chief Scott Lowing
Corrections Bureau
Pima County Sheriff's Department
1250 W. Silverlake Rd.
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Captain Benjamin Hill
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Captain Christy Anderson
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1750 E. Benson Highway
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RE: Notice of Claim Pursuant to Arizona Revised Statutes Section 12-821.01

To the above-listed recipients:

This firm represents Heather Lappin, a distinguished Lieutenant Deputy of the Pima County Sheriff's Department ("PCSD"), and runner-up in the 2024 election for Pima County Sheriff. This notice of claim is submitted to the Pima County Clerk of the Board, Sheriff Chris Nanos, Chief Scott Lowing, Captain Benjamin Hill, and Captain Christy Anderson pursuant to Arizona Revised Statutes ("A.R.S.") section 12-821.01. The above-named individuals, each of the PCSD, as well as Pima County, are the "defendants" for purposes of this notice.¹

* * *

¹ Whether and the extent to which Pima County is an "employer" of the above-named "public employees" for purposes of Lieutenant Lappin's claims as set forth herein currently is under consideration by the Arizona Supreme Court, hence the County's inclusion as a defendant herein. See, *Sanchez v. Maricopa Cty.*, No. CV-24-0013-PR, 2024 Ariz. LEXIS 222, at *1 (Aug. 2024).

I. SUMMARY

For the past nineteen years, Lieutenant Lappin has honored her oath to protect the people of Pima County and has served loyally and proudly for all that time. Lieutenant Lappin's ideas for positive changes to the PCSD, and her dedication to the people of Pima County and to her fellow deputies, inspired her to run for the office of Pima County Sheriff in the 2024 election. Her decision to challenge the incumbent Pima County Sheriff, Chris Nanos, however, was met with egregious acts of retaliation by Nanos and by certain other Nanos loyalists in the PCSD. Nanos and his cadre not only subjected Lieutenant Lappin to unwarranted disciplinary actions that plainly were arbitrary and capricious abuses of PCSD's employment policies, but these persons also misused their positions in the PCSD, and PCSD resources, for the specific purpose of influencing the election contest. Such acts not only constitute torts for which Lieutenant Lappin is entitled to an award of damages if she should bring suit against these defendants, but also constitute plain violations of the Hatch Act, 5 United States Code ("U.S.C.") sections 1501-1508.

In the weeks prior to the 2024 election, Nanos was aware that Lieutenant Lappin had a very real chance of replacing him as Pima County Sheriff, and so Nanos manufactured a reason to put Lieutenant Lappin on paid administrative leave with the express warning that she was not allowed to discuss anything about her placement on administrative leave with anyone -- or even to tell anyone of the fact that she had been put on administrative leave. The terms of Lieutenant Lappin's administrative leave prohibited her from defending herself publicly -- either individually or as a candidate for office -- from Nanos's scurrilous, misleading, and public accusations under a thinly veiled threat of termination of her employment. These actions were designed not only to punish Lieutenant Lappin for daring to challenge Nanos in the election, but also specifically to interfere with Lieutenant Lappin's ability to conduct her campaign.

Immediately upon placing Lieutenant Lappin on administrative leave, Nanos and the other individual defendants drafted and issued a media release falsely insinuating that Lieutenant Lappin (1) had conspired with a reporter to pay inmates in exchange for statements about poor conditions at the Pima County Adult Detention Center, (2) had engaged in Hatch Act violations, and (3) had violated Arizona's version of the Hatch Act (A.R.S. section 11-410). *See*, Exhibit A. The individual defendants knew that they were publishing false or at least deliberately misleading accusations about Lieutenant Lappin, and they published their media release for the specific purpose of embarrassing Lieutenant Lappin and impugning her reputation at a time when she was under the defendants' orders not to defend herself publicly -- or even to leave her home. The defendants did not restore Lieutenant Lappin to active duty until several weeks after the election had concluded. Ultimately, Lieutenant Lappin lost the election to Nanos by a mere 495 votes.

Due to the defendants' unlawful actions, Lieutenant Lappin has suffered, and continues to suffer, adverse and retaliatory employment consequences, lasting damage to her reputation, and embarrassment and humiliation. Her claims against the defendants, as detailed further below, may be settled for \$2,000,000.00 (two million dollars).²

² The sum of \$2,000,000.00 is not apportioned among the various defendants, and that total sum may be paid by any one or more of the defendants jointly and severally.

II. BACKGROUND FACTS

Prior to her candidacy for Pima County Sheriff in 2024, Lieutenant Lappin was the Training Section Commander at PCSD's Training Section, which includes the Pima Regional Academy and Pima Regional Training Center. The Training Section is a facility where deputies are trained in various skills by instructors, some of which are known as Master Instructors (formerly called subject-matter experts or "SMEs"), who specialize in certain areas. Lieutenant Lappin excelled in her position at the Training Section and was well-liked by her colleagues and the deputies whom she trained. Lieutenant Lappin thrived in this position because it enabled her to connect with deputies from all of the various bureaus within the PCSD. This regular contact with various PCSD deputies, in part, revealed to Lieutenant Lappin that many deputies throughout the county were dissatisfied with Nanos's leadership. Many of these deputies encouraged Lieutenant Lappin to consider running for Sheriff and supported her when she eventually decided to run for that office.

By late summer of 2023, rumors of Lieutenant Lappin's potential candidacy were circulating throughout the department. On August 10, 2023, Community Services Division Captain Sharlene Reis asked Lieutenant Lappin if it were true that she was running for sheriff. Lieutenant Lappin truthfully responded, "No," because Lieutenant Lappin had not yet filed and had not committed fully to running for office at the time. That same day, Chief Harold "Buddy" Janes announced at a divisional meeting that Lieutenant Lappin was running against Nanos for Pima County Sheriff. Chief Buddy Janes made this announcement without verifying the accuracy of his announcement with Lieutenant Lappin, and without seeking Lieutenant Lappin's permission.

On September 21, 2023, Lieutenant Lappin filed her statement of interest with the appropriate county department. *See*, Exhibit B. This was Lieutenant Lappin's first step as candidate for office, and her first official public indication of her intention to challenge her superior, the incumbent Sheriff Nanos, in the 2024 election. That same day, Lieutenant Lappin notified Captain Reis and Sheriff Nanos, in separate phone conversations, that she was running for sheriff. Shortly after her filing of the statement of interest came the first incident of professional retaliation.

In or about early September 2023, Lieutenant Lappin's colleague, Lieutenant Bob Krygier asked Lieutenant Lappin if she could cover some of his shifts teaching the "general instructor" school within the Training Section because he had a scheduling conflict. Lieutenant Lappin told Lieutenant Krygier that she would be happy to cover for him. Lieutenant Lappin thought nothing of this request because she was familiar with the subject matter that Lieutenant Krygier's class covered, and it was common practice for instructors to cover for each other when the need arose. Lieutenant Lappin had taught the "general instructor" school a total of seven times prior to this particular occasion, and she had covered for Lieutenant Krygier several times while he was elsewhere in the building during instruction. The only difference between Lieutenant Lappin's and Lieutenant Krygier's qualifications to teach this class was that Lieutenant Krygier was the subject-matter expert (*a.k.a.*, the Master Instructor) for the "general instructor" school, and Lieutenant Lappin was not.

Lieutenant Lappin informed her supervisors of Lieutenant Krygier's request and her intention to cover his shift shortly after she had agreed to do so. Text messages between Lieutenant Lappin and Captain Reis on September 7, 2023, document that, a full eleven days in advance of the class, Lieutenant Lappin's superiors were aware of (1) Lieutenant Krygier's request that Lieutenant Lappin cover for him, (2) Lieutenant Lappin's intention to do so, and (3) the fact that Lieutenant Lappin was not a Master Instructor. *See*, Exhibit C. That same day, Lieutenant Lappin also had a phone conversation with Lieutenant Svec in which she conveyed the same information. Thus, Lieutenant Lappin's superiors had ample time (1) to deny Lieutenant Krygier's absence, or (2) to instruct Lieutenant Lappin that she needed to make arrangements for another Master Instructor to be present. At no point did Captain Reis, Lieutenant Svec, or Lieutenant Krygier say anything to Lieutenant Lappin to indicate that Lieutenant Krygier's absence from the class would be a problem. Lieutenant Lappin covered for Lieutenant Krygier's absence for a total of two days out of a week-long course. On Friday, at the end of the course, Lieutenant Svec was ordered by Administration Bureau Chief Buddy Janes to contact AZPOST and to inquire as to whether Lieutenant Krygier's presence was mandatory. Chief Janes knew well in advance that Lieutenant Krygier's presence was mandatory, and yet he allowed the classes to occur in order to manufacture a situation for which Lieutenant Lappin could be punished.

On Thursday, September 28, 2023, after Lieutenant Lappin had covered the class, Captain Christy Anderson sent an email to twenty-three individuals, not including Lieutenant Lappin. *See*, Exhibit D. The email was designed to malign Lieutenant Lappin's reputation among her fellow deputies and stated, in pertinent part, as follows:

Unfortunately, each of you will have to attend the school in its duration, again. Due to the fact that the General Instructor Subject Matter Expert, Lieutenant Bob Krygier, was not present for the school in its entirety, the course will not be certified by AZPOST. At the time the course was scheduled, he and the former Training Center Commander, Lieutenant Lappin, did not make the necessary accommodations to ensure compliance with AZPOST for his absence. We are in the process of rescheduling the course and will notify you once we have the dates.

Id.

Rather than admonishing the person responsible (Lieutenant Krygier), Captain Anderson implicitly placed the blame on Lieutenant Lappin in the first of many attempts to turn the opinions of Lieutenant Lappin's fellow deputies against her in the context of the upcoming election.³

On November 6, 2023, over a month after Captain Anderson sent her disparaging email, Lieutenant Lappin was called into a meeting with Captain Reis. Captain Reis presented

³ Captain Anderson and her husband, William Anderson, were among Sheriff Nanos's fiercest supporters on social media and repeatedly promoted the smear website www.heatherlappinforsheriff.com, attacking Lieutenant Lappin and her candidacy. (Discussed further *infra*, p.12.)

Lieutenant Lappin with a disciplinary letter of counselling (“LOC”), authored by Investigations Bureau Chief Jesus Lopez and dated October 30, 2023, and demanded that Lieutenant Lappin sign it. The LOC contained a false narrative of events surrounding the class that Lieutenant Lappin covered, which letter was wildly inaccurate and insinuated that Lieutenant Lappin had breached her duties and was guilty of wrongdoing. The LOC reads in part:

You are being issued this Letter of Counseling to address a serious lack of judgment during the recent Pima County Sheriff’s Department General Instructor (GI) Training School. It has come to my attention that you were aware of the Master Instructor’s planned absence for a significant portion of the training. This absence [*sic*] is a critical requirement set forth by the Arizona Peace Officer Standards and Training Board (AZPOST).

Exhibit E, p.1. The LOC goes on to accuse Lieutenant Lappin of neglecting her duties, lacking judgment, and violating a list of broad and ambiguous rules and policies. Some of these rules and policies were wholly inapplicable, such as a supervisor’s responsibility to model appropriate workplace behavior, and the duty to conduct her personal and professional life in a manner that reflects favorably on the department. *Id.*, pp.1-3. The LOC also claimed that Lieutenant Lappin’s actions resulted in a loss to Pima County of \$76,000 in wages, a curious inclusion given that Lieutenant Lappin’s superiors were aware a full eleven days prior that Lieutenant Lappin intended to cover the class in Lieutenant Krygier’s absence. *Id.*, p.1.

The LOC was authored by Chief Lopez and signed by Nanos. Typically, this type of low-level disciplinary letter would be written by a deputy’s direct supervisor, but here, because Lieutenant Lappin was running against him, Nanos personally involved himself in order to intimidate Lieutenant Lappin, and to ensure the LOC would damage Lieutenant Lappin’s reputation as much as possible.

Because the LOC portrayed a false and inaccurate account of events, Lieutenant Lappin drafted a response as an addendum to the LOC. Lieutenant Lappin’s response stated, in pertinent part:

I want to emphasize that my decision to cover for the Master Instructor was made in good faith and was based on a sincere belief in the Master Instructor’s knowledge of the policy and procedures related to the matter. I had full trust in the Master Instructor’s expertise and his ability to accurately assess and verify the completion of the training.

Moreover, I never had any intention to “willingly attest falsely” to anything. On September 7, 2023, which was 11 days prior to the General Instructor class, I proactively informed both the Training Section Commander and the Community Resources Division Commander of my intention to cover for the Master Instructor during his absence along with my General Instructor certification not being that of a Master level. This notification was made with complete transparency, demonstrating my belief that I was within policy in covering for Lieutenant Krygier as well as my commitment to open and honest communication within the department.

I am fully prepared to take responsibility for my part in this incident, however, I draw the line at being accused of integrity violations that cannot be proven by this administration.

Exhibit E, p.4.

The next day, November 7, 2023, Lieutenant Lappin submitted her response. At approximately 3:00 p.m., Lieutenant Lappin was called into another meeting, this time with both Captain Reis and Chief Janes. Chief Janes and Captain Reis were furious at Lieutenant Lappin's response memo. Chief Janes and Captain Reis reprimanded, bullied, and threatened Lieutenant Lappin with revocation of her AZPOST certification if she did not retract her response.⁴ Chief Janes was shaking visibly with anger throughout this meeting. Lieutenant Lappin held her ground and refused to retract her response to the LOC, which was a flagrant and false attack on her character.

It was clear that Nanos and his friends had drafted the LOC in an attempt to force Lieutenant Lappin to incriminate herself in writing so they could later use it against Lieutenant Lappin in the upcoming election for Pima County Sheriff.

The following day, November 8, 2023, Lieutenant Lappin was told that she was being transferred to the Pima County Adult Detention Center (the "Jail") by the end of that business day. Such an immediate transfer was unprecedented within the PCSD. Typically, transfers are put into effect at the end of a pay period to make the change easier on logistical staff. This transfer, however, was intended to punish and to intimidate Lieutenant Lappin, and was put into effect with total disregard for the smooth operation of the department. Lieutenant Lappin received no formal explanation for this action.

Separately, Chief Lopez conducted an internal investigation during which Lieutenant Lappin was neither given a NOI (notice of investigation) nor interviewed personally, both of which omissions are violations of department policy.

This would not be the last time that Nanos and his friends in the department would use their positions of authority to impugn Lieutenant Lappin's reputation falsely in hopes of curtailing her campaign. Again, Lieutenant Lappin filed to run for office on September 21, 2023, and less than one month later, her teaching authority was revoked by Captain Anderson and she was transferred from her long-time position at the Training Center to the Jail -- which, although technically a lateral move, was a demotion in all aspects but rank and pay.

⁴ Revocation of Lieutenant Lappin's AZPOST certification would have disqualified her from being able to serve as a law-enforcement officer, and would mean the end of her career with PCSD. In other words, Chief Janes and Captain Reis expressly threatened to terminate Lieutenant Lappin for exercising her right to contest the false statements in the LOC.

Despite the abrupt and jarring nature of her transfer, Lieutenant Lappin quickly settled in at her new position. She found that many of her colleagues at the Jail similarly were disillusioned with Nanos, and many of them supported her candidacy.

Several months later, in July of 2024, Lieutenant Lappin received a call from the PCSD's Public Information Officer, Deputy Adam Schoonover, regarding an inquiry from a news reporter named John Washington of the Arizona *Luminaria* news outlet. Deputy Schoonover informed Lieutenant Lappin that Mr. Washington had contacted Deputy Schoonover to inquire about speaking with two specific inmates for a planned investigative article on the conditions in the Jail. Lieutenant Lappin took down Mr. Washington's information and told Deputy Schoonover that she would handle it.

On July 17, Mr. Washington texted Lieutenant Lappin and informed her of the names and booking numbers of the two inmates he wanted to get in touch with. Lieutenant Lappin replied, "Got it! I'll let you know tomorrow after I speak to them." See, Exhibit F.

Still being relatively new in her position at the Jail, Lieutenant Lappin did not know how to handle the request, and so sought guidance on the matter from her peers. At this time, Lieutenant Lappin had not been informed of any applicable PCSD policy, and she had not been required to read or to memorize any Standard Operating Procedures (SOPs) on the topic.⁵ Accordingly, Lieutenant Lappin sought the advice of colleagues from a total of four of her fellow lieutenants, including Corrections Lieutenant Mark Hamilton. None of them told Lieutenant Lappin about any applicable policies, or any forms, permissions, or notices to superior officers that might be required.

Lieutenant Hamilton specifically told Lieutenant Lappin that she should (1) write down Mr. Washington's name and number on a piece of paper, (2) give the paper to each of the two inmates Mr. Washington wished to speak to, (3) inform the inmates that Mr. Washington is a journalist who wants to talk to them, but that it is up to them to contact Mr. Washington if they so choose, and (4) recommend to the inmates that they not speak to Mr. Washington. It struck Lieutenant Lappin as odd that Lieutenant Hamilton's instructions included discouraging the inmates from speaking to Mr. Washington. Lieutenant Hamilton said this with such specificity and confidence, however, that Lieutenant Lappin believed his instructions were PCSD policy. Lieutenant Hamilton did not say anything to Lieutenant Lappin about any required PCSD forms, including Form 879, or about any other required procedures related to inmates' interactions with members of the media.

Accordingly, Lieutenant Lappin did exactly what Lieutenant Hamilton instructed: She went to each inmate separately, told them a journalist wanted to get ahold of them, handed each of them a piece of paper with Mr. Washington's phone number, and finally said to each inmate that she recommended that they not call the journalist.

⁵ In an investigation interview of Lieutenant Lappin on December 5, 2024, her immediate superior, Captain Benjamin "Paul" Hill, admitted to Lappin that he also had been unaware of any procedures for handling media requests for inmate interviews. (Discussed further *infra*, p.17.)

Inmates at the Jail are given an inmate communication device (“ICD”), which is a tablet computer with which the inmate can call anyone in the outside world, as long as he has the number to dial, and has funds in his inmate account to pay the phone charges imposed by the Jail. Pursuant to PCSD policy, all inmate calls (except privileged calls to counsel and clergy) are recorded by PCSD and may be reviewed by PCSD personnel. At least one inmate immediately contacted Mr. Washington via his ICD and provided an interview. That inmate incurred significant charges from the Jail for his call. That same inmate told Mr. Washington that the calls from the Jail were very costly to the inmates and asked if there was any way he could be reimbursed for their lengthy call.

On July 18, Mr. Washington texted Lieutenant Lappin to thank her and to inform her that one inmate had already reached out to him. *See*, Exhibit G. He also stated, “The inmate paid for the call, however, and I want to reimburse him.” *Id.* Mr. Washington then texted Lieutenant Lappin to ask how he should go about reimbursing the inmates for the cost of their calls. *Id.* As before, Lieutenant Lappin sought out the advice of her colleagues and spoke to a handful of deputies at the Jail including Brett Morrison (a retired sergeant deputy working at the Jail as a civilian). Morrison and the others told Lieutenant Lappin that Mr. Washington could add money to the inmates’ accounts via the Jail’s online portal, or could come to the Jail in person and make a deposit into the inmates’ accounts, both of which methods are the general procedures for any member of the public to add money to an inmate’s account. That same information on how to fund inmate accounts is available publicly on the PCSD website.⁶ Lieutenant Lappin then texted Mr. Washington with the information on how to make a deposit into inmate accounts. *Id.*

Lieutenant Lappin never was made aware of whether the inmates were, in fact, reimbursed for the cost of the calls they made to Mr. Washington, and for the next several months Lieutenant Lappin continued to work at the Jail without incident. Because Lieutenant Lappin had asked various colleagues for advice every step of the way, many were aware of what had happened. Still, no one ever raised any concern about Mr. Washington’s contact with the inmates, or Lieutenant Lappin’s handling of Mr. Washington’s inquiries. All communications between Mr. Washington and Lieutenant Lappin from this time were sent and received on Lieutenant Lappin’s department-issued work phone. These events were utterly unremarkable and quickly forgotten by Lieutenant Lappin and the rest of the staff at the Jail. That is, however, until Lieutenant Lappin began to close the gap in the race for Pima County Sheriff, whereupon Nanos sought to manufacture a scandal to silence his rival and to give himself free rein to attack her publicly without any risk that she exonerate herself in the press.

By October of 2024, it was becoming clear that voters and elected officials in Pima County alike wanted to see a change in leadership at the PCSD, and that Lieutenant Lappin was likely to unseat Nanos. On October 9, 2024, Democrat member of the Pima County Board of Supervisors Matt Heinz published an op-ed in the Arizona Daily Star in which he highlighted many of Sheriff Nanos’s failures, such as the mishandling of a sexual-assault investigation within the department and the high number of in-custody deaths at the Jail. In the article, Heinz wrote, “I’m proud to endorse Lieutenant Heather Lappin for sheriff.” *See*, Exhibit H.

⁶ *See* <https://www.pimasheriff.org/jail-info/inmate-accounts>.

