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11 * Admitted pursuant to Arizona Supreme Court Rule 38(d)

12 **ARIZONA SUPERIOR COURT**
13 **PIMA COUNTY**

14 AMERICAN CIVIL LIBERTIES UNION OF
15 ARIZONA,

16 Plaintiff,

17 Vs.

18 CHRIS NANOS, in his official capacity as the
19 duly elected Sheriff of Pima County; PIMA
20 COUNTY SHERIFF'S DEPARTMENT, a
21 public agency of Pima County and PIMA
22 COUNTY, a political subdivision of State of
23 Arizona,

24 Defendants.

No.

**VERIFIED COMPLAINT FOR
SPECIAL ACTION AND
INJUNCTIVE RELIEF**

1 Plaintiff American Civil Liberties Union of Arizona (“ACLU of Arizona” or
2 “Plaintiff”) brings this statutory special action against Chris Nanos (“Defendant Nanos”) in
3 his official capacity as Sheriff of Pima County, Arizona; the Pima County Sheriff’s
4 Department (“PCSD”), a public agency of Pima County, Arizona (“Defendant PCSD”); and
5 Pima County, a political subdivision of the State of Arizona (“Defendant Pima County”)
6 (collectively, “Defendants”) to require their compliance with Arizona’s Public Records
7 Law. ACLU of Arizona seeks public records relating to the Defendants’ implementation
8 and compliance of PCSD General Order (“GO”) 2025-001. This order required, among
9 other protocols, that PCSD track communications with federal immigration authorities and
10 complete a monthly synopsis of this data. Plaintiff’s requests specifically seek
11 communications between PCSD and federal immigration authorities in accordance with GO
12 2025-001. Plaintiffs and the public have the right to understand Defendants’ degree of
13 compliance with PCSD’s own rules, regulations, policies, and procedures.

14 PCSD has gone further than failing to provide Plaintiff’s requested records.
15 Approximately a week after receiving Plaintiff’s request, PCSD amended its rules and
16 regulations to no longer require tracking of such communications between PCSD deputies
17 and immigration officials.

18 Arizona’s Public Records Law is central to maintaining a robust democracy; holding
19 public officials accountable is vital to this policy goal. The public has a compelling and
20 broad interest in, and is legally entitled to, prompt disclosure of the documents that Plaintiff
21 seeks. Defendants have failed entirely to provide records responsive to Plaintiff’s request—
22 submitted over two months ago—in violation of Defendants’ obligations under Arizona’s
23 Public Records Law. Accordingly, Plaintiff alleges as follows:

24 **Parties, Jurisdiction and Venue**

25 1. Plaintiff ACLU of Arizona is a statewide nonprofit organization with
26 members across Arizona. It is the state affiliate of the national American Civil Liberties
27 Union. ACLU of Arizona is dedicated to protecting the constitutional and statutory rights
28 of all Arizonans. ACLU of Arizona monitors government conduct, provides free legal

1 representation in civil rights and civil liberties cases, educates the public about their rights
2 and civil liberties and abuses of power, and provides analyses to the public of government
3 activities and their civil rights implications.

4 2. As detailed herein, ACLU of Arizona has sought public records from
5 Defendants, including their records of communications with federal immigration authorities
6 as required by PCSD's own rules and regulations.

7 3. Defendant Chris Nanos is named in his official capacity as Sheriff of Pima
8 County and is an "officer" under A.R.S. § 39-121.01(A)(1).

9 4. Defendant PCSD is a "public body" under A.R.S. § 39-121.01(A)(2).

10 5. Defendant Pima County is a "public body" under A.R.S. § 39-121.01(A)(2).

11 6. Jurisdiction over this action is proper pursuant to A.R.S. §§ 39-121.02 and
12 12-123, as well as Rule 6(a) of the Arizona Rules of Procedure for Special Actions.

13 7. Venue is proper pursuant to A.R.S. § 12-401(16) and Rule 6(a)(1) of the
14 Arizona Rules of Procedure for Special Actions because the Defendants work in and took
15 official actions relevant to this dispute in Pima County.

