



MEMORANDUM

Date: January 27, 2025

To: The Honorable Chair and Members
Pima County Board of Supervisors
Presiding Judge, Superior Court
Elected Officials
Appointing Authorities

From: Jan Leshel 
County Administrator

Re: **Federal Law Enforcement Presence and Operations in Pima County**

Attached please find a Memorandum from Pima County Attorney Conover that provides initial guidance regarding the presence of federal law enforcement in Pima County facilities. The Memorandum is intended for your use but, as a *privileged document*, should not be shared with other than Pima County officials and employees involved with this matter.

County Attorney Conover notes that the following is the recommended response to any federal agents seeking access to County facilities or employees in a *non-emergency situation*:

"I want to be as helpful and cooperative as I can with any lawful orders. My instructions require me to quickly get a copy of your warrant and any paperwork you have, as well as your full credentials including name, agency, and badge number. I will share this information with my point of contact at Main County who will quickly consult with attorneys in order to comply with your request as soon as possible."

County Attorney Conover suggests that this quote can and should be printed in large type and placed in reception areas throughout the County.

If you have any questions or concerns, please contact me or, for some County departments, the Deputy County Administrator to whom you report.

JKL/dym

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
Steve Holmes, Deputy County Administrator
Monica Perez, Chief of Staff



ATTORNEY/CLIENT PRIVILEGED

MEMORANDUM

Pima County Attorney's Office
Civil Division
32 North Stone Ave, Suite 2100
Phone 520.724.5700 Fax 520.620.6556

This is a privileged attorney-client communication and should not be disclosed to persons other than Pima County officials and employees involved in the matter that is the subject of the communication. The privilege is held by Pima County and can be waived only by an official action of the Board of Supervisors.

To: Pima County Directors and Elected Officials
From: Laura Conover, County Attorney
Date: January 27, 2025
Subject: Federal Law Enforcement Presence and Operations in Pima County

This memo provides our initial analysis and guidance on two related questions posed to us¹:

1. Can federal agents (e.g. Immigration and Customs Enforcement (ICE) agents) seek entry to or information from any Pima County facility or building? *Yes, in an emergency or with a judicial warrant deemed valid by the Pima County Attorney's Office.*
2. Can Pima County Directors stop the entry of federal agents if, for example, their purpose is to interfere with the employment of DACA residents employed by Pima County? *Employees should not attempt to physically stop the entry of federal agents and should follow guidance provided in this memo to ensure they, their colleagues, and the County are protected.*

As this situation evolves, we first want to share immediate advice on how county employees should respond to federal agents seeking access to County facilities or employees in a *non-emergency situation*:

"I want to be as helpful and cooperative as I can with any lawful orders. My instructions require me to quickly get a copy of your warrant and any paperwork you have, as well as your full credentials including name, agency, and badge number. I will share this information with my point of contact at Main County who will quickly consult with attorneys in order to

¹ We are collaborating with the Attorney General, and we also anticipate further federal developments and guidance. We will adjust and update our guidance for you as appropriate to minimize or eliminate any confusion or conflicting advice, as this is a rapidly evolving situation.

comply with your request as soon as possible.” This quote can and should be printed in large type and placed in reception areas throughout the County.

We must comply with lawful orders and should make all efforts to do so as quickly as practicable, but we must also protect the County and its employees from unauthorized interference with the fulfilment of statutory and other duties and, in the worst case, from fraudulent actors. It is therefore critical that County employees faced with this type of situation know to first contact their Main County Point of Contact who will then contact our office at a new duty phone line. The employee will send the copy they made of the above-requested information so that we can assess the situation and provide guidance as quickly as possible and take appropriate, emergency legal action if needed.

In the near future, the County may consider establishing procedures regarding immigration enforcement. Such would at minimum outline the agreed-upon actions to take when confronted with this situation to protect employees from inadvertently obstructing a law enforcement purpose while protecting the safety and welfare of County employees and information. But first and foremost, our employees should not put themselves or the County at risk or attempt to physically interfere or obstruct an immigration officer in the performance of their duties.

That said, County Directors should know that a so-called “raid,” or rather any inquiry by a federal agent asking for any kind of entry or information that would not otherwise be accessible to the public should come with a warrant. There is a difference between a judicial warrant (from a state or federal court) versus an agency or administrative warrant (from an agency, such as ICE). In some cases, an actual court order/judicial warrant is required before we are compelled to grant access to people, facilities, or information. And, even in those cases, County attorneys may need an opportunity to go to Court for a Stay or Temporary Injunction/Restraining Order if we think anything about the documents or process may be unconstitutional or unlawful.

An ICE administrative “warrant” is the most typical type of “warrant” used by immigration officers and can authorize an immigration officer to arrest a person suspected of violating immigration laws. A judicial warrant, under the U.S. Constitution, is supported by a showing of probable cause of a criminal offense and is issued by a court judge or magistrate. An administrative “warrant” is not supported by a showing of probable cause and does not confer on an I.C.E. agent the authority to compel Pima County employees to cooperate, including access to persons, facilities, or information. It will be critical that your attorneys analyze this distinction with you before action is taken.

Recommendations:

1. County employees faced with this type of situation should first contact their Main County Point of Contact who will then contact PCAO with the above-requested information so that we can assess the situation and provide guidance as quickly as possible and take appropriate legal action if necessary.
2. Some agents may be patient and willing to wait (or even return later) while employees review documents, contact Main County, and verify the information before proceeding. Other agents may not be patient, and County employees should not in any way obstruct agents in

those situations (e.g. “time is up, we need to come inside...”). Employees should not stall or interfere in those situations. Unlike local agencies, federal agents are not always wearing body worn cameras, but our employees should assume they are being recorded.