One of Nanos's critics from within the PCSD is Sergeant Aaron Cross. Sergeant Cross is the founder of the Pima County Deputy Organization, a labor organization that represents roughly half of the deputies in Pima County. Sergeant Cross has been a vocal critic of Nanos, and Sergeant Cross currently is in litigation against Nanos for matters closely related to Nanos's misconduct toward Lieutenant Lappin. Sergeant Cross and his family were enthusiastic supporters of Lieutenant Lappin's campaign, but at no point was Sergeant Cross a member of Lieutenant Lappin's campaign staff, working with her campaign, or directed by Lieutenant Lappin's campaign staff. Sergeant Cross's opposition to Nanos was such that he took it upon himself to campaign and to protest publicly against Nanos, with the support of many of his fellow deputies. Sergeant Cross's messaging consistently was more anti-Nanos than it was pro-Lappin, and it is likely that Sergeant Cross would have been protesting actively and working to unseat Nanos regardless of who was running against Nanos.

On October 12, 2024, Sergeant Cross went to Udall Park to stand in protest against Nanos and to express the discontent many deputies felt with Nanos's regime. For several hours, Sergeant Cross stood on a corner holding sign which read, "Deputies don't want Nanos." Sergeant Cross waved to cars and spoke with several people who were interested in his message throughout the day. Sergeant Cross was dressed in a polo shirt, cargo pants, and boots, and he wore a pistol and extra magazine in a holster,⁷ and a pair of handcuffs, on his belt. None of the items worn by Sergeant Cross that day were issued by the PCSD, nor did they bear any PCSD insignia. Everything Sergeant Cross wore that day was purchased by, and belonged to, Sergeant Cross, and were items that he routinely wears off-duty in his private life.

Prior to his protest, Sergeant Cross had informed Lieutenant Lappin about his intention to protest Nanos. Lieutenant Lappin appreciated Sergeant Cross's efforts, as she did with all of her supporters engaged in lawful activities in favor of her campaign, but she did not direct Sergeant Cross to take any action or coordinate any action with Sergeant Cross. Lieutenant Lappin did not know when Sergeant Cross had planned to protest, or what he would be wearing.

During Sergeant Cross's protest, several Nanos-aligned deputies, and others claiming to be concerned citizens, called into PCSD to complain that a deputy appeared to be campaigning while on-duty and in uniform. PCSD's Captain Navarro then ordered Sergeant Cross not to "look like a deputy" while engaging in political activities. Sergeant Cross understood this order to mean that he could not wear green and tan, as those are the colors of many deputies' issued uniforms. Sergeant Cross informed Captain Navarro that he would wear different colors, and Captain Navarro responded, "Fine."

Accordingly, on October 13, 2024, Sergeant Cross resumed his protest activities on Thornydale Road, but this time he was wearing a gray⁸ T-shirt. Also at that time, Sergeant Cross was joined by his friend and retired deputy, Mauricio Padilla. Both held signs which read, "Deputies don't

⁷ In Arizona, the right to carry a firearm openly on one's person is not limited to law enforcement personnel. Anyone lawfully entitled to possess a firearm may carry a firearm openly on their person where doing so is not specifically prohibited by law.

⁸ The color gray is not associated with the uniform of any branch of the PCSD.

want Nanos.” Again, PCSD received several calls, and by the end of the day Sergeant Cross was placed on paid administrative leave, presumably by Nanos in another effort to crack down on dissent and to protect own his campaign for re-election.

Later that day, a photo of Sergeant Cross and Padilla holding their signs was shared with James Allerton, a member of Lieutenant Lappin’s campaign staff. Mr. Allerton added the photo to Lieutenant Lappin’s campaign Facebook page.

The next day, on October 14, 2024, Lieutenant Lappin was called into the office of Corrections Bureau Chief Scott Lowing. Captain Benjamin “Paul” Hill also was present. Lieutenant Lappin was not informed at this time that she had a right to representation, and she was not informed that she was being subjected to an official investigation. When Lieutenant Lappin arrived, Chief Lowing questioned her about Sergeant Cross’s conduct from the prior two days. Lowing did so while reading his questions from a printed memorandum (see Exhibit I), and demanded that Lieutenant Lappin type out her answers to those questions into a computer presented to her right then and there. During this meeting, Lieutenant Lappin truthfully explained that she was aware of the content of Sergeant Cross’s signs and that Sergeant Cross had planned to protest Nanos, but that she did not know when Sergeant Cross would be protesting or what Sergeant Cross would be wearing. Lowing said that Sergeant Cross’s activities were unlawful violations of the Hatch Act and/or of PCSD policies, in response to which Lieutenant Lappin stated that she did not believe Sergeant Cross’s actions were unlawful, but rather a lawful exercise of Sergeant Cross’s First-Amendment rights. At the end of the meeting, and despite there being no basis to believe that Lieutenant Lappin had communicated with or otherwise coordinated with Sergeant Cross about what Sergeant Cross would wear during his protests, or that Lieutenant Lappin had approved of, encouraged, or in any other way influenced Sergeant Cross’s choice of clothing for his protests against Nanos, Lieutenant Lappin was ordered to surrender her department-issued work phone immediately for examination by PCSD, and to leave.

Around 4:00 p.m. that day, Lieutenant Lappin received a call on her personal phone from Chief Lowing and was told that she was being placed on administrative leave. Lieutenant Lappin was not told the basis for her being placed on administrative leave. Later, Lieutenant Lappin spoke informally with Chorus Nylander, a reporter for Tucson television station KVOA, who told Lieutenant Lappin that she was being accused of accepting money to grant journalists access to inmates. Recalling the events from July, discussed above, Lieutenant Lappin called Lieutenant Mark Hamilton (who had advised her at that time), and asked him if he remembered that she had asked him what to do. Lieutenant Hamilton responded, “Oh yes, I will tell them.”

In the absence of any indication that Lieutenant Lappin had any involvement in Sergeant Cross’s protests, it was apparent that Chief Lowing and Captain Hill, at the direction of Nanos, had used an investigation into Sergeant Cross as a pretext to demand Lieutenant Lappin’s surrender of her department phone to go fishing for anything that they might spin into an attack on Lappin’s reputation in the final weeks prior to the election, to bring disciplinary proceedings against her, or both. The next day, they did exactly that.

On October 15, 2024, three weeks before election day, Nanos, in his official capacity, published a media release titled “PCSD IA Investigation October 15, 2024.” See, Exhibit A. The media

release first accused Sergeant Aaron Cross of wearing clothes similar to his PCSD uniform while protesting against the potential re-election of Nanos, and then implied that Lieutenant Lappin was responsible for Sergeant Cross's actions. The media release states, in relevant part,

It is known that Sergeant Cross is collaborating with Lieutenant Heather Lappin on her campaign. Lieutenant Lappin's chain-of-command questioned her about her knowledge of Cross's activities. She admitted that she was aware of signs being made and that Sergeant Cross would be positioned near Udall Park and later on Thornydale Road but was not aware of when this was supposed to happen. Lieutenant Lappin expressed the belief that these activities were protected under first amendment rights and there is [*sic*] no violations of department rules and regulations nor merit system rules. Case law is clear, the Hatch Act restrictions do not violate the 1st, 5th, 9th, or 10th amendment and both county and department rules are also clear in defining these acts as prohibited.

Id. (emphasis added). Nanos's media release, however, omits the crucial fact that, in that chain-of-command interview, Lieutenant Lappin expressly stated that she was unaware of what Sergeant Cross would be wearing during his protests. Nanos's media release also concealed the fact that Nanos had confiscated Lieutenant Lappin's department-issued cell phone in order to search for her campaign-related communications with Sergeant Cross, and further concealed the fact PCSD's search of Lieutenant Lappin's phone yielded no evidence whatsoever of any involvement with Sergeant Cross's alleged "misconduct." In other words, even though PCSD already had completed its review of Lieutenant Lappin's cell phone and found no evidence of her engaging in any improper election activities, the media release still strongly implies that Lieutenant Lappin herself violated the Hatch Act.

The media release then went on to state falsely that Lieutenant Lappin "colluded with a journalist to facilitate payment to an inmate in exchange for a news story," and that "[t]hese actions raise several policy and ethical concerns regarding appropriate conduct of jail business by command staff." Exhibit A. The release continued, "In this case, due to the nature of the possible violations, referrals will be made to the Arizona Attorney General and the Federal Bureau of Investigation." Nanos, knowing he was engaging in political retaliation against Lieutenant Lappin, then ended the release with a defensive explanation that "[h]olding staff accountable for their actions is not retaliation, and while I have previously overlooked certain behavior due to the ongoing campaign, this new information is serious and simply cannot be ignored."⁹ *Id.*

The media release was intended to accuse (and did accuse) Lieutenant Lappin falsely of involvement in Sergeant Cross's activities, was intended to delegitimize her campaign with accusations that she was violating federal election law, *and* was intended to imply (and did imply) that she helped a journalist solicit damning accusations against the Sheriff's Department from desperate inmates in exchange for a cash reward. All of these assertions were patently false, and Nanos had actual knowledge that they were false at the time he issued the media release.

⁹ Lieutenant Lappin is not aware of what Nanos was talking about when he claimed to have "overlooked certain behavior due to the ongoing campaign."

Nanos had actual knowledge that Lieutenant Lappin in no way “colluded” with reporter Washington regarding payments to any inmate. There were only ten text messages between Lieutenant Lappin and Mr. Washington in total, all sent between July 17 and 18. *See again*, Exhibits F and G. These messages were clear that after Mr. Washington already had spoken to the inmates, Mr. Washington asked how he could reimburse the inmates for the inmates’ own out-of-pocket expenses in paying the Jail’s exorbitant phone-call charges. Lieutenant Lappin then suggested that Mr. Washington deposit money into the inmate’s account either online, or in-person at the Jail -- in essence, the same instructions for making inmate-account deposits that the Sheriff’s Department has posted for the public on its website and which PCSD has access to at all times. In other words, Lieutenant Lappin’s so-called “collusion” with Mr. Washington was nothing more than summarizing for him information that PCSD already had stated publicly and which PCSD would immediately have access to. To be clear, these ten text messages were the entire universe of information upon which Nanos built his false accusations of “collusion” between Lieutenant Lappin and Mr. Washington, and any suspicions Nanos may have had regarding Lieutenant Lappin’s actions were in fact dispelled by the time Nanos finished reading these ten messages. Nanos had no basis whatsoever to allege that Lieutenant Lappin had “colluded” with Mr. Washington to broker paid statements from inmates to the press.

Moreover, pursuant to PCSD’s standard operating procedure governing inmate phone calls, PCSD records all inmate calls. *See*, Exhibit J, p.1. Had Nanos bothered listening to the call between the inmates and reporter Washington, or bothered reviewing records of deposits by Mr. Washington into the inmates’ accounts, Nanos and his supporters would have known that the inmates and Mr. Washington did not discuss any kind of improper *quid pro quo*, and that no improper *quid pro quo* had been provided. Worse still is the possibility that PCSD did listen to those calls and did review the inmates’ account records, and therefore had actual knowledge that there was no impropriety, but nonetheless proceeded to make knowingly false accusations against Lieutenant Lappin in the press. Again, it is hardly a coincidence that the media release was issued a mere three weeks prior to the election.

That same day, October 15, 2024, Lieutenant Lappin was called into a meeting with Captain Anderson and Sergeant Stephen Feree. Captain Anderson told Lieutenant Lappin that, going forward, Captain Anderson was going to be Lieutenant Lappin’s commanding officer, and that Lieutenant Lappin needed to report to Captain Anderson. Unsurprisingly, Captain Anderson herself is a close supporter of Nanos. Captain Anderson’s husband, William Anderson, frequently and publicly has denounced Lieutenant Lappin and voiced support for Nanos on social media, and Captain Anderson has publicly “liked” such posts. Mr. Anderson has promoted a political website that deceptively appropriates Lieutenant Lappin’s name, and which is dedicated to smearing Lieutenant Lappin and thwarting her campaign for sheriff, at www.heatherlappinforsheriff.com. Throughout Nanos’s campaign, Nanos promoted, quoted, and linked to Mr. Anderson’s anti-Lappin posts and that website on multiple occasions. *See*, Exhibits K and L.

At the October 15 meeting, Lieutenant Lappin was told she was being placed on administrative leave with pay. She was also ordered to surrender her badge, department-issued firearms, and body armor vest. *See*, audio recording at Exhibit M. Lieutenant Lappin then was given a new

work phone and told that she must remain at her house and be available by phone from 8:00 a.m. to 4:00 p.m., Monday through Friday, while on administrative leave. *Id.*, at 00:16 - 00:46. Captain Anderson told Lieutenant Lappin that if Lieutenant Lappin wanted to leave her home for any reason, she must first report to Anderson and she must use sick time or vacation time to do so. *Id.*, 01:00 - 01:40. Lieutenant Lappin effectively was put under house arrest, at risk of losing her job, with less than three weeks left before election day. Captain Anderson also told Lieutenant Lappin that she was forbidden from speaking with anyone at PCSD about the circumstances of her leave, why she was on leave, or even the fact that she was on leave. *Id.*, 01:40 - 02:11. When Lieutenant Lappin asked Captain Anderson directly why she was being placed on leave, Anderson would only answer, "an investigation." *Id.*, 02:11 - 02:38. Nowhere in the PCSD or Pima County Employee policies is there any provision giving PCSD authority or discretion to order that an employee of PCSD be forced to stay inside his or her house while on administrative leave with pay. In fact, Pima County and PCSD policies on paid leave with pay expressly contemplate that the person has complete freedom of movement. *See*, Exhibit N. Here, too, Nanos's and Captain Anderson's placement of Lieutenant Lappin on administrative leave was a violation of PCSD's own procedures for placing PCSD employees on administrative leave. PCSD General Order 6(X)(G)(1) states, in relevant part,

Procedures for Administrative Suspension/Leave of Department Members

1. Whenever it is deemed necessary as a result of a flagrant violation of an established Department Rules and Regulations [sic], or procedure, any supervisor may relieve from duty any subordinate member of the department in order to preserve good order, efficiency, and discipline.

See, Exhibit O, ¶(X)(G)(1) (emphasis added). PCSD (*i.e.*, Nanos) cited Lieutenant Lappin's "involvement" with Sergeant Cross's protest activities as the basis for her placement on administrative leave, and eventually PCSD (*i.e.*, Nanos) cleared Lieutenant Lappin of any suspected violation of PCSD rules or policies relating to political activities. Nothing about Lieutenant Lappin's actions was "flagrant," and so Nanos's and Anderson's placing Lieutenant Lappin on administrative leave was a violation of PCSD's own administrative-leave policies.

Moreover, pursuant to PCSD's own policies, placement of a department member on administrative leave "relieve[s] from duty" that department member. Nanos's and Anderson's order that Lieutenant Lappin stay at her house and sit by her phone for the entire workday for the indeterminate duration of her suspension is not authorized by PCSD rules or policies, and contradicts the effect of relieving Lieutenant Lappin from duty. These defendants' order that Lieutenant Lappin be "on call" as a law-enforcement officer during her administrative leave also contradicts PCSD General Order 6(X)(G)(2)(c), which strips Lieutenant Lappin of her law-enforcement powers: "Members on suspension or leave shall have no law enforcement authority." *Id.*, ¶6(X)(G)(2)(c). In other words, Nanos and Anderson placed Lieutenant Lappin on administrative leave without any legitimate basis, ordered her to stay in her home without authority to do so, and yet still required her to remain on call in direct contradiction to PCSD's written policies. Simply put, Nanos's and Anderson's actions plainly were retaliatory, unwarranted, unlawful, and in violation of established policy.

After the announcement that Lieutenant Lappin was being placed on leave, a flurry of articles predictably appeared in the local press. Nanos's media release was quoted widely, and Nanos repeatedly doubled down on his decision to suspend Lieutenant Lappin in statements to the media. In a statement to the *Green Valley News*, Nanos said, "We got a lot of complaints about him (Cross) being out there on the street in uniform, that's part of his issues. Her [Lieutenant Lappin's] issues are different." See, Exhibit P. In an article published on October 16, 2024, titled, "Jail reporting by Arizona Luminaria journalist targeted in sheriff election dispute," the *Arizona Luminaria* discussed and defended the actions of John Washington. See, Exhibit Q. This article revealed that the total reimbursement by Washington to an inmate was \$24.99 (\$20.00 to cover the Jail's charges to the inmate for the call, plus a \$4.99 fee imposed by the Jail). *Id.* The *Luminaria* stated further, "Arizona Luminaria does not and would never pay for sources, interviews or information." *Id.* Thus, as early as October 16, there were public statements from Mr. Washington, with receipts, revealing the true nature of his reimbursements and his interactions with Lieutenant Lappin. And yet Nanos and the department chose to keep Lieutenant Lappin under house arrest, under a gag order, and under investigation, and maintained the media release on the PCSD website. In a statement to Arizona Public Media, Nanos stated, "We didn't tell her, you can't talk, but we told her, what we asked her was, don't talk to anybody about this, because it's an investigation." See, Exhibit R. Nanos's statement that "we didn't tell her, you can't talk" was a bald-faced lie; in the recording of Lieutenant Lappin's October 15 meeting with Captain Anderson, Captain Anderson *expressly* instructed Lieutenant Lappin that she was prohibited from discussing even the fact that she was on administrative leave. See, Exhibit M, at 01:45 - 02:11.

After a few days of administrative leave, the stress induced by the unfair retaliation she faced at work, combined with the impossible task of trying to run an effective campaign for office while being confined to her home and subject to a gag order, caused Lieutenant Lappin to begin to suffer stress-related health issues, and she sought the medical advice of a doctor and sought to put herself on paid sick-leave as a result of these issues.

On October 24, 2024, just nine days after placing Lieutenant Lappin on administrative leave, Nanos executed a declaration under penalty of perjury and filed it with the U.S. District Court in the case *Cross v. Nanos*, 4:24-CV-00506-RCC. See, Exhibit S. In that affidavit, Nanos states,

A standard practice when placing anyone on administrative leave with pay is to advise them not to discuss details of the matter under review. The purpose of this standard practice is to prevent witnesses from sharing the substance of their statement that might be made in a potential investigation and thus leading to accusations that statements were intentionally or unintentionally altered by the recollections of others. The practice is founded on the same principle that routinely results in witnesses being excluded from a court room while another witness is testifying. However, this does not mean a person on administrative leave with pay cannot disclose to others that he or she is on administrative leave with pay. In fact, this is routinely done and permissible for [an officer on administrative leave] to do so.

Id., ¶10. This sworn statement to the federal court -- that an officer on administrative leave is permitted to disclose the fact that he or she is on administrative leave -- either was patent perjury, or an admission that forbidding Lieutenant Lappin from disclosing the fact of her placement on administrative leave was contrary to "standard practice." Specifically, and as noted above, Captain Anderson gave Lieutenant Lappin the terms of Nanos's order putting Lappin on administrative leave at the October 15 meeting, stating,

I think Scott [Lowling] spoke with you yesterday that during this time, you're not permitted to speak with anybody in the department about anything that might be going on, about why you're on admin leave or that you're on admin leave, or for any of those reasons.

Exhibit M, at 01:45 - 02:11. Clearly these instructions from Nanos to Lieutenant Lappin (via Captain Anderson) directly contradict Nanos's sworn statement to the federal court that his practice simply is to "advise" the person on administrative leave "not to discuss details of the matter under review," and that the person remains free to disclose the fact that he or she is on administrative leave as her or she pleases. To the contrary, Nanos expressly informed Lieutenant Lappin that she was not permitted to discuss any aspect of her administrative leave, or even the fact that she is on administrative leave. Moreover, Lieutenant Lappin was not merely "advised" not to discuss matters relating to her administrative leave; she was instructed in no uncertain terms that she was "not permitted" to discuss them at all, without so much as an exception to allow Lieutenant Lappin to discuss the matter with legal counsel. *Id.*

Similarly, the Pima County Law Enforcement Merit System Rules governing administrative leave with pay do not provide for the imposition of a gag order such as that imposed upon Lieutenant Lappin, and the Pima County Department Rules and Regulation do not do so, either. Nanos himself appeared to recognize this in his sworn statement to the federal court. In particular, when discussing his placement of Sergeant Cross on administrative leave with pay, Nanos stated under oath that,

I decided it was appropriate and in the best interest of Pima County to place Sergeant Cross on administrative leave with pay subject to further investigation into Sergeant Cross' conduct. . . . At the same time, this action is not a disciplinary action. Sergeant Cross continues to receive his same pay, his work schedule does not change or lose days off, and he is allowed to take vacation and sick time as normal. Furthermore, administrative leave with pay in no way restricts Sergeant Cross from engaging in political activities while not in Department uniform or appearing to be in Department uniform.

Exhibit S, ¶9. In other words, Nanos boasted in his sworn declaration that Sergeant Cross's administrative leave still afforded Sergeant Cross the freedom to engage in political activities and the freedom of movement, while at the same time none of those rights was afforded to Lieutenant Lappin. Again, Nanos ordered that Lieutenant Lappin remain inside her house from 8:00 a.m. to 4:00 p.m., and ordered that she not discuss even the fact of her administrative leave with anyone. *See again*, Exhibit M, at 01:45. Thus, not only did Nanos improperly restrict Lieutenant Lappin's freedom of movement without any authority to do so, he did so in plain

contravention of PCSD and Pima County policies contemplating freedom of movement in cases of administrative leave with pay. Simply put, Nanos and Anderson ordered that Lieutenant Lappin stay in physical lockdown from 8:00 a.m. to 4:00 p.m., and that she not mention anything to anyone about her placement on administrative leave, for the sole, improper purpose of preventing Lieutenant Lappin from using her administrative leave time to advance her campaign.