16 8. Because this is a statutory special action and Plaintiffs are filing an
17 application for an order to show cause, "the court must set an expedited response date" upon
18 granting Plaintiff's Application for Order to Show Cause. Ariz. R. P. Spec. Action 7(c); *see*
19 *also* Ariz. R. Civ. P. 7.3(a) (authorizing a superior court judge to "issue an order requiring
20 a person to show cause why the party applying for the order should not have the relief it
21 requests in its application").

22 **ACLU of Arizona's Public Records Request**

23 9. On May 14, 2025, ACLU of Arizona electronically submitted a records
24 request pursuant to Arizona Public Records Law, A.R.S. § 39.121 *et. seq.*, to PCSD. As of
25 this filing, PCSD has produced no records responsive to Plaintiff's request.

26 10. Upon information and belief, Defendants PSCD and Pima County are
27 involved in processing and responding to public records requests submitted to PCSD,
28 including Plaintiff's requests described below.

Request regarding Compliance with General Order 2025-001

11. On May 14, 2025, Plaintiff submitted a public records request to PCSD via publicrecordsrequest@sheriff.pima.gov seeking the following records for the period from January 1, 2021 up to and including the date of the request:

- (1) Documentation of all requests from members of PCSD to federal immigration authorities in compliance with GO 2025-001;
- (2) All incident reports for incidents in which either a PCSD record request was generated and/or federal immigration authority was contacted for purposes of verifying immigration status;
- (3) Documentation, including but not limited to written policies or audits, on how PCSD assesses whether the duration of a lawful stop has been extended for purposes of verifying immigration status or waiting for federal immigration authority arrival;
- (4) PCSD internal records, studies, reports, audits regarding the duration of different types of lawful stops, including traffic stops;
- (5) Documentation of any individual officer or departmental failures to comply with GO 2025-001;
- (6) Any and all communications with the Pima County Board of Supervisors and their staff regarding implementation and compliance with GO 2025-001;
- (7) Any and all traffic logs, including radio traffic logs, between PCSD and federal immigration authorities;
- (8) Copies of all training materials related to GO 2025-001;
- (9) Any internal communications that reference consulate notifications of foreign nationals per Section XIII of GO 2025-001;
- (10) Any emails or other communications, including reports, with “INTERNATIONAL BORDER RELATED ISSUES,” “CONSULATE NOTIFICATION(S),” or “2025-001” in the subject line or the body of

1 the communication;

2 (11) Copies of any complaints and/or requests for records filed by members
3 of the public regarding GO 2025-001;

4 (12) Copies of periodic reviews/audits regarding the implementation of GO
5 2025-001; and

6 (13) Any information regarding deviation from the prohibition on using
7 personal cellphones, and if so, the result of that investigation.

8 12. A true and correct copy of Plaintiff's Public Records Request Concerning GO
9 2025-001 is attached as Exhibit 1.

10 13. Upon information and belief, at all times relevant to this Complaint, the PCSD
11 Information and Records Supervisor responds on Defendants' behalf to all public records
12 requests directed to Defendant Nanos in his official capacity as Sheriff of Pima County.

13 14. On May 14, 2025, Plaintiff sent PCSD its Public Records Request Concerning
14 GO-2025-001 via email. *See* Exhibit 2 at 4. Plaintiff's request expressed willingness to
15 receive partially responsive records on a rolling basis as reasonable. *See* Exhibit 1 at 5.

16 15. On June 17, 2025, after receiving no response in over a month, Plaintiff sent
17 Defendants a demand letter regarding its Request. *See* Exhibit 2 at 3-4.

18 16. A true and correct copy of Plaintiff's Demand Letter Regarding May 14, 2025
19 Public Records Request is attached as Exhibit 3.