Yet further, Nanos's sworn statement to the federal court also acknowledges that discussing matters relating to an officer's placement on administrative leave pending an investigation -- such as Nanos did in his media release -- poses a serious risk to the integrity of the investigation itself. According to Nanos, the purpose of advising officers not to discuss such matters "is to prevent witnesses from sharing the substance of their statement that might be made in a potential investigation and thus leading to accusations that statements were intentionally or unintentionally altered by the recollections of others." But Nanos himself, clearly knowing this risk, issued his media release intending that his discussion of Lieutenant Lappin's placement on administrative leave would create a substantial risk of compromising the investigation of Lieutenant Lappin.

These improper orders came at the whim of Nanos, and it is no coincidence that his orders preventing Lieutenant Lappin from responding to his public and false accusations against her, and unlawfully confining her to her house, came just three weeks before the election. Nanos used his official capacity to make knowingly false accusations against his employee/political opponent in the press, to damage her reputation among voters, and to silence her by imposing unwarranted, arbitrary, draconian, and unlawful prohibitions on her ability to defend herself publicly -- or even to mention Nanos's misconduct to anyone.¹⁰

On November 5, 2024, Pima County, along with the rest of the nation, went to polls to vote. Despite the fact that a substantial majority of Pima County consistently votes for Democrat candidates (such as Nanos), the contest between Nanos and Lieutenant Lappin (running as a Republican) was so close that a re-count was needed. Lieutenant Lappin continued to use her FMLA leave as the recount slowly proceeded until November 27, 2024, when she returned to administrative leave and awaited word from PCSD. Despite the fact that Lieutenant Lappin was under investigation, no one from the department had reached out to Lieutenant Lappin with any questions until nearly eight weeks later, on December 2, 2024, when Lieutenant Lappin was called into Captain Hill's office.

At the December 2 meeting, Lieutenant Lappin's direct supervisor, Captain Hill, Captain Mark Dinniman, and Sergeant Dawn Barkman were present, along with Lieutenant Lappin. Captain Hill questioned Lieutenant Lappin for the first time about the events that occurred back in July relating to the journalist, John Washington, and his request to speak to the two inmates. Captain Hill informed Lieutenant Lappin that she had been placed on administrative leave for an

¹⁰ The irony here is that Nanos's retaliatory acts against Lieutenant Lappin and his false accusations in the press that she violated the Hatch Act are themselves violations of 5 U.S.C. 1502(a)(1). That law states, "[A] State or local officer or employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office."

investigation into her involvement with Sergeant Cross's protests and that the department then began looking into Lieutenant Lappin's conduct with Mr. Washington afterward. Captain Hill asked Lieutenant Lappin if she used a Form 879 or if she had spoken to her commanding officers relating to Mr. Washington's requests, to which she responded, "No."

On December 4, 2024, Lieutenant Lappin received a call and was told to report to a meeting with Captain Hill the following day. On December 5, 2024, Lieutenant Lappin went in to meet with Captain Hill, who told her that the meeting in fact was a follow-up investigation interview. Both Captain Hill and Lieutenant Lappin made audio recordings of this interview, and Lieutenant Lappin's copy is attached hereto as Exhibit T. Captain Hill asked Lieutenant Lappin several questions regarding her handling of reporter Washington's request to contact inmates. It should be noted that in that meeting, Captain Hill admitted to Lieutenant Lappin that even though he had read all of the standard operating procedures for the Jail, Captain Hill did not even know that Form 879 existed prior to the investigation into Lieutenant Lappin, despite having overseen countless interactions between inmates and members of the press. *Id.*, at 18:34.¹¹

At this meeting, Lieutenant Lappin was told she was being taken off administrative leave, and her badge, guns, and vest were returned to her. Exhibit T, at 15:52. Captain Hill told Lieutenant Lappin that the investigation into her involvement with Sergeant Cross's protest was over, but that the investigation into her interactions with John Washington still was ongoing. *Id.*, 15:31. The fact that the investigation into Lieutenant Lappin's "involvement" with Sergeant Cross's protest now was over without any finding of wrongdoing on her part confirmed that there never was any basis to investigate her in the first place, and that the "investigation" relating to Sergeant Cross simply was a ruse to allow Nanos to rummage through her phone in order to find "dirt" on her.¹²

Captain Hill informed Lieutenant Lappin that, upon her return to work, she was going to be placed at a desk in a remote area of the Jail and that she would be required to do nothing but read SOPs for approximately two weeks. Exhibit T, 15:54. After that, Lieutenant Lappin was to spend six weeks "shadowing" several of her colleagues, rather than returning to her regular duties at the Jail. *Id.*, 16:00. While these assignments clearly were designed to punish and to embarrass Lieutenant Lappin, Captain Hill condescendingly framed them as setting Lieutenant Lappin up "for success." *Id.*, 17:37. As of the date of this notice of claim, Lieutenant Lappin still has not been returned to her normal duties at the Jail.

On December 6, 2024, Judge Kyle Bryson of the Pima County Superior Court announced the results of the general election recount for the office of Pima County Sheriff. Nanos had won by a total of 481 votes.

¹¹ Curiously, Form 879, in its current form, indicates that it was amended as of October 2024. See, Exhibit Z.

¹² An investigation into Lieutenant Lappin's involvement with Sergeant Cross's mid-October activities was unlikely to find useful information going back three months to mid-July, when Lieutenant Lappin was communicating with reporter Washington.

On December 17, Captain Hill concluded his divisional investigation into Lieutenant Lappin's interactions with John Washington and told Lieutenant Lappin that he had "sent it up" the chain of command.

On January 7, 2025, Captain Anderson issued to Lieutenant Lappin a written "Acknowledgement of Verbal Counseling," ("AVC"). See, Exhibit U. The AVC criticized Lieutenant Lappin for her use of family and medical leave between October 18 and November 27, 2024. *Id.* This AVC was yet another way for Captain Anderson to abuse her position and to perpetuate the retaliation against Lieutenant Lappin. It was, in fact, the stress that Lieutenant Lappin suffered as a result of being placed under the direct command of Captain Anderson, whose husband, as mentioned above, promoted a dishonest anti-Lappin smear website and actively campaigned against Lieutenant Lappin in conjunction with Nanos, that caused Lieutenant Lappin to go on medical leave in the first place.

On January 21, 2025, Captain Hill presented Lieutenant Lappin with a formal letter of reprimand ("LOR") signed by Nanos, although it is believed that Captain Hill drafted the letter. See, Exhibit V. This was done without a three-day prior notice of the recipient's right to representation, which is required by the department's documentation-preparation policies. See, Exhibit W. The LOR stated that Lieutenant Lappin's phone had been taken in relation to an investigation into Lieutenant Lappin's involvement in the conduct of Sergeant Cross in mid-October, 2024, and that in a "subsequent review of [her] cell phone, unrelated correspondence with a local reporter, Mr. John Washington, . . . indicated the possibility that [she] had facilitated a telephonic interview and payment for the interview between Mr. Washington and an inmate in custody at the Pima County Adult Detention Complex (PCADC)." See, Exhibit V, p.2.

The LOR went on to admonish Lieutenant Lappin for violating various rules and policies, including her failure to fill out Form 879, which form Captain Hill, by his own admission, did not even know existed prior to this abnormally extensive and exhaustive investigation into Lieutenant Lappin. *Id.*, p.3. The LOR goes on to state, "evidence of your egregious violations of Pima County Sheriff's Department Rules and Regulations and PCADC Standard Operating Procedures (SOPS) pertaining to media relations with inmates were discovered and confirmed." *Id.*, p.3. Captain Hill's confessed ignorance of Form 879, however, demonstrates that he undertook his investigation before he even was aware of the policies that Lieutenant Lappin allegedly violated. In other words, Captain Hill's investigation of Lieutenant Lappin came before he, Nanos, or Anderson had even manufactured their reasons for the investigation.

As late as January 2025, Nanos and his conspirators were doubling down on the false narrative that Lieutenant Lappin had helped broker a deal wherein a reporter, Mr. Washington, had compensated inmates for stories. By this time, Nanos had long had access to the text messages between Lieutenant Lappin and Mr. Washington, and inmate account records, all of which proved unequivocally that Mr. Washington only reimbursed the inmate for the charges that the inmate had paid the Jail in order to call Mr. Washington. Nanos has access to the inmate account records that prove the amount of money deposited into the inmate's account was *de minimis* and equal to the actual cost of the phone call in question, and deposited after the inmate already had spoken to the reporter. Moreover, Nanos also had access to the recording of the inmate's call to Mr. Washington, and either knew or should have known that the inmate and Mr. Washington did

not discuss anything more than reimbursement for the inmate's actual costs for placing the call to Mr. Washington. Nanos has had access to this information since October 2024, and he knew or should have known that the narrative presented in Lieutenant Lappin's January 21 LOR, as well as that of the October 15 media release at Exhibit A, was false and defamatory.

The next day, on January 22, 2025, Captain Hill re-issued Heather's LOR after having failed to serve Lieutenant Lappin with notice of her right to representation, in direct violation of department policy. At this time, Captain Hill gave Lieutenant Lappin the proper notice required by department policies, and Lieutenant Lappin, in the interest of expediting her opportunity to file a grievance contesting the LOR, waived her right to representation and accepted the LOR on the spot. *See*, Exhibit V, p.1.

Lieutenant Lappin submitted a grievance in response to the LOR, and Captain Hill drafted a response to that grievance dated February 6, 2025. In his response, and for the first time in writing, Captain Hill finally admitted that Lieutenant Lappin did not facilitate payment for the interviews conducted by Mr. Washington in July of 2024. The letter reads in relevant part:

When I was assigned to investigate these potential violations, I conducted a more detailed review of your telephone. During my investigation, I discovered that you did not facilitate payment for the interviews between the reporter and the inmate. However, during the more detailed review of your correspondence with the local reporter, I discovered that you violated Pima County Sheriff's Department Rules and Regulations and Pima County Adult Detention Complex Standard Operating Procedures regarding media interviews with inmates. You were not disciplined for facilitating payment for interviews. You received discipline for violating the policies on receiving prior authorization, making proper notification to the Pima County Attorney's Office, and completing the proper documentation of interviews between media sources and inmates.

See, Exhibit X (emphasis added). Up to this time, every statement from Nanos and the PCSD to Lieutenant Lappin -- and to the public -- regarding Lieutenant Lappin's placement on administrative leave and discipline had accused Lieutenant Lappin of facilitating payments to inmates in exchange for interviews. Yet Captain Hill's admission reveals that they knew, almost immediately, that those accusations were unfounded. Rather than publish the truth -- that Lieutenant Lappin did not facilitate payment for interviews -- or refrain from publishing the accusation, Nanos used his office to perpetuate the lie for his own political gain.

On February 11, 2025, Lieutenant Lappin received yet another letter from Captain Hill. This letter informed her that her "department Off-Duty Work Permit, Job Coordinator Permit, and/or Pima County Outside Employment Permission is suspended because of the disciplinary action you received on January 22, 2025." *See*, Exhibit Y. The letter goes on to state that the suspension would remain in effect for one year. *Id.* Off-duty work is a significant source of income for Pima County deputies, and revocation of a deputy's off-duty privileges typically only occurs when a deputy is disciplined for something done in connection with the use of those privileges. For Lieutenant Lappin, this suspension of her off-duty privileges came just before the Colougard Classic golf tournament, which Lieutenant Lappin has worked every year for the last

twelve years, including as the event's coordinator for the last five years. Nanos's revocation of Lieutenant Lappin's off-duty work privileges deprives her of thousands of dollars in supplemental income each month from her work providing valuable instruction to the public and to private parties. This deprivation is among the cumulative attacks on Lieutenant Lappin that Nanos and the other defendants hope will force her to leave the PCSD, or will at the very least punish her for the audacity of challenging Nanos for his position as sheriff.

On March 7, 2025, Lieutenant Lappin received yet another notice that she was under investigation yet again, this time for writing a letter to a judge in support of her former employee who faced imminent sentencing for his role in an incident at the Jail. See, Exhibits AA and BB, attached hereto.

As of the date of this notice, Lieutenant Lappin has been placed under formal investigation by the PCSD a total of five times since she declared her intention to run for office in 2023. Prior to her candidacy, Lieutenant Lappin had been referred for investigation only once over eighteen years of dedicated service.¹³ Among deputies, it has become common knowledge and even a running joke that Lieutenant Lappin is subject to unique and highly disproportionate scrutiny for every action.

On numerous occasions now, Sheriff Nanos and his loyalists have engaged in blatant acts of retaliation against Lieutenant Lappin by manufacturing or grossly misrepresenting a basis for punishing her professionally and in her election efforts, and the pattern of retaliation continues. It remains unclear to what degree Sheriff Nanos, Chief Lowing, Captain Hill, and Captain Anderson intend to continue this campaign of retaliation for the perceived insolence of Lieutenant Lappin's challenge to Nanos's office, but as of the date of this notice, there is no indication of the retaliation's easing.

It is abundantly clear that the above-named defendants have abused their offices and authority, and have retaliated -- and continue to retaliate -- against Lieutenant Lappin for seeking Nanos's position of sheriff. They have violated Lieutenant Lappin's constitutional rights, and they have committed various common-law torts against her.¹⁴ Lieutenant Lappin has suffered professional and reputational damage, as well as extreme emotional distress and resulting medical expenses, and Lieutenant Lappin continues to suffer these damages because Sheriff Nanos's and the other defendants' unlawful retaliation against her is continuous and ongoing. These damages were foreseeable, and indeed intended by the defendants.

* * *

¹³ The investigation in that pre-candidacy referral resulted in a finding that the allegations against Lieutenant Lappin were unsubstantiated.

¹⁴ To the extent the defendants are determined to be employees of Pima County, the defendants' conduct as described herein also violates A.R.S. section 11-410(D) ("Employees of a county shall not use the authority of their positions to influence the vote or political activities of any subordinate employee."). This is the same statute the defendants cited against Lieutenant Lappin in the October 15, 2024, press release.

III. GROUNDS FOR LIABILITY

A. COMMON-LAW CLAIMS

1. Defamation

A public figure may bring a defamation claim if “(1) the defendant made a false statement concerning the plaintiff, (2) that is defamatory, (3) published to a third party, (4) made with actual malice, and (5) that the plaintiff was damaged as a result of the statement.” *Harris v. Warner*, 255 Ariz. 29, 32, ¶11 (2023). “To be defamatory, a publication must be false and must bring the defamed person into disrepute, contempt, or ridicule, or must impeach plaintiff’s honesty, integrity, virtue, or reputation.” *Turner v. Devlin*, 174 Ariz. 201, 203-04 (1993). Further, in Arizona, certain statements are defamatory per se, such as the statements involved here, which “tend to injure a person in his or her profession, trade or business.” *Boswell v. Phx. Newspapers, Inc.*, 152 Ariz. 1, 6, n.4 (App. 1985). “A statement is made with actual malice when the declarant makes the statement with knowledge that it was false or with reckless disregard for the truth. Actual malice must be established by clear and convincing evidence.” *Morris v. Warner*, 160 Ariz. 55, 63 (App. 1988). “One’s reputation is a significant, intensely personal possession that the law strives to protect.” *Chamberlain v. Mathis*, 151 Ariz. 551, 555 (1986). “Not even the critical need for open and robust public debate on issues of public concern is sufficient to completely shield malicious defamations.” *Id.* Qualified immunity will not protect a public official from liability for defamatory statements made with actual malice. *Id.* at 560.

Nanos and the other defendants colluded and conspired in the drafting and publication of the October 15, 2024, PCSD media release, which stated: “Information available shows that Lieutenant Lappin colluded with a journalist to facilitate payment to an inmate in exchange for a news story,” and “Lappin granted the journalist access to inmates for interviews and provided him with access to deposit funds into the inmates’ accounts.” *See*, Exhibit A. Nanos also has made several similar statements to various media outlets since the publication of the defamatory PCSD media release on October 15, 2024. These statements were false, and the defendants had actual knowledge that they were false at the time of publication, or acted in reckless disregard of the truth of these statements, because Captain Hill admitted that an examination of the messages on Lieutenant Lappin’s phone -- which messages Nanos claimed were the basis for his false accusations -- confirmed that she did not do those things. Moreover, Nanos’s statement that he would make referrals to the Arizona Attorney General’s Office and the Federal Bureau of Investigation¹⁵ regarding Lieutenant Lappin effectively state that Nanos -- the top law enforcement officer in Pima County -- had reason to believe that Lieutenant Lappin had engaged in criminal behavior.

* * *

¹⁵ Referral to the Federal Bureau of Investigation cannot relate to alleged violations of the Hatch Act, since the Merit Systems Protection Board, and not the Federal Bureau of Investigation, investigates violations of the Hatch Act. *See*, 5 U.S.C. section 1504.

2. False Light Invasion of Privacy

One who gives publicity to a matter concerning another that places the other before the public in a highly offensive false light is subject to liability to the other for invasion of her privacy, if the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed. *Canas v. Bay Entm't, LLC*, 252 Ariz. 117, 122, ¶23 (App. 2021).

Nanos and the other defendants together published the defamatory PCSD media release on October 15, 2024, which placed Lieutenant Lappin before the public under the highly offensive false light that she had taken money and facilitated payment for interviews with inmates at the Jail. Further, the defendants did so with knowledge that this was false. *See*, Exhibit X.

3. Abuse of Process

“One who uses a legal process, whether criminal or civil, against another primarily to accomplish a purpose for which it is not designed, is subject to liability to the other for harm caused by the abuse of process.” RESTATEMENT (SECOND) OF TORTS § 682. The specific elements of abuse of process are: “(1) a willful act in the use of judicial process; (2) for an ulterior purpose not proper in the regular conduct of the proceedings.” *Fappani v. Bratton*, 243 Ariz. 306, 309, ¶9 (App. 2017). Arizona courts have held that administrative or disciplinary proceedings which lack probable cause may be a basis for an action for abuse of process. *Goldman v. Sahl*, 248 Ariz. 512, 529-30, ¶64 (App. 2020).

Lieutenant Lappin has been subjected to repeated disciplinary proceedings, even though it was known no later than October 14, 2024, that the alleged bases for such proceedings lacked probable cause. *See*, Exhibit X. These proceedings were used improperly to retaliate against Lieutenant Lappin for her campaign, and to influence the outcome of an election. These ulterior motives are not a proper use of disciplinary and administrative processes.

4. Malicious Prosecution

A prosecution is malicious if it terminates in favor of the plaintiff, with the defendants as prosecutors, was actuated by malice, without probable cause, and causes damages. *Slade v. Phoenix*, 112 Ariz. 298, 300 (1975).

In the October 15, 2024, PCSD media release, Nanos stated that PCSD was putting Lieutenant Lappin on leave pending further inquiry and would make referrals to the Arizona Attorney General's Office and the Federal Bureau of Investigation. *See*, Exhibit A. Each of these referrals qualifies as the initiation of a criminal proceeding, and each of these proceedings terminated in Lieutenant Lappin's favor, since these investigations ultimately were closed for lack of probable cause. Without any probable cause, and actuated by malice, Nanos used his office and authority to refer matters to prosecuting agencies and initiated these proceedings in order to punish Lieutenant Lappin and to thwart her election challenge to his office. Because Captain Hill admitted that a review of Lieutenant Lappin's work phone proved that she had not

committed any crime (see Exhibit X), these proceedings were not supported by probable cause. Lieutenant Lappin has been damaged by the defendants' malicious prosecution of her.

5. Intentional Infliction of Emotional Distress

Intentional infliction of emotional distress ("IIED") occurs when a defendant engages in extreme and outrageous conduct that he or she either intends to cause emotional distress or that recklessly disregards the near certainty that such distress will result, and severe emotional distress indeed occurs. *Christakis v. Deitsch*, 250 Ariz. 246, 250, ¶10 (App. 2020). A relevant factor in determining IIED claims is whether the defendant abused a position or relationship with the plaintiff that gives the defendant actual or apparent authority over the plaintiff or power to affect his or her interests. RESTATEMENT (SECOND) OF TORTS § 46, cmt. e (1965).

The facts above support a claim for IIED because the defendants abused their respective positions of authority over Lieutenant Lappin to tarnish her reputation publicly, to silence her from defending herself, and to prevent her from leaving her home, all in order to deny Lieutenant Lappin and the people of Pima County a fair election. Lieutenant Lappin did indeed experience severe emotional distress.

B. CONSTITUTIONAL CLAIMS

To establish personal liability in an action under 42 U.S.C. section 1983, it is enough to show that an official, acting under color of state law, caused the deprivation of a federal right. *Kentucky v. Graham*, 473 U.S. 159, 166 (1985).

1. First and Fourteenth Amendments (U.S. Constitution) and Article 2, Section 6 (Arizona Constitution)

A First-Amendment retaliation claim arises when a plaintiff can show (1) she engaged in protected speech, (2) the defendants took an adverse employment action against her, and (3) her speech was a substantial or motivating factor for the adverse employment action. *Dodge v. Evergreen Sch. Dist. #114*, 56 F.4th 767, 772, (9th Cir. 2022). See also, *Pinard v. Clatskanie Sch. Dist. 6J*, 467 F.3d 755, 770 (9th Cir. 2006) ("the defendant's actions would chill a person of ordinary firmness from continuing to engage in the protected activity").

During her campaign for office, Lieutenant Lappin spoke on matters of public concern and did so as a private citizen, not as a public employee. Nanos and the other defendants violated Lieutenant Lappin's rights under the First and Fourteenth Amendments of the United States Constitution, which affords Lieutenant Lappin relief under 42 U.S.C. section 1983, and her rights under Article 2, section 6 of the Arizona Constitution. They did so by, *inter alia*, (1) transferring Lieutenant Lappin to the Jail, (2) putting her on administrative leave where the standards for doing so clearly were not met, (3) unlawfully prohibiting Lieutenant Lappin from discussing the circumstances, or even the fact of, her administrative leave with anyone in the crucial final weeks of the election under penalty of discipline, (4) threatening to end Lieutenant Lappin's law-enforcement career if she did not retract her response to the LOC, and (5) subjecting her to ongoing and disproportionate discipline and punishment in retaliation for her exercising her

freedom of speech and assembly, which she did by speaking out against Nanos and by running for office to unseat him.

2. First and Fourteenth Amendments (U.S. Constitution) and Article 2,
Section 4 (Arizona Constitution)

A person's right to procedural due process is violated when a state action results in deprivation of life, liberty or property after inadequate state process. *Platt v. Moore*, No. 2 CA-CV 2023-0264, 2024 Ariz. App. Unpub. LEXIS 1008, at *12 (2024). A public employee may invoke the right to procedural due process found in the Fifth and Fourteenth Amendments if she asserts a constitutionally protected interest in life, liberty, or property. *Deuel v. Ariz. State Sch. for Deaf & Blind*, 165 Ariz. 524, 526 (App. 1990). Due process of law contemplates a fair trial in a fair tribunal. *Havasut Heights Ranch & Dev. Corp. v. Desert Valley Wood Prods.*, 167 Ariz. 383, 387 (App. 1990). If the arbiter deciding such a deprivation is biased to the extent that his or her mind is "irrevocably closed," then the arbiter should be disqualified. *Id.*

The actions of Nanos and the other defendants deprived Lieutenant Lappin of her protected liberty and property interests when the defendants restricted her movement and speech, placed Lieutenant Lappin on leave, and revoked her off-duty work privileges. Lieutenant Lappin continues to be subjected to ongoing disciplinary proceedings, the justification for which continues to shift, and as evidence supporting one justification after another fails (which amounts to an ongoing failure to provide notice). When first placed on administrative leave, Lieutenant Lappin was not given notice as to why she was being placed on administrative leave; she was told merely, "an investigation." Further, because the defendants' bias against Lieutenant Lappin is so severe that their minds are "irrevocably closed," the disciplinary actions taken against Lieutenant Lappin violate her rights to procedural due process under the United States Constitution and the Arizona Constitution.

IV. CONCLUSION

Nanos and the other defendants acting in conjunction with him have used their positions as public officers and public employees to punish, to malign, and to injure Lieutenant Lappin repeatedly, and with knowledge of the groundlessness of their actions, all in retaliation for her challenging Sheriff Nanos's candidacy in the 2024 election.

Sincerely,


MUNGER • DENKER • RUIZ • BARBOUR
DRuiz@MungerDenker.com

Enclosure(s)

cc: Client
File

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Exhibit BB:	Letter to Judge Brown

EXHIBIT A

PIMA COUNTY SHERIFF'S DEPARTMENT MEDIA RELEASE

Chris Nanos, Sheriff

PCSD IA Investigation October 15, 2024

On Saturday, October 12, 2024, members of the Pima County Sheriff's Department received multiple reports of deputies standing at the intersection of Tanque Verde and Sabino Canyon, displaying a sign that read, "Deputies don't want Nanos." Several citizens described this display as intimidating. Many expressed that it was disrespectful for on-duty deputies to engage in political activities. Several employees also voiced their disapproval by asking why departmental rules apply to some and not to others. It was determined that one of the people involved is a department member identified as Sgt. Aaron Cross.

Although Sergeant Cross was off duty, he was dressed in department issued attire, including green BDU cargo pants, a tan polo shirt, tan boots, and he was equipped with a weapon in a holster, a magazine pouch, and handcuffs, clearly recognizable as law enforcement.

Sergeant Cross was contacted by superiors in his chain of command to remind him that he was not authorized to engage in political activities while dressed in a manner that suggested he was acting as a police officer. Sgt. Cross was warned that any future political involvement should not include portraying himself as law enforcement. It was made clear to Sgt. Cross to not look like a deputy and Cross said that he understood.

On Monday, October 14, 2024, Sergeant Cross was observed at the northwest corner of Ina Road and Thornydale Road participating in political activities while wearing tan BDU cargo pants, tan boots, a gray t-shirt, a weapon in a holster, and his magazine pouch with handcuffs. As he was seen on Saturday, Sgt. Cross again held a sign reading "Deputies don't want Nanos." This behavior constituted a direct violation of his commander's orders, by appearing equipped like a law enforcement officer who is associated with official duties.

This activity raised a number of concerns regarding specific regulations in the Sheriff's Department, Pima County, and both state and federal law that prohibit political campaigning while representing yourself as a department member under the color of authority. We recognized that Cross's activity represented several potential violations, all of which would be very serious. As a result of these concerns, Sergeant Cross has been placed on paid administrative leave for the time required to fully investigate these matters.



For further information contact the Public Information Office at (520) 237-3740 or pcsdpio@sheriff.pima.gov.

PIMA COUNTY SHERIFF'S DEPARTMENT

1750 E. Benson Highway Tucson, Arizona 85714

Phone: (520) 351-4600

Fax: (520) 351-8595

pimasheriff.org

PIMA COUNTY SHERIFF'S DEPARTMENT MEDIA RELEASE

Chris Nanos, Sheriff

It is known that Sergeant Cross is collaborating with Lieutenant Heather Lappin on her campaign. Lt. Lappin's chain-of-command questioned her about her knowledge of Cross's activities. She admitted that she was aware of signs being made and that Sgt. Cross would be positioned near Udall Park and later on Thornydale Road but was not aware of when this was supposed to happen. Lt. Lappin expressed the belief that these activities were protected under first amendment rights and there is no violations of department rules and regulations nor merit system rules. Case law is clear, the Hatch Act restrictions do not violate the 1st, 5th, 9th, or 10th amendment and both county and department rules are also clear in defining these acts as prohibited.

Subsequent inquiry revealed that Lt. Lappin had been working with a local reporter. Information available shows that Lt. Lappin colluded with a journalist to facilitate payment to an inmate in exchange for a news story. Lt. Lappin granted the journalist access to inmates for interviews and provided him with access to deposit funds into the inmates' accounts. These actions raise several policy and ethical concerns regarding appropriate conduct of jail business by command staff.

The appropriate utilization of administrative leave affords the department the ability to halt any further activities so that a proper inquiry can be completed. Any time there is a possibility of violations of this type, all of which would be considered very serious infractions, we have a responsibility to investigate. When it comes to the integrity of our jail procedures, even the appearance of impropriety must be treated as a critical issue. We have an obligation to the public that supersedes all campaign initiatives and that is to ensure fairness and political neutrality. This situation raises enough concern that administrative leave and further inquiry is merited. In this case, due to the nature of the possible violations, referrals will be made to the Arizona Attorney General and the Federal Bureau of Investigation.

Some of those violations include provisions of Arizona statute A.R.S. 11-410, federal law 5 U.S.C. 7321-7326 (The "Hatch Act"), and numerous other Pima County, Law Enforcement Merit System Rules and PCSD policies.

At this stage it is in the public's best interest to understand the context of these decisions and the fact that a thorough investigation will take time. Beyond making these referrals, we will await the completion of those investigations before administrative processes continue and will make no additional comments at this time.

Holding staff accountable for their actions is not retaliation, and while I have previously overlooked certain behaviors due to the ongoing campaign, this new information is serious and simply cannot be ignored.

The investigation is ongoing.



For further information contact the Public Information Office at (520) 237-3740 or pcsdpio@sheriff.pima.gov.

PIMA COUNTY SHERIFF'S DEPARTMENT

1750 E. Benson Highway Tucson, Arizona 85714

Phone: (520) 351-4600

Fax: (520) 351-8595

pimasheriff.org

EXHIBIT B

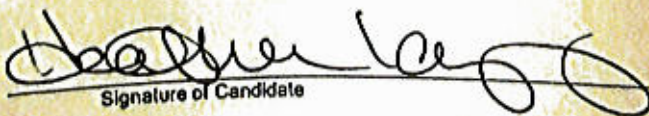


PIMA COUNTY ELECTIONS
STATEMENT OF INTEREST

A.R.S. § 16-311(H) and 16-341(I)

NAME OF CANDIDATE Heather Lappin		
OFFICE SOUGHT Sheriff		
POLITICAL PARTY (FOR PARTISAN OFFICES ONLY) Republican		ELECTION YEAR 2024
MAILING ADDRESS 11137 N Par Dr		
CITY Oro Valley	STATE Az	ZIP 85737
EMAIL ADDRESS hjmaceil@yahoo.com		

Pursuant to A.R.S. § 16-311(H) and 16-341(I), upon filing this statement of interest with the appropriate filing officer, the candidate may begin circulating petitions for the office listed above.


Signature of Candidate

09/18/2023

Date

EXHIBIT C

10:09

5G E

New Message

Cancel

To: Sharlene Reis

Sep 7, 2023 at 11:38 AM

Hey Sarah was issued a per diem check for FL. Please have her return it

She hasn't received it yet but will when she does



Are you a general instructor SME

No

But you are allowed to instruct this next class because Bob will oversee it?

Yes. He is starting it and I'm finishing it. He will sign off on all the certificates.

Ok



Text Message



10:10

5G

New Message

Cancel

To: Sharlene Reis

No

But you are allowed to instruct this next class because Bob will oversee it?

Yes. He is starting it and I'm finishing it. He will sign off on all the certificates.

Ok

Is Bob the only SME

Yes



Sep 8, 2023 at 8:15 AM

Good morning! I'm at Tc with Rupp going over wellness stuff this morning. Just fyi. Also, Kenzie has a game in Vail tonight so I need to leave by 3:00.



Text Message



EXHIBIT D

Heather Lappin

From: Christy Anderson
Sent: Thursday, September 28, 2023 9:11 AM
To: Krista L. Riley; Sarah M. Nowell; Elizabeth R. Woodward; Michael D. Wilson; Christopher Goode; Ronaldo Fierro; Peter A. Smith; Sabrina R. Molina; Gabriella Rivas; Alex R. Velasquez; Patricia R. Kelley; Gavin Moseley; Anais Morales; Gilbert Hernandez; Christopher P. Campbell; Kurt J. Schumacher; Stanley M. Odell; Ethan G. Schulke; Jonathan Palmer; Collins A. Onaiyekan; Daniel Conrad; Monica Encinas
Cc: Buddy Janes
Subject: General Instructor School

Good morning.

We had a great turnout for our General Instructor School this month. It demonstrates your desire to become more involved in the courses taught at the Sheriff's Department and an effort to develop your skills and invest in others. Having said that, I regret to inform you this email comes with bad news.

Unfortunately, each of you will have to attend the school in its duration, again. Due to the fact the General Instructor Subject Matter Expert, Lt. Bob Krygier, was not present for the school in its entirety, the course will not be certified by AZPOST. At the time the course was scheduled, he and the former Training Center Commander, Lt. Lappin, did not make the necessary accommodations to ensure compliance with AZPOST for his absence. We are in the process of rescheduling the course and will notify you once we have the dates.

If you have any questions, please don't hesitate to contact me.

Thank you.

*Captain Christy Anderson
Human Resources Commander
(Risk Management, Staff Services and Training)
Pima County Sheriff's Department
(520) 351-6405*

EXHIBIT E



PIMA COUNTY SHERIFF'S DEPARTMENT

Chris Nanos, Sheriff

1750 East Benson Highway, Tucson, Arizona 85714-1758

Phone: (520) 351-4600 • Fax: (520) 351-4622 • www.pimasheriff.org

October 30, 2023

Lieutenant Heather Lappin #5474
Pima County Sheriff's Department
Wellness Section
Tucson, Arizona

LETTER OF COUNSELING

You are being issued this Letter of Counseling to address a serious lack of judgment during the recent Pima County Sheriff's Department General Instructor (GI) Training School. It has come to my attention that you were aware of the Master Instructor's planned absence for a significant portion of the training. This absence is a critical requirement set forth by the Arizona Peace Officer Standards and Training Board (AZPOST).

Your prior role as the Department Trainer Director and liaison to AZPOST for training makes it surprising that you were not aware of this mandatory requirement for the Master Instructor's continuous presence throughout the course.

I must emphasize that your negligence had a direct and adverse impact on the training session and the department as a whole. It prevented AZPOST from being able to recognize students as AZPOST General Instructors upon completion of the course. This lack of judgment and understanding of the training requirements is a serious matter that cannot be overlooked. I expect a commander involved in our training programs to adhere to the highest standards of professionalism and knowledge. To complicate matters, you were willing to let the Master Instructor falsely attest to the instruction provided.

The absence of the Master Instructor led to twenty-two department members not being certified by AZPOST, resulting in disruptions to their schedules and an approximate loss of \$76,000 in wages for Pima County. Consequently, all twenty-two students now must reattend the week-long class, magnifying the impact of this absence, which you agreed to.

The effectiveness and reputation of our training program is paramount, and your role as a leader demands meticulous attention to detail and a deep understanding of all requirements set forth by AZPOST.

Your decisions and inaction stemming from this incident violated the following Department Rules and Regulations and Pima County policies:

Pima County Sheriff's Department Rules and Regulations

- 2.V. Additional expectations and responsibilities of commissioned management, including Lieutenants, Captains, and Bureau Chiefs

With increased responsibility and authority, commissioned managers will be held to a correspondingly higher standard and higher degree of responsibility.

4.I.A Pima County Sheriff's Department members shall conduct their private and professional lives in a manner that will reflect favorably on the department as well as themselves. Conduct unbecoming a member of this department shall include that which tends to bring the department into disrepute or reflects adversely upon the individual as a member of the department, or that which tends to impair the operation or efficiency of the department or member.

1. Department members shall observe and obey all federal and state laws, applicable Pima County policies, local ordinances, as well as rules, regulations, and procedures of the department.

Pima County Law Enforcement Merit System Rules

XII-1B Any of the following constitute cause for disciplinary actions:

4. Neglect of duty;
16. Violation of the Rules of Conduct of Pima County and the Sheriff's Department Rules and Regulations;
19. Any other improper conduct or performance which constitutes cause for disciplinary action.

Pima County Personnel Policies

8-119 Rules of Conduct – All county employees must observe the following basic work rule principles:

- A. Observe Personnel Policies and, for classified employees, Merit System Rules.
- Y. Supervisory responsibilities include:
 5. Modeling appropriate workplace behavior.

Therefore, for violation of the above listed Rules and Regulations I am administering this Letter of Counseling. Please consider this as a notice of the gravity of the situation. It is essential that you learn from this incident and demonstrate a higher level of awareness and responsibility in

Page Three

Letter of Counseling: Lt. Heather Lappin

your role. It is hoped this discipline will compel you to utilize better judgment and adhere to established policies and procedures in the future. You are reminded any further violations of this nature may result in more serious disciplinary action, up to and including dismissal.



Chris Nanos
Sheriff of Pima County

I have read and understand this Letter of Counseling.


Lieutenant Heather Lappin #5474

11-6-23
Date

CN/jl

CC: Sheriff's Department, Personnel File



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

To: Sheriff Chris Nanos

From: Lieutenant Heather Lappin
#5474

Re: **Letter of Counseling
Response**

Date: November 6, 2023

I am writing in response to the Letter of Counseling I recently received regarding the General Instructor School. I appreciate the opportunity to address the concerns raised in the letter.

I want to emphasize that my decision to cover for the Master Instructor was made in good faith and was based on a sincere belief in the Master Instructor's knowledge of the policy and procedures related to the matter. I had full trust in the Master Instructor's expertise and his ability to accurately assess and verify the completion of the training.

Moreover, I never had any intention to "willingly attest falsely" to anything. On September 7, 2023, which was 11 days prior to the General Instructor class, I proactively informed both the Training Section Commander and the Community Resources Division Commander of my intention to cover for the Master Instructor during his absence along with my General Instructor certification not being that of a Master level. This notification was made with complete transparency, demonstrating my belief that I was within policy in covering for Lieutenant Krygier as well as my commitment to open and honest communication within the department.

I am fully prepared to take responsibility for my part in this incident, however, I draw the line at being accused of integrity violations that cannot be proven by this administration.

EXHIBIT F

2:39

5G

New iMessage

Cancel

To: John Washington

iMessage
Wed, Jul 17 at 3:43 PM

Hello again. This is John Washington. I'm trying to get in touch with two inmates.

First is Stacey Brooks, DOB: 1/17/1974, Booking #: [230605046](#)

Second is Steven Kenneth Fox, don't have DOB, but Booking #: [240223079](#)

Thanks very much for your help.



Got it! I'll let you know tomorrow after I speak to them.

Thu, Jul 18 at 10:23 AM

Thanks for facilitating. I already got one call.

The inmate paid for the call, however, and I want to reimburse him. Seems like the best way to do that is to show up at the jail and do so in person. Is that



iMessage



EXHIBIT G

2:40

5G E

New iMessage

Cancel

To: John Washington

Got it! I'll let you know tomorrow after I speak to them.

Thu, Jul 18 at 10:23 AM

Thanks for facilitating. I already got one call.

The inmate paid for the call, however, and I want to reimburse him. Seems like the best way to do that is to show up at the jail and do so in person. Is that correct?

Perfect
Not sure if Brooks will call. I explained it all to him but

You can do it online for a fee or come in person for no fee to put money on his books
Pimasheriff.org

Delivered

Yeah, I figured that it might not work for Brooks. Thanks for trying.



iMessage



EXHIBIT H

As a member of the Pima County Board of Supervisors for the past four years, I've witnessed a range of leadership styles and abilities across departments and roles. It's overwhelmingly clear to me that the current leader of the Pima County Sheriff's Department is failing and must be replaced — that's why I'm proud to endorse Heather Lappin for sheriff.

When it comes to running a law-enforcement agency, the top priorities must be competence and proven leadership. For nearly four years, I've seen firsthand what happens when those qualities are lacking.

Under the current leadership, our community has witnessed a shocking and tragic number of in-custody deaths, repeated instances of budgetary mismanagement, lapses in accountability, a department mired by low morale, and a disturbing failure to properly investigate serious sexual



Matt Heinz

assault allegations within the department. In fact, a recent report from Arizona Attorney General Kris Mayes' office outlined multiple ways the Pima County Sheriff's Department violated its own policies in the handling a reported rape of a deputy by her supervisor.

People are also reading...

- 1 **Arizona bill would hit slowpoke left-lane drivers with fine**
- 2 **Pillar of Arizona athletic department, Erika Barnes, is leaving | Greg Hansen**
- 3 **How an act of kindness preceded killing of Tucson man**
- 4 **Arizona lawmaker again pushes major changes to housing rules after veto**
- 5 **Ozempic vs. Semaglutide: 10 Weight Loss Medications Compared for 2025**

These are not isolated incidents. They are part of a broader pattern of failed leadership that has undermined public trust.

Heather Lappin offers us a decisive break from the issues burdening the current administration. A 19-year veteran of the Pima County Sheriff's Department and the mother of someone fighting addiction, she has firsthand experience, the leadership ability, and sense of duty required to rebuild public trust. In her, I see someone who will break the status quo to elevate the entire department so it can better serve the people of Pima County.

As a commander in our ailing county jail, Heather has perspective and ideas garnered from the inside on how to better serve individuals struggling with mental health issues and substance abuse. Reassuringly, since she arrived at the jail late last year there hasn't been a single in-custody jail death, a notable break from recent years.

From allocating more money to medical treatment in the jail to strengthening policies on in-custody mental health care and improving department morale, Heather's priorities are sensible, compassionate and will ultimately make Pima County safer for every single resident of our community.

This election we have the opportunity to elect a sheriff who can deliver. Over the past four years Chris Nanos has demonstrated he is unfit for the role. When I fill out my ballot I'll be voting for competence, leadership, and integrity — I urge the voters of Pima County to join me in supporting Heather Lappin for Sheriff.

Dr Matt Heinz is a Pima County supervisor, hospital physician, former state legislator and small business owner.

EXHIBIT I



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

To: Lieutenant H. Lappin #5474

From: Chief S. Lowing #818 *SL*

Re: **County/Department Policy
Violations**

Date: October 14, 2024

I have been made aware of political activities occurring in the public by members of the department in law enforcement attire in the last 72 hours. This is concerning as it erodes public trust with the Pima County Sheriff's Department. I'm also aware that you knew and further condoned their actions as you have posted them on your campaign Facebook page.

Please address the following:

- What personal knowledge do you have of these incidents?
- When were you made aware that these events were going to take place?
- Where did these events take place?
- Who was involved or attended these gatherings?
- What was your involvement?
- Who did you notify of these activities?
- Did you recognize any violations Law Enforcement Merit System?
- Did you recognize any violations of Pima County Rules and Regulations?

This is an ongoing investigation, and you are not to discuss this matter until it is concluded.