20 17. On June 17, 2025, shortly after receiving Plaintiff's demand letter, PCSD
21 responded to Plaintiff. *See* Exhibit 2 at 2-3. In its response, PCSD acknowledged that its
22 Records Maintenance Unit had received Plaintiff's initial request on May 14 and "it is in
23 process." *Id.* PCSD provided neither partially responsive records nor an approximate
24 timeline for completion of Plaintiff's request. *Id.*

25 18. On June 30, 2025, Plaintiff again contacted PCSD asking for an update. *See*
26 Exhibit 2 at 2. Plaintiff reiterated its willingness to receive partially responsive records on
27 a rolling basis as reasonable. *Id.* Plaintiff also asked for an approximate production timeline,
28 given that PCSD had received Plaintiff's request forty-seven days ago and had yet to send

1 any records. *Id.*

2 19. On June 30, 2025, PCSD responded to Plaintiff's email, indicating that the
3 Information and Records Supervisor would "see if a timeframe can be established of when
4 any of the records will be completed." *See* Exhibit 2 at 1. The Supervisor claimed "[o]nce
5 I receive information to that [sic] I will let you know." *Id.* PCSD, however, provided
6 Plaintiff no further updates.

7 20. To date, Defendants have provided no responsive documents to Plaintiff's
8 Public Records Request Concerning GO-2025-001, and no timeline for expected production
9 of any such records.

10 21. Further, upon information and belief, PCSD amended the rules and
11 regulations at issue shortly after Plaintiff submitted its records request. In contrast with the
12 rules contained in GO 2025-001, PCSD's current rules no longer include definitions of
13 racial or bias-based profiling; no longer expressly prohibit consideration of race, color, or
14 national origin in establishing reasonable suspicion or probable cause; and crucially, no
15 longer require tracking of department requests for federal immigration authority assistance
16 or response. *See* Exhibit 4 (PCSD GO 2025-019, dated May 21, 2025); *cf.* Exhibit 1 at 7-12
17 (PCSD GO 2025-001, dated February 27, 2025, as attached to Plaintiff's May 14, 2025
18 Public Records Request).

19 22. On July 9, 2025, local news outlet Arizona Luminaria published an article
20 confirming the change in rules occurred after PCSD provided Arizona Luminaria monthly
21 synopses of communications with the United States Border Patrol between January 2022
22 and June 2023. *See* Exhibit 5. According to the article, Arizona Luminaria asked why
23 PCSD's communications records contained nothing more recent than June 2023; in
24 response, PCSD revised its rules to no longer require tracking of such communications. *Id.*

25 **Defendants Have Failed to Comply with Arizona's Public Records Law**

26 23. As of the date of this Complaint, Defendants have provided no records
27 responsive to Plaintiff's requests described above.

28 24. Over two months have passed since Plaintiff submitted its Public Records

1 Request Concerning GO-2025-001.

2 25. Defendants have not provided a legally sufficient rationale for their failure to
3 promptly provide any responsive documents to the Public Records Request Concerning
4 GO-2025-001.

5 **Count I**

6 **(Violation of Arizona Public Records Law – Failure to Produce or Provide Access)**

7 26. Plaintiff re-alleges Paragraphs 1-25 as if fully set forth herein.

8 27. Under Arizona’s Public Records Law, “[a]ll officers and public bodies shall
9 maintain all records . . . reasonably necessary or appropriate to maintain an accurate
10 knowledge of their official activities and of any of their activities which are supported by
11 monies from this state or any political subdivision of this state.” A.R.S. § 39-121.01(B).

12 28. Defendant Nanos is an “officer” under the Public Records Law.

13 29. Defendant Pima County is a “public body” under the Public Records Law.

14 30. Defendant County is a “public body” under the Public Records Law.

15 31. Public records are to be available for public inspection. See A.R.S. § 39-121
16 (“Public records . . . shall be open to inspection by any person at all times during office
17 hours”). The Public Records Law presumes that all records are “open to the public for
18 inspection as public records.” *Carlson v. Pima Cty.*, 141 Ariz. 487, 490 ¶ 12 (1984).

19 32. The Public Records Law exists to “open agency action to the light of public
20 scrutiny” and “allow citizens ‘to be informed about what their government is up to.’”
21 *Scottsdale Unified Sch. Dist. No. 48 of Maricopa Cty. v. KPNX Broad. Co.*, 191 Ariz. 297,
22 302 ¶ 21 (1998) (citations omitted).

23 33. There is thus a “clear policy favoring disclosure” of public records. *Carlson*,
24 141 Ariz. at 490-91 ¶15. The State has the burden of overcoming “the legal presumption in
25 favor of disclosure.” *Scottsdale Unified*, 191 Ariz. at 300 ¶9 (citing *Cox Ariz. Publ’ns v.*
26 *Collins*, 175 Ariz. 11 (1993)).