EXHIBIT J

Inmate Phone Access STANDARD OPERATING PROCEDURES

TABLE OF CONTENTS

I. General Procedures

I. GENERAL PROCECURES

- A. Inmate housing units will have telephones access for inmate use.**
- B. All inmate personal telephone conversations are subject to recording and review. Privileged calls to attorneys, clergy, and physicians will not be recorded or reviewed.**
- C. Telephone access is provided on a 24 hour basis in the new arrestee intake/ID area and generally between 0800 and 2200 hours in the inmate housing units.**
 - 1. During emergency lockdown periods, the inmate telephone system may be temporarily shut down to maintain facility security.
 - 2. Inmate phone service will be temporarily shut off during the periods inmates are being transported out of the facility for morning court or out of town transports.
 - 3. An inmate notified of a pending transport out of the facility, for any reason, will not be allowed access to the inmate phone system after he/she has been notified of the transport.
 - 4. In-transit inmates will not be granted access to the telephone system.
 - 5. Inmate phone service may be restricted due to the request of a law enforcement agency. The restrictions, its purpose, and duration will be documented.
- D. Hospitalized Inmate Legal Calls**
 - 1. Hospital provided phones will be removed from the inmate's room unless needed for a legal phone call.
 - 2. The officer will dial the number for the inmate's legal call, document the call, and confirm that the party called is an appropriate legal call.
 - 3. The officer will not monitor the phone conversation.
- E. Cordless Phones for Legal Calls**
 - 1. The Infirmary, Disciplinary, Administrative Segregation, and Mental Health housing units are assigned cordless telephones for inmates on a tablet restriction.
 - 2. A legal call log will be maintained in each housing unit.
- F. Incoming Calls and Messages for Inmates**
 - 1. Individuals outside the facility can leave voice messages for inmates.
 - 2. Incoming telephone calls directly to inmates are not allowed.
 - 3. Emergency messages will be forwarded to a shift supervisor for screening and verification before being relayed to the inmate's housing unit officer or the inmate.
- G. Special Phone Calls by Inmates**
 - 1. Special phone calls are generally those dealing with an emergency situation.
 - 2. An inmate who is unable to place a collect call to a specific phone number may submit a request on the Assistance Application on the ICD asking for a special phone call. Special phone calls may be granted by a shift supervisor based on an evaluation of the need.
 - 3. The Professional Visitation area should be used to facilitate these calls.

**Inmate Phone Access
STANDARD OPERATING PROCEDURES**

4. The person granting the phone call, or designee, will dial the phone number for the inmate and monitor the phone conversation. Special phone calls will be documented.

H. Establishing Privileged Telephone Numbers

1. Each inmate must identify privileged phone numbers by completing a Privileged Telephone Number List form (PCSD 851).
2. If an inmate refuses to complete and sign PCSD 851, "refused" will be written on the inmate signature area and signed by the staff member documenting the refusal.
3. The form will be forwarded to the Inmate Phone Coordinator.

I. System Problems

1. Inmates experiencing problems using the phone system will identify the problems on an Inmate Phone Service System Trouble Report form (PCSD 850).
2. The problems will be resolved by the Inmate Phone Coordinator. After problem resolution, forms will be filed by the coordinator and a copy will be sent to the inmate.

J. Phone Number Blocking or Removing a Block

1. Any private citizen or Criminal Justice Agency may request a phone block be placed by completing a Telephone Block or Block Removal Request form (PCSD 852).
2. Requests by private citizens to block a number will be made only by the person whose name appears on the phone bill of the blocked phone.
3. Phone blocks can be removed by the Agency that initiated the block, or the Security Services Commander may remove the block if a duration period was not provided.
4. Phone block removals by a private citizen must be the same person who applied the original phone number block.
5. Completed Telephone Blocks or Block Removal Request forms will be routed directly to the Inmate Phone Coordinator.

K. Monitoring/Recording Non-Privileged Phone Conversations

1. The Security Services Supervisor will ensure only non-privileged phone conversations are monitored and recorded. Access to the Investigative Interface is controlled by Security Services Personnel.
2. Requests by Agencies other than PCSD for monitoring/recording phone conversations must be approved by an Agency commander and the Security Services Commander.
3. If any phone conversations appear to be of a privileged nature the monitoring will be immediately terminated.
4. Security Services Section will routinely monitor phone conversations to ensure inmates are not conspiring to commit prohibited activities.
5. Important information gathered by Security Services monitoring will be documented and forwarded to the Security Services Section Commander for action and disposition.

L. Official Requests for Audio Recordings

1. Requests for audio recordings or access to Investigative Interface from the County Attorney's Office must be sanctioned by a Deputy County Attorney, or above.

**Inmate Phone Access
STANDARD OPERATING PROCEDURES**

2. Requests for audio recordings from the Public Defender's Office or other defense counsel, must be sanctioned by the Pima County Attorney's Office.
3. Requests for audio recordings or access to Investigative Interface from other Criminal Justice Agents/Agencies will only be provided upon receipt of a court order, sanctioned by the County Attorney's Office, or approved by the Security Services Commander.
4. The Security Services Commander may terminate the audio recording of phone conversations at any time.

M. Release of Phone Activity Reports

1. These reports provide information about which phone numbers a specific inmate has contacted, the frequency, and duration of contacts.
2. Official requests for computer generated Phone Activity Reports will be provided to Criminal Justice Agencies as soon as possible. These requests will be documented.
3. Court orders or requests for recordings and access to Investigative Interface will be maintained for 36 months.

N. Recorded Digital Media

1. Digital media containing recorded phone information will be secured in the Security Services Section and maintained for 36 months at which time the disks will be destroyed.
2. All other recorded calls will be stored digitally for one (1) year.

EXHIBIT K



Chris Nanos for Sheriff · Follow



Oct 11, 2024 · 🌐

I urge you to take some time to review the fact-based evidence that William Anderson recently posted on his Facebook page regarding my opponent. Facts matter...This is the person who wants to be your Sheriff. Voters deserve the truth about who is running to be your Sheriff.

Thank you for taking the time to learn the facts. Your vote is crucial, and so is your right to the truth.

FB Post of William Anderson:

I try not be overly political but this topic matters to my family. Regardless of the color of your vote, reelecting Sheriff Nanos is the only option, and the right one.

I'm a registered Independent (leaning very right) and I try to vote after first evaluating the facts. I ask only that you do the same.

Heather Lappin has done a great job of marketing herself and twisting the truth. But the most important facts about her financial integrity (lack of) were left out. This website fills in those gaps. None of this is mine, the website posts the actual legal documents you to review. No spin. Website: <https://heatherlappinforsheriff.com/>

She bought a new Harley in 2005 and then filed bankruptcy a few months later and petitioned to keep it. The judge would not approve the bankruptcy request, citing "abuse". That's right HERE. In black and white, in the judge's words. <https://heatherlappinforsheriff.com/empowering-your-information-needs-with-lappin4sheriff/>
Of her \$46,000 of debt, the Harley was \$17,000 of it. Wouldn't YOU make a different choice there?

She filed again in 2006 and it was approved. Ok. Not a big deal right? Within a year of filing that

EXHIBIT L

< anderson in Chris Nanos for Sheriff'...

Filters

Posts You've Seen

Most Recent

Tagged I



Chris Nanos for Sheriff · [Follow](#)

...

Oct 10, 2024 ·

Fiscal responsibility is extremely important when you have to manage a budget of \$170 million dollars of taxpayer money.

Thank you, William Anderson, for providing actual data and evidence of my opponent's financial woes. I believe the electorate is tired of rhetoric without fact-based evidence.

@followers

@highlight



William Anderson

Oct 10, 2024 ·

I try not be overly political but this topic matters to my family. Regardless of the color of your vote, reelecting Sheriff Nanos is the only o... See more



heatherlappinforsheriff.com

Heather overstates expenses and judge says filing is abusive – Lappin4sheriff

36

31 comments 6 shares

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Chris Nanos for Sheriff · [Follow](#)

...

Oct 11, 2024 ·



9+

EXHIBIT M

(Audio- See Attached CD)

EXHIBIT N

A. Administrative Leave

Administrative leave with pay may be initiated for any one of the following four events:

1. Upon approval of the Appointing Authority and the County Administrator, an employee may be granted administrative leave with pay when emergency situations exist such as extreme weather conditions, fire, flood, or malfunction of publicly owned or controlled machinery or buildings, making it hazardous or impossible for the employee to get to or perform at their workstation (providing alternate work or workstation has not been designated).
2. An employee shall be granted administrative leave with pay upon the declaration of the Board of Supervisors that a state of emergency, disaster, or grief exists, and that such leave is to be granted.
3. Administrative leave with pay may be given to an employee by the Appointing Authority when it is determined to be in the best interest of the County, except in the case of layoffs, which may require County Administrator approval.
 - a. An employee may be placed on administrative leave with pay for up to thirty (30) business days. For extensions beyond thirty (30) business days, County Administrator approval is required.
 - b. The notification of administrative leave shall be delivered to the employee no later than five (5) business days after the effective date of the leave. The notice shall contain the specific reason(s) for the leave in sufficient detail to inform the employee of the reason(s) for the action. Prior to the commencement of administrative leave under this section, all County property, including County issued identification cards, access badges/key cards, keys, mobile devices, etc., shall be collected from the employee and retained by the department until the conclusion of the leave.
 - c. At the conclusion of administrative leave, the employee shall be returned to work and advised of any appropriate action.
4. Upon approval of the Appointing Authority, an exempt or non-exempt employee may be granted up to twenty-four (24) work hours of management leave with pay per fiscal year during their normally scheduled work days and work hours. The purpose of management leave is to recognize exceptional performance. Requests for additional management leave must be submitted to the County Administrator for consideration and shall not be awarded to the employee(s) until approval is received. Each

department shall provide the County Administrator with a report each fiscal year detailing all management leave that is awarded. The report must indicate the department, each employee's name and position held, the reason leave is being granted and the dates and total hours of management leave awarded. Management leave is non-accruable.

B. Grievance/Appeal Activity Leave

Grievance/appeal activity leave applies to preparation and/or investigation of a grievance or appeal.

1. A permanent employee shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance. Pursuant to Merit System Rule 13.1 D., this three (3) hour limit does not apply to those times when the employee is called to testify in a Human Resources grievance/appeal proceeding.
2. An employee representative shall be granted grievance/appeal activity leave with pay up to three (3) hours per grievance/appeal, when requested for the purposes of investigation or representation on behalf of another employee, for grievances/appeals formally submitted to the appropriate authority. Grievance/appeal activity leave is limited to two (2) occurrences per fiscal year. Time in excess of the three (3) hour limit shall be charged to some other type of leave and must be approved in advance.
3. Grievance/appeal activity leave is non-accruable and shall not be taken in increments of less than one (1) hour.
4. Requests for grievance/appeal activity leave shall be made in writing at least three (3) business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

C. Special Program Leave

1. Upon approval of the Appointing Authority, an employee may be granted special program leave with pay.
2. Special program leave applies only to those programs which have been approved by the County Administrator and/or Board of Supervisors for employee participation.
3. Requests for special program leave shall be made in writing at least five (5)

business days in advance, unless conditions preclude such advance notice as determined by the Appointing Authority.

D. César Chavez Remembrance Day Leave

1. Upon proclamation of the Board of Supervisors, the fourth Monday in March shall be designated as a day of remembrance in honor of César Estrada Chavez, for his efforts in establishing the farm labor movement.
2. Eligible employees, hired prior to the fourth Monday of March, shall be granted a day of administrative leave with pay. This administrative leave day may be utilized anytime during the month of March.
3. Only employees who are in pay status (i.e., not on any type of approved leave of absence) are eligible for the remembrance day. The only exceptions are employees on intermittent FMLA or intermittent medical or victim leave or employees on modified duty workers' compensation who are actually working.
4. Full-time employees shall be granted a single day of no more than eight (8) hours of paid time off. Leave for other than full-time employees shall be paid in the same manner as the holiday benefit as set forth in Personnel Policy 8-102 F.
5. Intermittent employees, as defined in Merit System Rule 1, are not eligible for this remembrance day leave.

E. Bereavement Leave

All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees with less than six (6) months of service are eligible for bereavement leave.

1. Upon approval of the Appointing Authority, an eligible employee may be granted paid bereavement leave for each occurrence in the case of the death of a family member. For purposes of bereavement leave, "family member" is defined as an employee's spouse, mother, father, step-mother, step-father, grandparent, child, step-child, foster child, grandchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, domestic partner or child of a domestic partner. The employee must file an affidavit with the department in order to take bereavement leave for the death of the domestic partner or the child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the

domestic partner enrolled under the County's health benefits plan.

2. Paid bereavement leave shall be for a period of up to 24 hours per occurrence for the death of an eligible family member occurring within the State of Arizona, or up to 40 hours per occurrence for the death of an eligible family member where the death or services occur out of state. Employees must take bereavement leave within the first six (6) months following the death of an eligible family member. Hours need not be taken consecutively. Hours not taken within six (6) months of the death of an eligible family member shall be forfeited.
3. Bereavement leave for other than full-time employees shall be paid in the same manner as the holiday benefit as set forth in Personnel Policy 8-102 F.
4. Upon approval of the Appointing Authority, an eligible employee may use their sick leave, annual leave, compensatory time or unpaid leave under 8-108.F, when additional bereavement time is needed.
5. An employee on an approved unpaid leave of absence as defined in 8-108.A. is not eligible for bereavement leave unless on intermittent FMLA or intermittent medical or victim leave and in pay status during the pay period when bereavement leave is requested.
6. Bereavement leave may be used for the purpose of making funeral arrangements, settling family affairs, bereavement, and/or attending the funeral or memorial service of an eligible family member.
7. The Appointing Authority or designee may require a death certificate, obituary, or documentation from the funeral home.
8. Bereavement leave shall not be counted as hours worked for the purpose of computing overtime

F. Parental Leave

1. Upon approval of the Human Resources Department, eligible employees may be granted up to twelve (12) continuous work weeks of parental leave within the first twelve (12) weeks after the birth or adoption of a child. Parental leave will be paid at one hundred (100) percent of the employee's regular rate of pay in effect at the time the leave commences. Employees may request additional leave (beyond the twelve (12) weeks of parental leave) by applying compensatory time or annual leave as approved by their Appointing Authority. Where both parents are employed by the County, the parents are limited to a combined total of twelve (12) weeks of paid leave.

2. Employees who currently serve in a position that is eligible for benefits and have been employed by the County for at least twelve (12) months prior to the birth or adoption of a child and commencement of the requested leave are eligible for parental leave. Intermittent employees, as defined in Merit System Rule 1, are not eligible for parental leave.
3. Requests for parental leave must be submitted to Human Resources-Leave Administration on the form specified by HR-Leave Administration at least thirty (30) days before the leave is expected to begin or as soon thereafter as possible.
4. When both parents are County employees who meet eligibility guidelines, each is entitled to six weeks of parental leave.
5. Appointing Authorities may not detail another employee into the position of an employee on parental leave and may not otherwise temporarily fill the position of an employee on parental leave. Departments are not authorized to approve overtime costs for another employee to do the work of an employee on parental leave. In exceptional circumstances, an Appointing Authority may request County Administrator approval to temporarily fill the position of an employee on parental leave.
6. Payback provision: Employees who fail to return to work for at least ninety (90) calendar days following the end of their approved parental leave agree to reimburse the County for the salary and benefits paid by the County for the period of parental leave. This reimbursement requirement will be excused if the employee's failure to return to work is related to the onset, recurrence, or continuation of a serious health condition of the employee or the child.
7. Parental leave is set out by Administrative Procedures which comply with this policy.

G. Juneteenth Celebration Day Leave

1. The 19th day of June each year is designated as a day of celebration of Juneteenth, to commemorate the emancipation of enslaved people in the United States.
2. Eligible employees hired prior to June 19th shall be granted eight (8) hours of administrative leave with pay. This administrative leave day may be utilized anytime during the month of June.
3. Only employees who are in pay status (i.e., not on any type of approved leave of absence) are eligible for the celebration day. The only exceptions

are employees on intermittent FMLA or intermittent medical or victim leave or employees on modified duty workers' compensation who are actually working.

4. Full-time employees shall be granted a single day of no more than eight (8) hours of paid time off. Leave for other than full-time employees shall be paid in the same manner as the holiday benefit as set forth in Personnel Policy 8-102 F.
5. Intermittent employees, as defined in Merit System Rule 1, are not eligible for this celebration day leave.

EXHIBIT O

3. Division Commanders and Corrections Captains may administer:
 - a. Verbal Counseling
 - b. Documented Verbal Counseling
 - c. Letters of Counseling
 - d. Letters of Reprimand (signed by the Sheriff)
 - e. Recommendation of a more severe form of disciplinary action
 - f. Request for a Review Board
 4. Only the Sheriff and/or Chiefs may suspend, demote, or dismiss a department member. The Sheriff and/or Chiefs may also administer any of the aforementioned forms of discipline.
- F. The Sheriff or a Chief must sign all letters of reprimand; therefore, when a Commander issues such a letter, it shall be forwarded to the Sheriff for signature. If the Sheriff or a Chief sign the letter of reprimand, it shall be returned to the Commander who may then administer the discipline.
- G. Procedures for Administrative Suspension/Leave of Department Members
1. Whenever it is deemed necessary as a result of a flagrant violation of an established Department Rules and Regulations, or procedure, any supervisor may relieve from duty any subordinate member of the department in order to preserve good order, efficiency, and discipline.
 - a. When a member is relieved from duty, the supervisor so ordering shall, as soon as practicable, but within thirty-six (36) hours, notify the Sheriff or Chief in writing by presenting all the circumstances that resulted in the supervisor's action.
 - b. Even though relieved from duty by a supervisor, a member is not suspended or placed on leave until the Sheriff or a chief order the suspension or leave.

2. Conduct During Suspension/Leave

- a. Members on suspension or leave shall remain subject to Department Rules and Regulations, and procedures.
- b. Members on suspension or leave shall not wear their uniforms.
- c. Members on suspension or leave shall have no law enforcement authority.
- d. Members on suspension or leave shall be ineligible to receive any special assignment pay, holiday pay, or on-call pay.
- e. Members on suspension or leave shall be prohibited from working off-duty or outside employment.

XI. ADMINISTRATION OF DISCIPLINARY ACTIONS

A. Supervisors' Obligations

In administering disciplinary actions, supervisors shall take the following actions:

1. Advise the department member involved of the reason for disciplinary action
2. Advise the member involved what disciplinary action has been taken and explain the ramifications of the action
3. Advise the member involved of grievance or appeals procedures available. In cases of dismissal, demotion, or suspension, a copy of the Employees' Guide to the Appeal Process shall be attached to the notification of the particular action.
4. Forward copies of the disciplinary action to the Personnel Unit for placement in the member's file

B. Members' obligations: They shall sign the notice of disciplinary action, indicating receipt. This signature does not preclude a member from grieving or appealing the disciplinary action, nor does it indicate agreement with the action.

EXHIBIT P

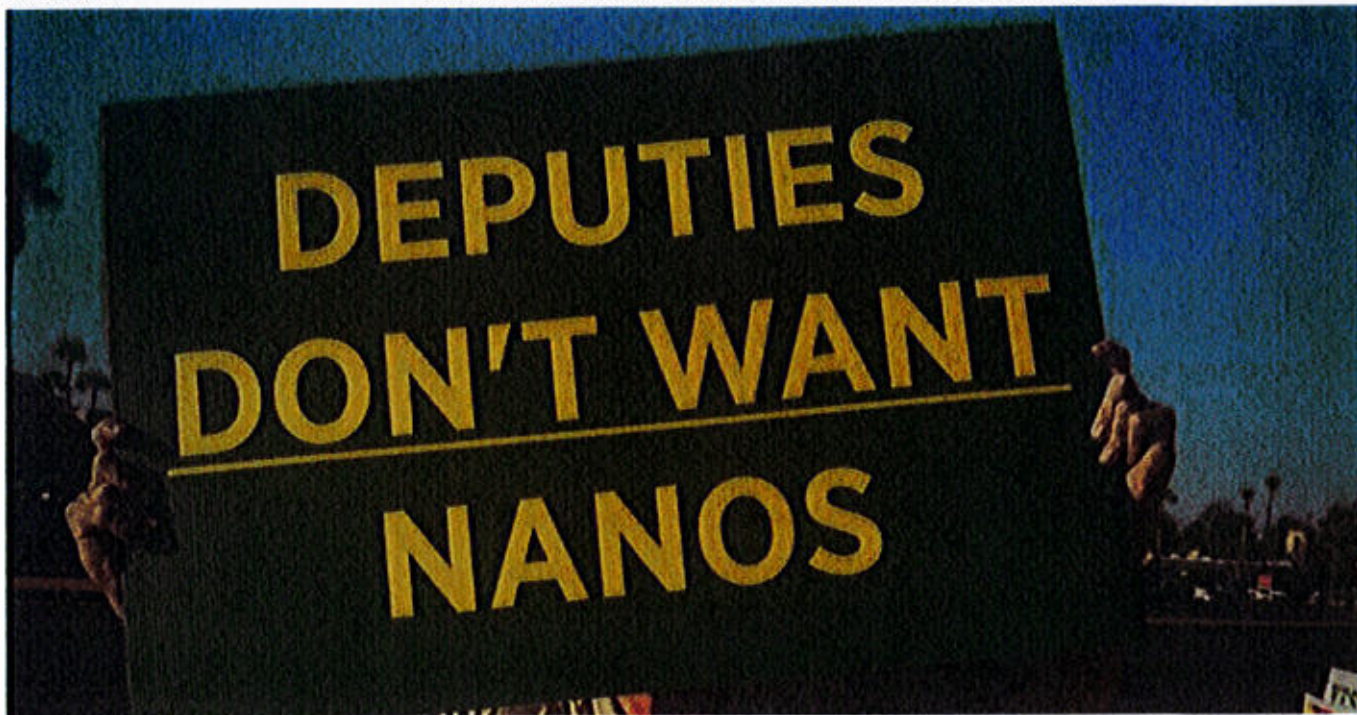
https://www.gvnews.com/news/sheriff-puts-political-rival-on-administrative-leave/article_8aa7fd68-8aa0-11ef-abb5-9f9af0a504b0.html

FEATURED

Sheriff puts political rival on administrative leave

By Dan Shearer and Kim Smith Green Valley News

Oct 14, 2024



A photo from the campaign Facebook page of Republican sheriff candidate Heather Lappin shows a sign opposing the re-election of Democrat Sheriff Chris Nanos.



Sheriff Chris Nanos has put his opponent in the sheriff's race on paid administrative leave citing possible criminal infractions.

Lt. Heather Lappin, a 19-year veteran who works in the Pima County jail, was put on leave Monday evening, Nanos said. Sgt. Aaron Cross, president of the Pima County Deputy's Organization, also was placed on paid leave Monday.



Sgt. Aaron Cross

Nanos said Lappin's case does not involve election interference but Cross's does "to an extent."

"We got a lot of complaints about him (Cross) being out there on the street in uniform, that's part of his issues. Her issues are different," Nanos said.

Two or three people wearing law enforcement tactical gear held signs at Sabino Canyon and Tanque Verde roads Saturday that read, "Deputies Don't Want Nanos." A photo of them was posted on Lappin's campaign Facebook page.

One person familiar with the situation said those involved were off duty and did not wear anything identifying themselves as Pima County Sheriff's employees.

The person, who the Green Valley News is not identifying because they did not have authority to speak, said as of late Monday, Lappin had not received anything in writing explaining why she was put on leave.

The person speculated the PCSD could believe Lappin knew about the intended actions of the deputies ahead of time and didn't intervene. But intervention wouldn't be necessary if deputies were on their own time and not in official uniforms, the person added.

The source said Nanos is retaliating against Lappin "for having the audacity to run for sheriff against him."

In a brief statement Monday night, Lappin acknowledged she has been placed on administrative leave and directed not to discuss the reasons "so that the only information is provided by the Sheriff and his administration."

The statement went on: "This appears to be yet another attempt to suppress the opinions of both myself and numerous other employees who are hoping for positive change in leadership, undermining freedom of speech and open discourse. I have done nothing wrong other than challenge him in an election."

On her personal Facebook page, Lappin urged others to stand up and speak now.

"If ever there was a time to speak up and out it's now. Don't be afraid. Remember courage is contagious. Gain strength from one another and speak up," Lappin wrote.

She said people should not allow their voices to be silence because of fear of retaliation and retribution.

"They cannot punish us all. We are stronger together," she wrote. "Pima County must be made aware of what we endure from this administration."

On Tuesday, Phoenix attorney Steve Serbalik, who represents Lappin and Cross, said his clients and other members of the Arizona Conference of Police and Sheriffs have taken an oath to support and defend the Constitution, which includes the First Amendment right to participate in the political process while off-duty.

"Without commenting on the specifics of any ongoing investigation, I can state that if members are facing retaliatory investigations or administrative leave for protected speech activities, these actions would be unconstitutional, and goes against everything that law enforcement stands for," Serbalik said via email.

He said multiple members of the PCSD were also issued gag orders that prohibit them from discussing their leave or the ongoing investigations.

"Regardless of anyone's politics, we should respect Constitutional rights," he said. "Both myself and my members look forward to being able to comment further after the admonishments are lifted by Sheriff Nanos."

Nanos acknowledged the situation is awkward given the election but defended his decision to put Lappin on leave.

"No doubt. What are we, less than three weeks out (from Election Day)? Certain things I can kind of push to the side and say, look, it's campaign season, let's just not go there. But certain things, I just can't do that. I have a responsibility to this community and to this department to make sure that people are held accountable on either end, whether it's criminal or internal," Nanos told the Green Valley News.

For now, Nanos said he is waiting for internal and criminal investigations to be completed.

"Right now it's really, really early on. I hope there's nothing criminal here, I hope there's nothing there. Internally, yes, I think we have some issues to deal with, but they may be minor. Maybe we can tell them to knock it off and move on," Nanos said.

Cross founded the Pima County Deputy's Organization in 2023, and has been in several public scrapes with Nanos.

Nanos has said the group exists for "political reasons," and gets involved where it shouldn't.

As for putting Lappin and Cross on administrative leave, the sheriff said he's ready for the critics.

"I know what they're going to say. But here's the bottom line—holding you accountable is not retaliation, it just isn't," Nanos said Monday evening. "I would be neglectful of my duties and responsibilities if I didn't take some sort of action to at least look into what's being presented in front of me. It doesn't mean they're guilty of anything. As far as I know, they've done nothing wrong, but we'll let it play out."

EXHIBIT Q

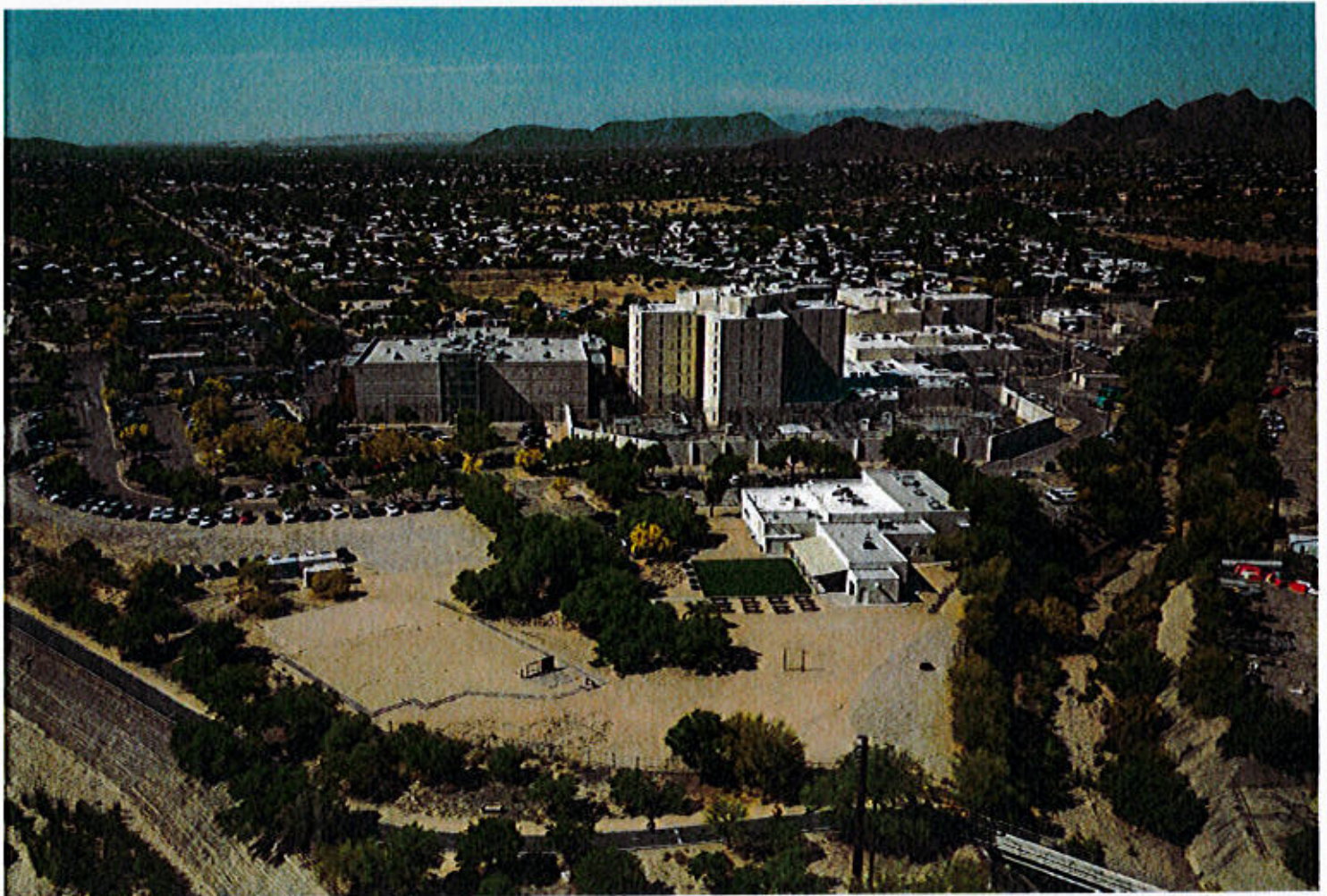
VOTING

Jail reporting by Arizona Luminaria journalist targeted in sheriff election dispute



by Yana Kunichoff

October 16, 2024



The Pima County Adult Detention Center Credit: Michael McKisson

Arizona Luminaria reporter John Washington's efforts to interview people incarcerated in Pima County jail as part of a years-long investigation into deaths, excessive force and inhumane conditions are being targeted in the race for sheriff.

With early voting ongoing and only weeks to go until Election Day, incumbent Democrat Sheriff Chris Nanos placed Heather Lappin — a Republican candidate vying for Nanos' job and a lieutenant in the Pima County jail — **on leave Monday**. Nanos also placed Sgt. Aaron Cross on leave, as first reported by **Green Valley News** on Oct. 14.

Washington has spent years sending letters, waiting outside the jail for people about to be released or fruitlessly trying to make phone calls to get a glimpse of conditions for people incarcerated inside.

"I think it is critically important for our society to know what happens behind the bars," Washington said in a phone interview Tuesday.

Now those efforts to reach people incarcerated in Pima County jail by phone, which Washington said are part of his regular news reporting, have become one piece of a broader dispute.

A press release from the sheriff's department shared Tuesday said that Lappin "colluded with a journalist to facilitate payment to an inmate in exchange for a news story," and did not name Arizona Luminaria.

Arizona Luminaria responded to subsequent allegations about their reporting.

"Arizona Luminaria does not and would never pay for sources, interviews or information," said Irene Fischler McKisson, an Arizona Luminaria executive, in a written statement. "Our nonprofit and nonpartisan newsroom follows all legal and fair journalistic ethics guidelines while undertaking deep, context-driven community and investigative reporting."

An ongoing Arizona Luminaria **investigation into jail deaths**, dating back to 2022, scrutinized Nanos' leadership. Stories included statements from former employees, families and advocates who, in some cases, called for Nanos to resign, as well as the sheriff's responses. Washington continues to investigate wrongdoing and injustices at the jail and has been covering the sheriff's race in this election cycle.

The sheriff department's release said Cross was put on administrative leave for "participating in political activities while wearing tan BDU cargo pants, tan boots, a gray t-shirt, a weapon in a holster, and his magazine pouch with handcuffs." The release did not state that Cross was wearing his uniform. Rather, it states that Cross was "appearing equipped like a law enforcement officer who is associated with official duties." Cross was holding a sign reading "Deputies don't want Nanos."

Both Cross and Lappin are under internal investigation by the Sheriff's Department, the release said.

“It is in the public’s best interest to understand the context of these decisions and the fact that a thorough investigation will take time,” Nanos said in the release.

Contacted by phone Tuesday evening, Lappin and Cross each told Arizona Luminaria by text they could not comment under a gag order. They directed questions to their attorney Steve Serbalik.

Serbalik, an attorney with AZCOPS, the Arizona Conference of Police and Sheriffs, did not comment on a specific case but said any efforts to put members of the group on administrative leave for protected speech activities would be unconstitutional.

“Our members took an oath to support and defend the Constitution — which includes the First Amendment right to participate in the political process while off-duty,” he said in an email.

Lappin denied any misconduct, he said, but is unable to speak further because she is one of multiple members of the sheriff’s office subject to a gag order while on administrative leave.

Nanos did not respond to a request for comment.

This week marks the second time Nanos has suspended an opponent. When running for his first term as sheriff in 2016, he suspended his opponent Sgt. Terry Staten, citing county rules that at the time said someone could be suspended if an employee’s election activities prevented them from performing their duties or if the activities adversely affected department operations. Those rules have since been changed.

Reporter shows work, receipt

Last summer, Washington continued to interview people incarcerated in Pima County jail.

As part his reporting, Washington said he was in touch with a public information officer to help facilitate interviews with people incarcerated inside the jail. After that, he said, Lappin reached out via phone.

Washington said he had a July 17 text message exchange with Lappin. He shared those texts with Arizona Luminaria that said: “I’m trying to get in touch with two inmates.” He provided birthdates and booking numbers.

“Got it! I’ll let you know tomorrow after I speak to them,” was the response.

On July 18, Washington said thank you and that one inmate already reached out to him. “The inmate paid for the call, however, and I want to reimburse him,” said Washington, who asks about the process for doing so. The total reimbursement was \$20, plus a \$4.99 fee, according to a receipt shared by Washington with Arizona Luminaria.

Washington said it was critically important that people incarcerated in jails and prisons are able to communicate with people on the outside, including journalists. He wanted to ensure that the cost of making a phone call would not be a barrier to an incarcerated person sharing their story publicly.

“People are rendered voiceless sometimes because of the cost, because it is hard and expensive to make calls or to send letters or to receive letters or to get properly fed,” said Washington. “The Pima County jail has very recently gone through a period of extreme crisis with the deaths in the jail, and that has turned around in part due to the increased community vigilance.”

Emily Bell, director of the Tow Center for Digital Journalism at the Columbia Journalism School, said that while reporters should not pay sources for interviews, there is a clear ethical difference between using money to encourage someone to speak to a reporter and reimbursing a source for an expense incurred in doing the interview.

“There are clearly differences between making it possible for someone to speak to you when they are economically disadvantaged, once that happens after the interview has taken place, and offering somebody payment to be interviewed,” she said.

Access to people who are in prison or jail was particularly difficult, and important, Bell said.

“It’s absolutely vital that you have some insight and journalism into what is happening to incarcerated populations,” said Bell, who has served as a member of Poynter’s National Advisory Board. “It’s an area where there is a historic overreach of power and it is particularly difficult to access anybody who is incarcerated.”

Jail phone systems costly

The high cost of phone access for inmates has long been an area of concern for human- and civil-right advocates.

The Prison Policy Initiative, a nonprofit nonpartisan research group, **published a 2022 report** on prison phone access, noting inmates and their families were paying “shockingly high prices for basic

communications technology.”

The average cost in Arizona of a 15-minute phone call from jail is about \$2.79. In addition, jail phone calls in Arizona were 2.7 times more expensive than a phone call from the prison, where people would be held once they began serving time, the 2022 report found.

In Pima County, a prepaid account through a service called “GTL AdvancePay” must be set up for an incarcerated person to make calls or receive voicemail messages, according to the Pima County Sheriff’s website. “There must be sufficient funds for a call to go through,” **the website states**.

During his reporting on the Pima County jail, Washington spoke to nearly 50 people, including many previously incarcerated in the jail.

“Neither people nor information are easy to get out of jail,” according to **a 2022 story by Washington**.

A contested race

The Pima County Sheriff’s Department is charged with responding to emergencies and reported crimes, running and maintaining the jail and, according to the department’s website, working “relentlessly toward making our community safe for the people of Pima County.”

The sheriff **oversees a budget** of around \$170 million with about 1,500 total staff.

In Tuesday’s news release, Nanos said his decisions were not retaliatory, but would open space for a deeper inquiry. His office had made referrals to the Arizona Attorney General and the Federal Bureau of Investigation, he said.

“Holding staff accountable for their actions is not retaliation, and while I have previously overlooked certain behaviors due to the ongoing campaign, this new information is serious and simply cannot be ignored,” he said in Tuesday’s press release.

Cross is a leader of the Pima County Deputy’s Organization, which represents about half of the department’s deputies.

In January, the organization **approved a nearly unanimous vote** of no confidence in Nanos.

“This vote was called after years of frustration at the lack of competent leadership and mismanagement from Sheriff Nanos and his senior command,” the organization **said in a statement shared on social media**. “There have been so many instances of dissident voices being retaliated against that would be difficult to catalogue.”

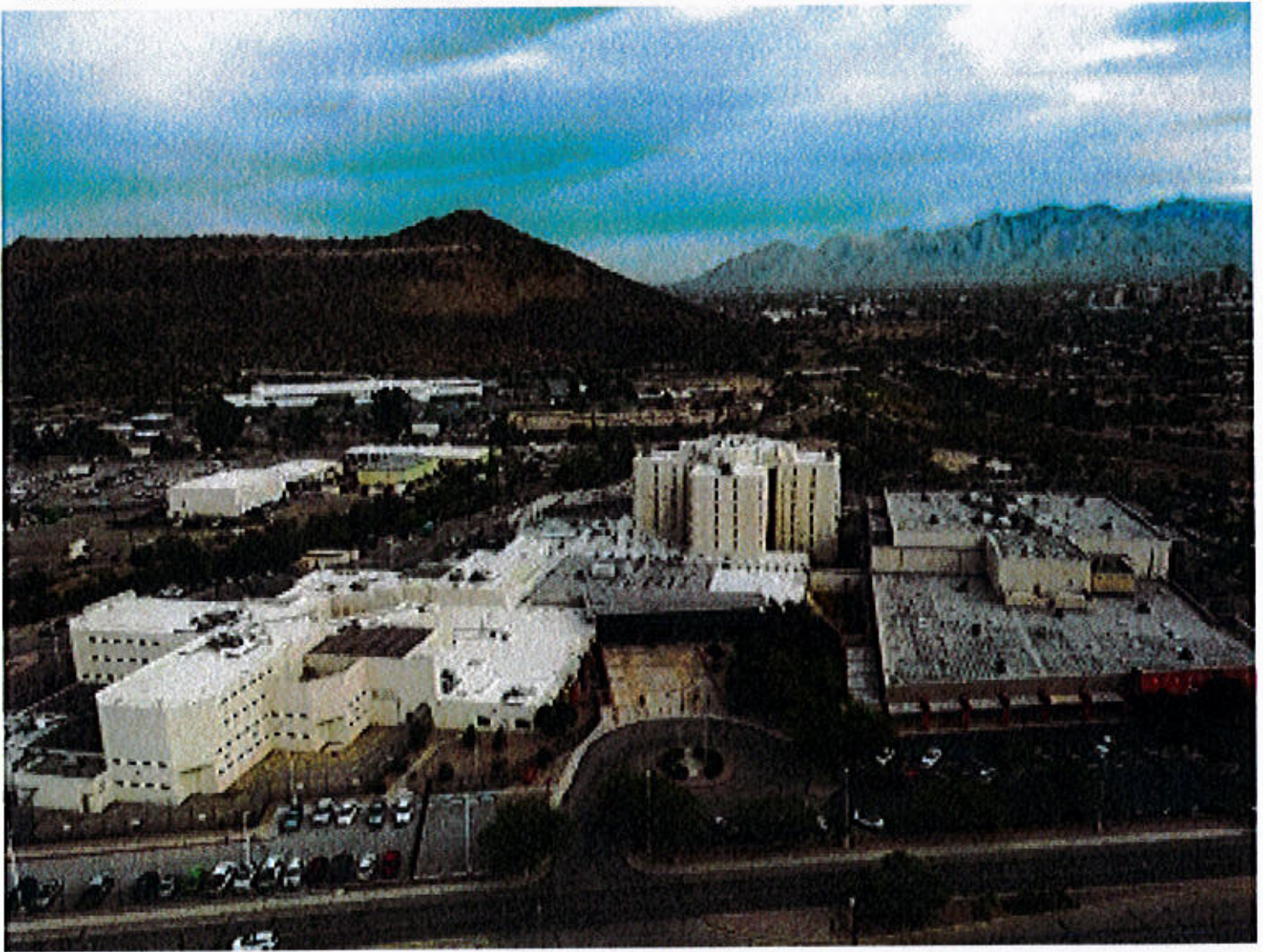
The deputies’ labor organization has since endorsed Republican candidate Lappin.

Separately, Nanos was endorsed by Pima County Deputy Sheriff’s Association, which is the Sheriff Department’s largest labor organization as it represents not only deputies but correctional officers and civilian staff.

This is a developing story. Please check back for updates.

READ MORE OF AZ LUMINARIA'S AWARD-WINNING JAIL COVERAGE

[Read more about the Arizona Luminaria journalist targeted in sheriff election dispute](#)



'Unconstitutional hole': How Pima County jail deaths — one recently ruled a homicide — are part of a grim pattern

"Give me answers!" Melissa Welch shouts, arching her back and aiming her voice toward the flat facade of the Pima County Adult Detention Complex. Two months earlier, inside that jail, guards repeatedly shocked her little brother, Wade Welch, with a taser. Minutes later, he died. "Give me answers! Give me answers!" she screams again. Her...

[Keep reading](#)

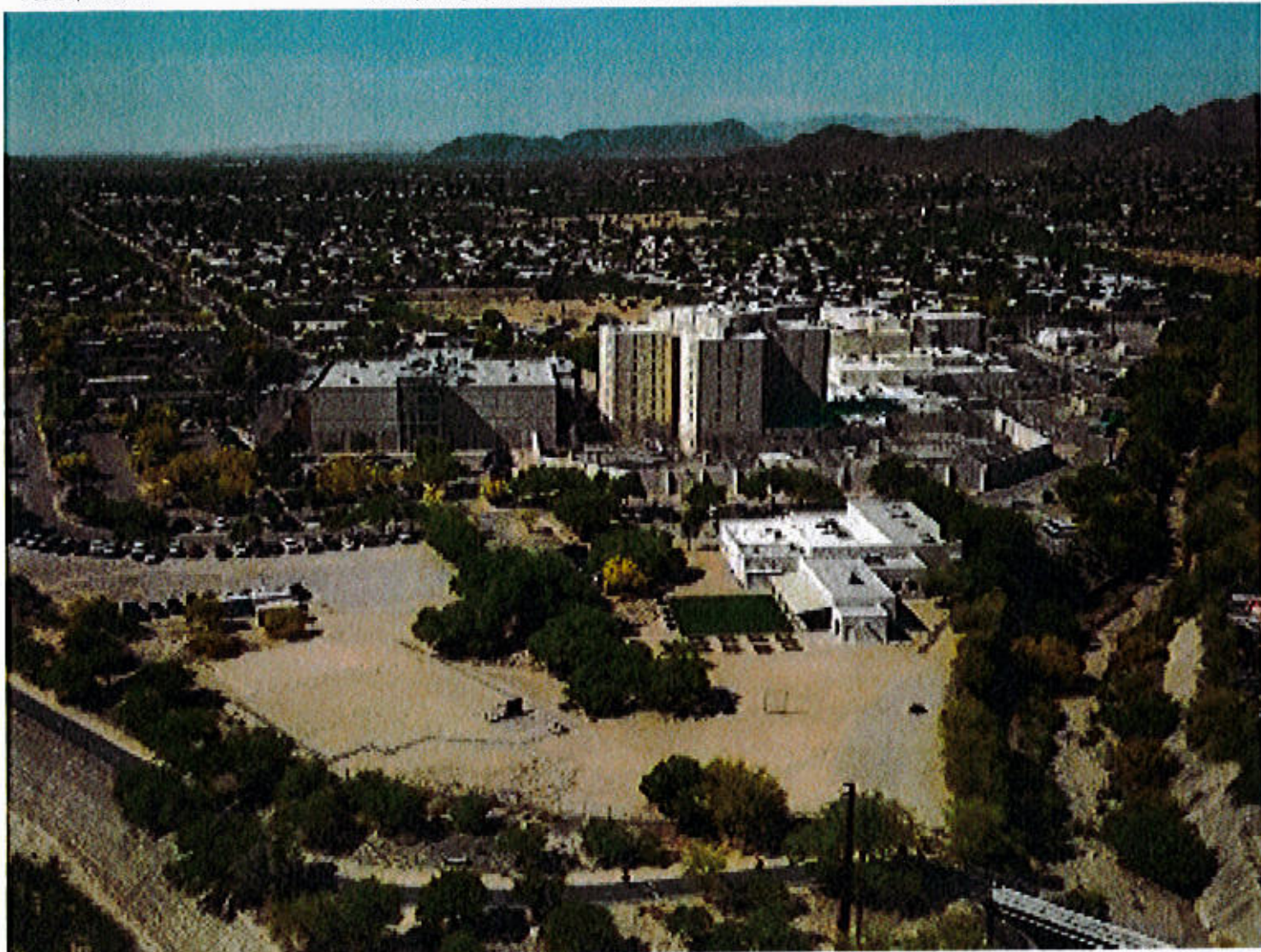


Pima County has docked NaphCare \$3.1 million for jail medical care deficiencies

On Jan. 28, 2022 — one day after 19-year-old Sylvestre Inzunza was locked up in Pima County jail — guards found him unresponsive in his cell. He'd swallowed two blue pills, overdosing on fentanyl. Jail staff pumped nine doses of Narcan into him and transported him to the hospital.

Within five hours, guards took him...

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Recent Pima County jail-related deaths are more than twice as high as reported according to medical examiner

Joseph Zarate was in Block 1S, Cell 20 of the Pima County jail when a medical worker checked on the 29-year-old who had been detained for 46 days. They found him lying naked on his back on a bunk without a mattress near a toilet filled with brown water. His knees were up in the...

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EXHIBIT R

3. Nanos defends decision to suspend political rival, says "I'm doing my job."
October 17, 2024 / Modified oct 18, 2024 10:33 p.m.

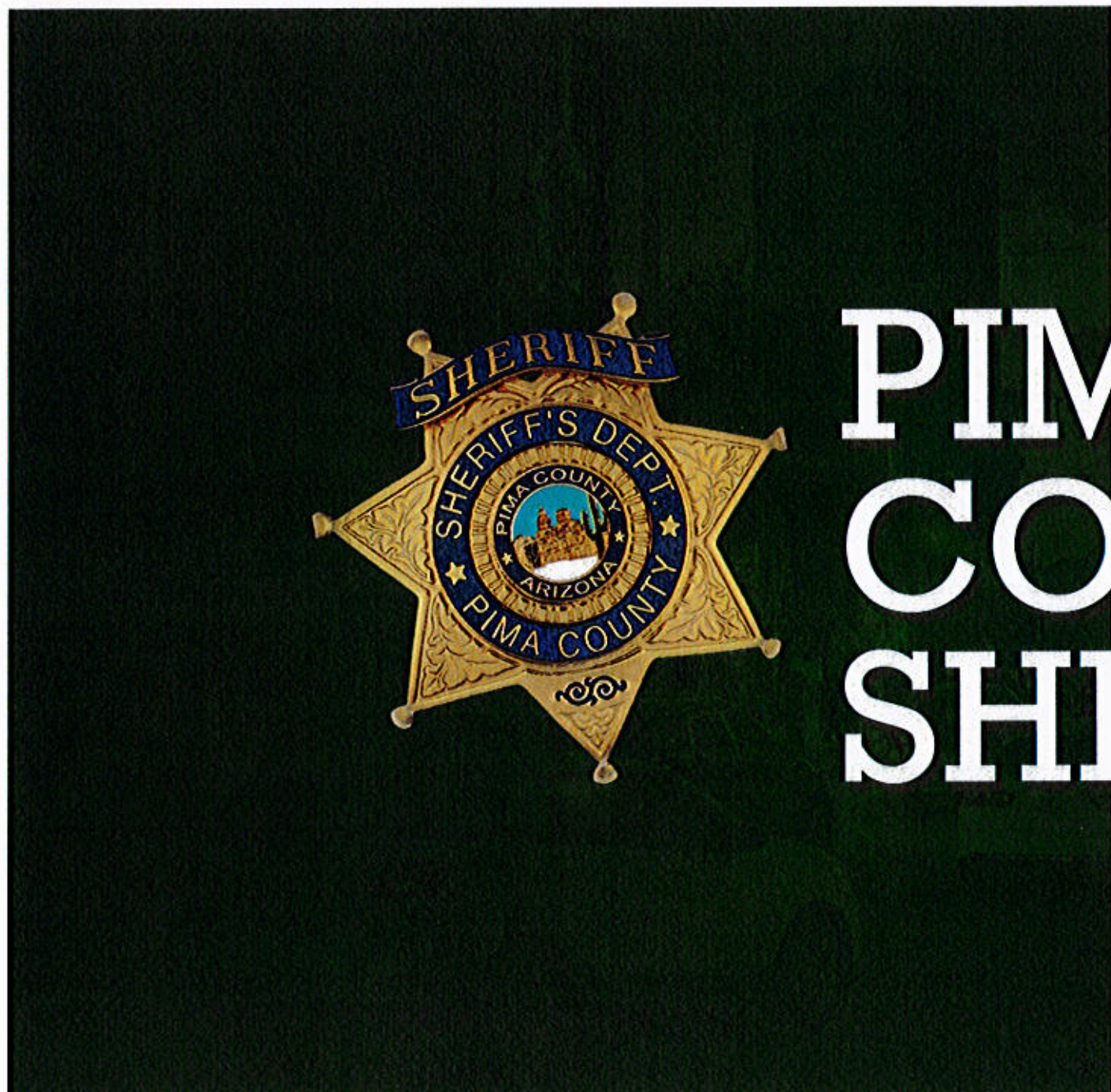
Nanos defends decision to suspend political rival, says "I'm doing my job."

Both employees are under gag orders and cannot speak on the allegations of policy violations.

by [Hannah Cree](#)

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The badge of the Pima County Sheriff's Department.
AZPM

Listen

nanos responds

-0:53

This article has been updated to reflect legal perspective.

Pima County Sheriff Chris Nanos is defending his choice to suspend a political opponent and a union leader for various internal departmental policy violations

His suspension of Heather Lappin, his Republican rival in the Sheriff's race, and Aaron Cross, President of a deputy's union outspoken against Nanos, has unfolded over the last week in a saga that has put [a spotlight on the ethics of a local news outlet](#) and raised questions about Nanos' history of retaliation

Nanos told AZPM that despite the timing, he had no choice in suspending either of his employees.

"My goodness, I don't want to do this right around an election either, but I have a job to do, and that's to enforce rules and policies and procedures and guidelines and to make sure that others are following those and if they're not, they need to be held accountable. Holding you accountable is not retaliation," Nanos said.

According to a PCSD statement, Cross was placed on leave for engaging in political activities while appearing to be dressed in uniform. He allegedly picketed at two Tucson intersections and displayed a sign saying "Deputies Don't Want Nanos," despite being told by his supervisor after being spotted the first time to "not look like a deputy."

Nanos said Lappin's leave was due to two different policy violations, including allegedly knowing Cross was engaging in political activities on her behalf and failing to stop it, and for helping arrange media interviews of inmates.

Nanos said he learned of Lappin's alleged activities when questioning her whether she knew about Cross' political activities.

"[Lappin's] leave status was because there were some issues that came up in her phone and computers that concerned us, completely aside from any of the campaigning on duty," Nanos said.

AZPM asked multiple times for documentation showing the policy violations. Nanos said he could not provide the evidence on her phone and computers because the matter is currently under investigation.

In a news release earlier in the week, Nanos did not name the reporter or media outlet involved in what the release called "collusion" to pay for inmate interviews but several media outlets pointed the finger at Arizona Luminaria. Their reporter John Washington is known for his coverage of deaths in the Pima County Adult Detention Center, the county jail under Nanos' leadership.

Although PCSD did not name an outlet or reporter in their statement, AZLuminaria later said they are being "targeted" [in the headline of an article addressing the Sheriff's accusations](#).

Nanos said inmates can be interviewed by the media, but the inmates must initiate the contact.

AZLuminaria said Washington reimbursed an inmate \$20 dollars to cover the cost of a phone call from jail.

"We paid \$20 for a phone call with an inmate, who otherwise wouldn't be able to afford to talk to a journalist because of the cost of the jail phone system," said AZLuminaria's Principal Executive Irene Fischler-McKisson.

[According to PCSD policy](#), "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."

AZPM reached out to her attorney Steve Serbalik for clarification on whether his client followed policy but he said he can't answer questions without endangering his client. He said in general terms, he was not aware of any laws in Arizona that would specifically prohibit reporters from initiating contacts with inmates in jails and prisons.

Neither Cross nor Lappin are able to speak because Nanos has placed admonishments on both of them, according to Serbalik, the attorney representing both of them. Admonishments are also known as gag orders.

The Sheriff denied placing them under admonishments.

"We didn't tell her, you can't talk, but we told her, what we asked her was, don't talk to anybody about this, because it's an investigation," Nanos said.

Serbalik said gag orders are placed or removed at the discretion of the sheriff.

"If Sheriff Nanos is willing to lift the admonishment of Heather Lappin, I would be able to answer your question. Unfortunately, due to the admonishment, I can't comment on the merits of the allegations (besides the fact that Lappin denies any wrongdoing) without potentially putting Lappin in jeopardy," he wrote in an email.

The day she was suspended, Lappin also received a memo from Corrections' Bureau Chief Scott Lowing questioning her knowledge of political activities by members of the department, which read "You are not to discuss this matter until it is concluded."

Critics of Nanos say the suspension of two political rivals looks like retaliation. This is not the first time Nanos has received attention for apparent retaliation on those who speak out against his leadership.

[Early this year, the Deputy's Organization](#) released a vote of no confidence in Nanos. In January, they had over 200 members.

In a social media post at that time, the Deputy's Organization said Nanos' management style of "retaliation to force silence" prompted the vote.

[In September of last year](#), Nanos also removed his department's officers from the Pima County Board of Supervisors's meetings the same week they were scheduled to discuss a potential investigation of his conduct in an alleged sexual assault case in 2022.

He did return the deputies to those meetings a few weeks later.

MORE: [Pima County, Election 2024, News](#)

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EXHIBIT S

DECLARATION OF CHRIS NANOS

Pursuant to 28 U.S.C. § 1746, CHRIS NANOS hereby declares under penalty of perjury under the laws of the United States, its territories, possessions, or commonwealths that the following is true and correct:

1. I am the Sheriff of Pima County. I make this declaration upon my own personal knowledge and belief.

2. On October 12, 2024, Pima County Sheriff's Department ("Department") received reports that Department Deputies observed a fellow Department Deputy, Sergeant Aaron Cross, apparently dressed in uniform engaging in political campaign activities on a street in Tucson, Arizona. Department staff informed me Sergeant Cross was off duty but appeared to be wearing clothing very similar to the uniform worn by Department Deputies and Detectives, even wearing a tactical belt holding his holstered weapon, an ammunition magazine, and handcuffs. No Department insignia or badge was observed on the clothing or could be observed from a far distance. Nonetheless, Department Captain Juan Carlos Navarro, through his chain of command, was asked to address this conduct. Subsequently, I learned Captain Navarro spoke with Sergeant Cross regarding his conduct and discussed the applicable Pima County policies and Department regulations that prohibit engaging in political activities while wearing clothing identifying himself as a Department Deputy. During this discussion, Captain Navarro made clear Sergeant Cross could engage in any political campaigning desired while off duty but expressly ordered him to not engage in further political activities while wearing clothing that appeared to be a Department uniform. Sergeant Cross said he understood this order and agreed to comply. At this time, I considered the matter resolved and no further action would be required.

3. On October 14, 2024, I learned Sergeant Cross had disobeyed Captain Navarro's order and had once again engaged in political campaigning while wearing clothing that appeared to be the uniform worn by Department Deputies and Detectives, even wearing a tactical belt containing his holstered weapon, magazine, and handcuffs. Again, no Department insignia or badge was observed on the clothing or could be observed from a far distance.

4. In deciding how to respond, I considered policies and regulations of Pima County and the Department, including but not limited to:

- a. Pima County Law Enforcement Merit System Rule ("LEMSR") XIV-1(B) ("County employees shall not ... [u]se any official authority or influence in any way to affect the result of any political election or nomination."), attached as Exhibit 1;
- b. LEMSR XII, attached as Exhibit 2;
- c. Pima County Personnel Policy ("Personnel Policy") 8-107-A(3), attached as Exhibit 3;

- d. Personnel Policy 8-119-I, S, Z(2), Z(6), and Z(8) (County employees must carry out orders from immediate supervisor or another employee in charge, treat co-workers and public with respect, and must not use or attempt to use official positions for financial gain or personal advantage, act in private capacity which could be considered an official act, and directly or indirectly use County property for anything other than for official or assigned duties.), attached as Exhibit 4;
- e. Pima County Board of Supervisors Policy D 23.9 (Employees participation in partisan political activities "cannot influence or interfere with the conduct of official County business or activities."), attached as Exhibit 5;
- f. Pima County Election Activities Handout published to all Department employees on April 26, 2024, attached as Exhibit 6;
- g. Pima County Sheriff's Department Command Directive No. 2024-004, attached as Exhibit 7; and
- h. Department General Order 2024-001 Chapter 8, attached as Exhibit 8.

5. In addition to the policies and regulations noted above, the Hatch Act, as amended ("Hatch Act"), must be considered because the Hatch Act applies to state and local entities that receive federal funding. The Department has received federal funding every year in support of law enforcement activities. During the last four years, the Department received the following amounts of federal funding in support of law enforcement activities:

- a. Fiscal Year 2021: \$2,133,243.87;
- b. Fiscal Year 2022: \$2,040,760.30;
- c. Fiscal Year 2023: \$1,954,204.93; and
- d. Fiscal Year 2024: \$2,380,148.54.

Consequently, the Department is subject to the Hatch Act. Like the policies and regulations noted above, the Hatch Act strictly forbids state and local employees of a governmental entity from engaging in political activities while in uniform, even while off duty.

6. Sergeant Cross told Captain Navarro he believed he had evaded applicable policies, regulations, and laws because he purchased the uniform items worn with his own money and did not display a badge. However, all Department Deputies purchase their uniforms according to uniform specifications established by the Department. Deputies are given a uniform allowance to purchase their own uniform to meet those specifications. The clothing worn by Sergeant Cross appears to meet most of the Department's uniform specifications, although the polo shirt did not bear the Department insignia.

7. Sergeant Cross' statements that he sought to evade applicable policies, regulations, and laws made it apparent he intentionally used the appearance of his uniform, including that of a Department Deputy and some Detectives, as a prop to enhance his political message. He could have delivered the same message without creating the appearance he was then working as a Deputy and/or Detective, but he obviously felt that message needed to be enhanced by his uniform. The right of a government employee to engage in political speech has well defined limits established by policies, regulations and laws and those limits prohibit political speech while wearing a uniform. Sergeant Cross intentionally breached those limits and in doing so disobeyed a direct order from Captain Navarro that he agreed to comply with.

8. I concluded it was necessary to address Sergeant Cross' conduct for the following reasons:

- a. He violated a direct order given by Captain Navarro and was therefore insubordinate;
- b. His conduct violated policies, regulations, and laws;
- c. His conduct created a public appearance that persons who identified themselves as Department Deputies and Detectives by their manner of dress were engaged in political activities contrary to established policies, regulations, and laws;
- d. His conduct was intentionally designed to exploit himself as a Department Deputy in the course of presenting a political message;
- e. Unless promptly addressed, his conduct created an appearance to Department employees that the Department was no longer enforcing policies, regulations, and laws intended to avoid an appearance that the Department and its employees are permitted to engage in political activities while on duty, as demonstrated by complaints attached as Exhibit 9; and
- f. Unless promptly addressed, the Department would continue receiving complaints from citizens within the community regarding Sergeant Cross' conduct, as demonstrated by complaints attached as Exhibit 10.

9. I decided it was appropriate and in the best interest of Pima County to place Sergeant Cross on administrative leave with pay subject to further investigation into Sergeant Cross' conduct. This action demonstrates the Department will not overlook intentional disobedience of a direct order and does not approve of Department Deputies violating applicable policies, regulations, and laws governing behavior while in uniform. At the same time, this action is not a disciplinary action. Sergeant Cross continues to receive his same pay, his work schedule does not change or lose days off, and he is allowed to take vacation and sick time as normal. Furthermore, administrative leave with pay in no way restricts Sergeant Cross

from engaging in political activities while not in Department uniform or appearing to be in Department uniform. In fact, Sergeant Cross has continued to engage in political campaigning while holding the same sign but not in Department uniform or appearing to be in Department uniform after being placed on administrative leave with pay. Sergeant Cross has never been told he could not engage in political activities while off duty and not dressed in Department uniform or appearing to be in Department uniform. Captain Navarro made this clear to Sergeant Cross on October 12, 2024, which Sergeant Cross understood and responded to by saying he would comply.

10. LEMSR XII-4 makes it clear being placed on administrative leave with pay is not a disciplinary action and Personnel Policy 8-107-A(3) permits me as appointing authority to place an employee on administrative leave with pay when I determine it "to be in the best interest of the County." Such decision was in the best interest of the County. A standard practice when placing anyone on administrative leave with pay is to advise them not to discuss details of the matter under review. The purpose of this standard practice is to prevent witnesses from sharing the substance of their statement that might be made in a potential investigation and thus leading to accusations that statements were intentionally or unintentionally altered by the recollections of others. The practice is founded on the same principle that routinely results in witnesses being excluded from a court room while another witness is testifying. However, this does not mean a person on administrative leave with pay cannot disclose to others that he or she is on administrative leave with pay. In fact, this is routinely done and permissible for Sergeant Cross to do so.

PURSUANT TO 28 U.S.C. § 1746, I HEREBY DECLARE (OR CERTIFY, VERIFY, OR STATE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED on this 24 day of October 2024.

By: 
CHRIS NANOS

EXHIBIT T

(Audio- See Attached CD)

EXHIBIT U



PIMA COUNTY SHERIFF'S DEPARTMENT

Chris Nanos, Sheriff

1750 East Benson Highway, Tucson, Arizona 85714-1758

Phone: (520) 351-4600 • Fax: (520) 351-4622 • www.pimasheriff.org

January 7, 2025

Lieutenant Heather Lappin #5474
Pima County Sheriff's Department
Intake Section

ACKNOWLEDGEMENT OF VERBAL COUNSELING

This letter serves to document a verbal counseling conversation with Captain Christy Anderson regarding your failure to follow policy when utilizing sick leave and your demeanor towards her when this was addressed.

On October 14, 2024, you were placed on Paid Administrative Leave pending an internal investigation. While on Administrative Leave, your scheduled hours were Monday through Friday, 0800 hours to 1600 hours. On October 18, 2024, you sent me a text advising you would be utilizing sick leave, however your notification was only 24 minutes prior to your scheduled start time. Policy dictates a minimum of one hour prior to the start of shift. I reminded you to follow policy if you would be utilizing sick time in the future. When I requested an acknowledgement, you replied with, "calm down...acknowledged."

Due to a three-day absence of sick leave, Family Medical Leave was initiated on your behalf. You provided a doctor's note excusing you from work through November 11, 2024. On November 12th, you texted that you were still sick and would get another doctor's note on this day. On November 13th, at approximately 0905 hours, I texted you to find out if you were returning to work with a doctor's note and you said, "Yes, I couldn't get back in until today. I'll have it within hour." I did not hear back from you until the following day at 1046 hours. You provided another doctor's note excusing you from work until November 18th. Because you were expected to return to work and I had not heard that you would not be, I texted you at 0953 hours on November 18th to ensure you were back to work. You advised that your FML was extended until November 25, 2024. On November 25th, at 0836 hours you sent me an email stating you were told by Pima County Human Resources, Leave Administration, that you would need a doctor's note to clear you to return to work. You stated you were not able to get in to see your doctor until November 27th but would let me know if you were able to get in sooner. On December 2nd, you provided me with a doctor's note dated November 26th clearing you to full duty on November 27th. This was after the date you should have returned to work, going back on Paid Administrative Leave and the day before Thanksgiving. When asked why you didn't notify me on November 26th of being cleared for work, you stated that you didn't pick the note up until the 27th and assumed it was for that day. However, when you had the note on November 27th, you still did not notify me until the following week.

EXHIBIT V



Pima County Sheriff's Department
Chris Nanos, Sheriff

MEMORANDUM

To: LT. LAPPAN #5474

From: CPT. Hill #1127

Re: Right to Representation

Date: 01/22/25

This notice is to inform you that I will be issuing you a Letter of Reprimand on:

Date: 01/22/25

Time: 1415 hours


You are entitled to representation during this meeting. Please advise me if you would like to proceed with this meeting prior to the scheduled date, otherwise the meeting is scheduled for the date and time as stated.


Initial

I waive my right to representation and wish to proceed.


Initial

I acknowledge my right to representation and wish to proceed on the date proposed above.


Employee signature

1-22-25
Date



PIMA COUNTY SHERIFF'S DEPARTMENT

Chris Nanos, Sheriff

1750 East Benson Highway, Tucson, Arizona 85714-1758

Phone: (520) 351-4600 • Fax: (520) 351-4622 • www.pimasheriff.org

January 21, 2025

Lieutenant Heather Lappin #5474
Pima County Sheriff's Department
Intake Section
Tucson, Arizona

LETTER OF REPRIMAND

On October 14, 2024, you met with Bureau Chief Scott Lowing and Captain Benjamin Hill to answer questions about your involvement, if any, concerning Sergeant Aaron Cross violating department uniform policies and the Hatch Act while off-duty. You admitted to Chief Lowing that you had knowledge of Sergeant Cross' activities. Chief Lowing then advised you that you were under investigation and took custody of your department issued cell phone. During the subsequent review of your cell phone, unrelated correspondence with a local reporter, Mr. John Washington, was discovered. The correspondence indicated the possibility that you had facilitated a telephonic interview and payment for the interview between Mr. Washington and an inmate in custody at the Pima County Adult Detention Complex (PCADC). These violations required a comprehensive investigation and on October 16, 2024, investigation IA#24-022 was initiated.

During this investigation, evidence of your egregious violations of Pima County Sheriff's Department Rules and Regulations and PCADC Standard Operating Procedures (SOPs) pertaining to media relations with inmates were discovered and confirmed. Per policy, you are required to obtain permission for these specific interviews from the Sheriff or the Corrections Bureau Chief and complete the required forms in order for the interviews to take place. You confirmed in an interview that you did not fulfill either of these requirements.

Earlier this month you were issued a Documented Verbal Counseling for failure to follow sick leave policies. You did not provide sufficient notice to your supervisor that you would be utilizing sick leave nor did you keep your supervisor apprised of your leave status during the time you were out.

The referenced violations of Pima County Sheriff's Department Rules and Regulations and Standard Operating Procedures that you failed to adhere to show a continuation of policy and procedure violations that have been consistent throughout your tenure as a lieutenant with this department.

As a result of the findings in investigation IA#24-022 you were found in violation of the following:

Pima County Sheriff's Department Rules and Regulations

- 7.20. D.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.

Pima County Adult Detention Complex Standard Operating Procedures

- I.D.8 Inmates must complete and sign an Inmate Consent to Contact with News Media form, Section I (PCSD 879).
- a. The original document is placed in the inmate's classification file.
 - b. A copy is given to the inmate and the news media representative.
 - d. The Supervisor will check the inmate jail record to ensure no court order exists which prohibits the interview.
- I.D.9 In all cases, prosecuting agencies with an interest in the inmate will be advised about the requested interview prior to it being conducted.

Law Enforcement Merit System Rules

- 12.1. B.16 Violation of the Rules of Conduct of Pima County and the Sheriff's Department Rules and Regulations.

In your tenure as a lieutenant with the Pima County Sheriff's Department, you have repeatedly displayed a pattern of failing to effectively manage your areas of responsibility and follow policies that protect employees and negate liability to Pima County and the Sheriff's Department. Previously, you have been spoken to about properly following policies, procedures, and standards to avoid negative outcomes. Your repeated disregard for these standards undermines the professional environment we strive to maintain and jeopardizes organizational goals. As a result of the findings in investigation IA#24-022 and for your continued failure to follow Pima County Sheriff's Department Rules and Regulations, Pima County Adult Detention Center Standard Operating Procedures, and Pima County Law Enforcement Merit System Rules, I am issuing this Letter of Reprimand.


It is hoped that this discipline will compel you to use better judgment and follow established rules, regulations, and policies in all your future decisions. You are reminded that further violations of this nature may result in more serious disciplinary action, up to and including dismissal.

Page Three

Letter of Reprimand: Lieutenant Heather Lappin

Pursuant to Pima County Law Enforcement Merit System Rules, you have the right to grieve this Letter of Reprimand within ten (10) working days.


Chris Nanos
Sheriff of Pima County

Received this 22 day of January 2025 by 
Lieutenant Heather Lappin #5474

CN/bh

CC: Human Resources, Employment Rights
Human Resources, Official Personnel File
Sheriff's Department, Personnel File

EXHIBIT W



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

FORMAT SAMPLE: Right to Representation

To: Deputy John Doe,
Rincon District

From: Captain I.M. Good,
Patrol Division Commander

Re: Right to Representation

Date:

This notice is to inform you that I will be issuing you a Letter of Reprimand on *(date - minimum three working days after date of this issuance)*. You are entitled to representation during this meeting. Please advise me if you would like to proceed with this meeting prior to the scheduled date, otherwise the meeting is scheduled for the date and time as stated.

I waive my right to representation and wish to proceed.

Initial

I acknowledge my right to representation and wish to proceed on the date proposed above.

Initial

Employee signature

Date

EXHIBIT X



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

To: Lt. Lappin #5474

From: Captain Hill #1127

Re: **Grievance Response to Letter
of Reprimand**

Date: February 6, 2025

In this memorandum, I will address the specific issues you cited in the Pima County Law Enforcement Employee Grievance Form you submitted on February 4, 2025, pertaining to the Letter of Reprimand you received on January 22, 2025.

1. In your Grievance, you stated that at no time during your initial meeting with Chief Lowing and me were you advised that you were under investigation. When Chief Lowing called you to his office, he explained the nature and subject of the questions he had for you. Almost immediately, you asked Chief Lowing if you were under investigation. Chief Lowing responded that you were not under investigation, but you may be under investigation depending upon your knowledge of the events in question. After responding to Chief Lowing's verbal and written questions, Chief Lowing advised Lt. you verbally that you were under investigation. He also told you to provide him your department issued cellular telephone in "airplane mode" along with the passcode to unlock the telephone. You provided a four-digit passcode which was questioned by Chief Lowing, as most department issued devices require a six-digit passcode. It was discovered after you left Chief Lowing's office that your telephone did require a six-digit passcode. I went to your office and asked that you unlock your telephone and provide me with the correct six-digit passcode to unlock it.
2. The Personnel Unit originally reviewed your department issued cellular telephone and notified Sheriff Nanos that there was information on the telephone that you had possibly facilitated a local reporter compensating inmates at the Pima County Adult Detention Complex for interviews.

When I was assigned to investigate these potential violations, I conducted a more detailed review of your telephone. During my investigation, I discovered that you did not facilitate payment for the interviews between the reporter and the inmate. However, during the more detailed review of your correspondence with the local reporter, I discovered that you violated Pima County Sheriff's Department Rules and Regulations and Pima County Adult Detention Complex Standard Operating Procedures regarding media interviews with inmates. You were not disciplined for facilitating payment for interviews. You received discipline for violating the policies on receiving prior authorization, making proper notification to the Pima County Attorney's Office, and completing the proper documentation of interviews between media sources and inmates.

3. You stated in your grievance that you believe that the policies on media/inmate relations that you violated pertain only to in-person interviews. The cited policies in the Letter of Reprimand served to you do not distinguish between in-person and telephonic interviews. However, these policies do outline the procedures an employee is required to take prior to facilitating an interview between an inmate and the media. These required steps are in place to protect victims of crime, the inmate conducting

the interview, reduce liability to Pima County, and to protect future judicial proceedings.

In your grievance, you said that you consulted and followed the direction of Corrections Lieutenant Hamilton on the proper way to manage a request from a media source to interview an inmate. You also told me this information when I interviewed you during the investigation. I then interviewed Lt. Hamilton about your statement on following his direction. Lt. Hamilton told me that he informed you to complete the proper form for inmate/media relations and to submit the form through the chain of command. Additionally, the specific policies that you violated are readily available to research and review prior to taking any action on a matter of importance.

4. In the grievance, you contest the fairness of the Documented Verbal Counseling you received from Captain Anderson. I do not have the specific details of the discipline in that incident. This discipline was cited in your Letter of Reprimand because it showed the pattern of you failing to follow department and Pima County policies and occurred concurrently with the investigation for which you received the Letter of Reprimand.
5. In your grievance, you state that you have never received formal discipline in your twenty plus year employment with Pima County. This is correct however you have received informal discipline for violating department and Pima County policies. The Letter of Reprimand that was issued to you in January 2025, was done as part of the progressive discipline concept as you have not changed your pattern of behavior from previous forms of informal discipline issued to you. Since you were promoted to the rank of lieutenant in 2019, you have received the following informal discipline for violating department and Pima County policies:
 - In April 2020, you authored and issued formal discipline in the form of a Letter of Reprimand to an employee under your command. you failed to follow the proper policies and procedures outlined in Pima County Sheriff's Department Rules and Regulations, Law Enforcement Merit System Rules, and the department's Document Preparation Guide that state only the Sheriff or designee may issue a Letter of Reprimand. These policies and procedures also require formal discipline documents to undergo a thorough review process by the Human Resources Division to ensure that both Pima County and the employee are protected in the disciplinary process. Your failure to follow these policies and procedures resulted in an employee receiving formal discipline without proper representation or an opportunity to appeal the discipline. Ultimately, the discipline you issued had to be rescinded. For this violation, you received a verbal counseling by your immediate supervisor Captain Robert Koumal.
 - In October 2023, you received a Letter of Counseling for failing to properly manage and oversee a Pima County Sheriff's Department sponsored General Instructor course while in your role as the Training Section Commander. Your negligence and failure to follow requirements set forth by the Arizona Peace Officer Standards and Training Board (AZPOST) resulted in all twenty-two students not receiving general instructor certifications. Because of your lack of management and oversight, these students were later required to repeat the week-long course. Not only did Pima County accrue a monetary loss of approximately \$76,000 for lost wages, but this event also created public

embarrassment to the department. Your failure to properly manage the Training Section and your lack of knowledge in the policies and training requirements of the section you were entrusted with, had a significant negative impact on the effectiveness and reputation of our training program.

Due to your negligence in this incident, a Letter of Reprimand was warranted and recommended for the negative impact it had on numerous employees. However, Sheriff Nanos made the decision to lessen your discipline to a Letter of Counseling with the hope of effecting positive change in your future decisions.

6. I notified you on January 21, 2025, that I had a discipline document for you, and I asked to meet with you at your convenience. When I met with you later that day, I served the Letter of Reprimand to you. However, I failed to provide you with the Right to Representation Memorandum that is required to provide to employees prior to issuing formal discipline. When I discovered my mistake on January 22, 2025, I contacted you and again requested to meet with you reference the Letter of Reprimand you were served one day prior. When I met with you, I explained my error and apologized for the inconvenience I caused you. I provided you with the Right to Representation Memorandum which you quickly declined and initialed to indicate your declination of these rights. I then served the Letter of Reprimand, now dated January 22, 2025, to you and provided you a copy of the document. For my error in this incident, I was given a verbal counseling on providing a Right to Representation Memorandum when serving formal discipline documents by my immediate supervisor Chief Lowing.

It was discovered on February 11, 2025, that you submitted your grievance on the incorrect Pima County form. When this error was discovered, you were given the correct form and asked to resubmit your grievance for proper consideration. To a point in your original grievance submission, yes, not all policy violations result in disciplinary action.

EXHIBIT Y



Pima County Sheriff's Department

Chris Nanos, Sheriff

MEMORANDUM

To: Lieutenant Lappin #5474

From: Captain. Hill #1127 *CPH #1127*

Re: Off Duty Suspension

Date: February 10, 2025

Per Pima County Sheriff's Department Rules and Regulations Chapter 4. III. D. 3. a. 3, your department Off-Duty Work Permit, Job Coordinator Permit, and/or Pima County Outside Employment Permission is suspended because of the disciplinary action you received on January 22, 2025. These off-duty privileges are suspended for a period of one (1) year from the date of discipline. You may re-apply for a new Off-Duty Work Permit, Job Coordinator Permit, and/or Outside Employment Permission Form at the completion of this suspension.

CC: Personnel Unit

- (4) Job Coordinator Permits will remain active and valid as long as the member has a current Off-Duty Permit on file with the DOC.
- (5) The Department Off-Duty Coordinator will notify the member if they are assigned or removed as a Job Coordinator.

3. Revocation, Suspension, or Refusal of Permits

- a. Permits may be refused, suspended, or revoked for any of the following reasons:
 - (1) Failure to obtain permit prior to working an off-duty assignment
 - (2) Violation of Rules and Regulations regarding off-duty employment
 - (3) Disciplinary action
 - (4) Failure to appear or excessive tardiness at previously scheduled off-duty assignment(s)
 - (5) Medical restriction
 - (6) Potential adverse impact upon the department or its mission, or at the discretion of a commander
- b. When a permit is refused, revoked, or suspended, the appropriate chain of command shall notify the Community Resources Section Commander.
- c. If a permit has been refused or suspended for a temporary condition and the reason for refusal or suspension has been corrected, the member may reapply for the permit. No off-duty work may be performed unless a new permit is approved.

(See section regarding Obtaining Permits.) No appeal is required.
- d. After the suspension/revocation period has ended, the member is responsible for obtaining a new permit before being eligible to work off-duty.

EXHIBIT Z

PIMA COUNTY ADULT DETENTION COMPLEX

Inmate Consent to Contact with News Media Form

Inmate's Name: _____ Date: _____

Booking Number: _____ D.O.B.: _____

Media Agency: _____ Name of Media Representative: _____

Phone: _____ Fax: _____ E-mail: _____

Media Agency Address: _____
(Street Address/City/State/Zip Code)

Section I: Inmate/News Media Interview

I, the above named inmate, do hereby freely give permission to the above named news media representative to interview me on (date) _____ and I do hereby authorize the news media represented by the above named person to use any information gathered about me during this interview for any legitimate purpose. I further authorize the Corrections Bureau Director, the Pima County Sheriff's Department and their authorized representatives to release to the representative(s) of the news media any documents or information relating to allegations or comments made by me during the interview.

(Inmate's Signature) _____ (Date) _____

(Witness) _____ (Witness Title) _____

(Juveniles Require Signature of Parent(s) or Guardian) _____ (Date) _____

Section II: Inmate/News Media Video, Photo or Recordings

I, the above named inmate, do further freely give permission to the above named representative to make recordings of my voice during this interview and/or take photos of me (still or video) and do hereby authorize the use of such recordings or photos (still or video) by the above named representative for any legitimate purpose.

(Inmate's Signature) _____ (Date) _____

(Witness) _____ (Witness Title) _____

(Juveniles Require Signature of Parent(s) or Guardian) _____ (Date) _____

***Note: Inmates may not receive compensation or anything of value for interviews with the news media.**

Arresting Agency Advised: _____ Prosecuting Agency Advised: _____
(Yes/No) (Yes/No)

Agencies Advised By: _____
(Name and PR#)

Security Services Commander Signature: _____

Division Commander Notified/Approved: _____
(Commander's Name)

Original to: Inmate's Custody File
PCSD 879

Copy to: Media Representative

Copy to: Inmate
Revised: 10/2024

EXHIBIT AA

Pima County Sheriff's Department

NOTICE OF INVESTIGATION

You, Lt. H. Lappin #5474, are the subject of an administrative investigation that is being conducted into allegations of possible violations of Pima County or Department work rules and regulations concerning the following incident(s):

The inquiry will focus on the following allegations:

Potential policy violations pertaining, but not limited to, contact with a person on a pre-trial status.

As an employee you have the following responsibilities in this investigation:

Initial HL Any false, deceptive, or misleading statements you make may lead to additional discipline, up to and including dismissal, as well as possible suspension or revocation of your AZPOST Peace Officer Certification (R13-4-109).

Initial HL During the course of the investigation, you have the responsibility to bring to the attention of the investigator any information, including witness information, or mitigating or exculpatory evidence you believe is relevant to the investigation.

Initial HL You are not to discuss this investigation, including your interview, with any unauthorized person.

Pursuant to A.R.S. §38-1104 and Pima County Sheriff's Department Rules and Regulations Chapter 6, Section XIII. A., you are entitled to have a representative present as an observer during your interview.

[Signature]
Employee Signature

3-7-25
Date

[Signature] #7127
Investigator Signature

03/07/25
Date

EXHIBIT BB

Hon. Christopher Browning
Division 27
Pima County Superior Court
110 West Congress Street
Tucson, Arizona 85701

Dear Judge Browning,

My name is Heather Lappin. I am a 20-year employee of the Pima County Sheriff's Department. My current rank is Lieutenant; however, I began my career in the jail as a booking agent in December 2004. In November of 2023, I was transferred to work at the Pima County Adult Detention Center. I was initially assigned to the East section, but in July of 2024 was transferred to the Intake Section. This is where I had an opportunity to meet Ayden Escarrega.

One of the job duties as a section lieutenant is to review all incidents occurring inside my section. Incidents include anything with force, medical emergencies, restraint procedures etc.... Also included in our review is the change-out procedure for new arrestees. While not required to watch everybody worn camera, I felt it necessary, due to my inexperience in the jail, to do my due diligence and observe as much of the footage as possible, to see what everyone did daily, how they handled crisis situations, and how proficient they were with interpersonal skills.

Very early on, I began sending employees emails, which praised them for certain actions, whether it be de-escalation, great interpersonal skills, or contraband finds that help keep our facility safe. Ayden caught my eye immediately because of the way he spoke to the new arrestees. He always had a calm and empathetic demeanor when speaking to those who were most likely experiencing a very bad day. He did not speak in a manner which came across condescending or belittling. He was always kind and compassionate to the new arrestees. I appreciate this ability for so many different reasons. First and foremost being we hire such young individuals to do very grown-up jobs. Some, unfortunately, understand that a good job includes speaking harshly to new arrestees and inmates and see empathy as a weakness. I am of the opposite belief, and for this I appreciated watching Ayden's interactions with new arrestees.

I, along with so many others, were devastated when the incident occurred which likely changed the trajectory of life for both the victim and Ayden. Unlike many others I was tasked with evaluating the use of force and therefore have done a lot of research. While it is evident that a huge mistake was made by Ayden, I cannot ignore the mitigating factors at play here. For one, I believe Ayden's training was lacking. Due to a staffing crisis at the time, during Ayden's academy, he was shorted two full weeks of training. During these two missing weeks, he would have had an opportunity to receive more repetitions of justifying force, de-escalating force, and understanding the legal ramifications of over-use of force. He is but a young man, eager to learn and do what is right. Second factor is his assignment on our midnight shift. It is unreasonable to believe that we cannot assign newer officers to this shift, but it goes without saying that they do not always receive as much needed guidance as those on dayshift or swing shift.

In addition to these mitigating factors, I want to draw attention to his humble and kind personality. He and his family are very warm hearted and compassionate individuals. Ayden formerly worked for a good friend of mine prior to working at the Pima County Adult Detention Center, and he had nothing but kind things to say about Ayden as well.

I am humbly requesting that Ayden Escarrega be given probation as a sentence for his crime. I have spoken to him on numerous occasions over the last year, and he is completely remorseful and willing to do whatever he needs to do to make things right with his community. We don't often see this level of accountability and for this I again ask for probation for Ayden Escarrega.

Thank you for taking the time to read my letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Lappin', with a large, stylized loop at the end.

Heather Lappin

(520)389-1232