27 34. All records requested by Plaintiffs are public records under the Public
28 Records Law.

1 35. Here, Defendants have not provided any explanation, statutory or otherwise,
2 for their refusal to provide access to or produce copies of the requested records.

3 36. Failure to “promptly respond” to a public records request constitutes a denial
4 under the statute. See A.R.S. § 39 121.01(E) (“Access to a public record is deemed denied
5 if a custodian fails to promptly respond to a request for production of a public record. . . .”)

6 37. “Whether a response is prompt depends on the factual circumstances of the
7 request,” and the “burden is on the [government actor, office or agency] to establish its
8 responses to requests were prompt.” *Lunney v. State*, 244 Ariz. 170, 179-80 ¶31 (App.
9 2017).

10 38. The government must specifically provide a “legally sufficient reason why [a
11 delayed response] should be considered ‘prompt’” *Phoenix New Times, L.L.C. v.*
12 *Arpaio*, 217 Ariz. 533, 541 ¶28 (App. 2008).

13 39. Absent such a legally sufficient rationale, a delayed response is tantamount to
14 a denial. *See id.*

15 40. Where requested records are readily identifiable and can be easily pulled from
16 department records, the public body’s obligations are not onerous enough to outweigh the
17 public’s interest in inspection. *Judicial Watch, Inc. v. City of Phx.*, 228 Ariz. at 393 ¶ 18
18 (App. 2011).

19 41. Plaintiff’s request is sufficiently—if not generously—detailed, including
20 timeframe, description, and even examples of responsive records. As noted in Plaintiff’s
21 June 17, 2025 demand letter, many categories of Plaintiff’s requested records pull directly
22 from the language of PCSD’s rules and regulations; by their own terms, these records should
23 be readily available upon request. *See* Exhibit 3. The records Plaintiff has requested in this
24 case are therefore readily identifiable and Defendants can easily pull the records that
25 Plaintiff has requested.

26 42. Defendant Pima County has custody, possession, or control over the records
27 Plaintiff has requested.

28 43. Defendant PCSD also has custody, possession, or control over the records

1 Plaintiff has requested.

2 44. Defendant Nanos also has custody, possession, or control over the records
3 Plaintiff has requested.

4 45. Defendants are improperly withholding records responsive to the Plaintiff's
5 Request.

6 46. Because all the requested withheld records are public records, they are subject
7 to a strong presumption in favor of their disclosure. *Judicial Watch, Inc*, 228 Ariz. at 396,
8 ¶10 (App. 2011).

9 47. Defendants may withhold records only if "privacy, confidentiality, or the best
10 interests of the state outweigh the policy in favor of disclosure." *Griffis v. Pinal Cty.*, 215
11 Ariz. 1, 6 ¶16 (2007). Defendants have not articulated any of these reasons as the basis for
12 their denial of records sought by Plaintiff, nor have they provided a legally sufficient
13 rationale for denying Plaintiff access to them. *See Phoenix New Times*, 217 Ariz. at 540 ¶25
14 (App. 2008) (accumulating months of delay held as tantamount to denial).

15 48. "The public's right to know any public document is weighty in itself," and is
16 particularly strong where "the public documents are of broad and intense interest." *Phoenix*
17 *Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351 ¶¶ 30, 32 (App. 2001).

18 49. The contents of the withheld records are a matter of broad and intense public
19 interest.

20 50. Defendants have violated the Arizona Public Records Law by failing to
21 produce the public records as requested.

22 **Prayer for Relief**

23 WHEREFORE Plaintiff respectfully requests the Court provide the following relief
24 on an expedited basis:

25 (1) Enter an order compelling Defendants to comply with A.R.S. § 39-121, *et*
26 *seq.*, and to immediately provide access to (or copies of) the requested records;

27 (2) Enter an order directing Defendants to pay Plaintiff's reasonable attorneys'
28 fees and costs pursuant to A.R.S. §§ 39-121.02(B), 12-341, 12-348, 12-2030, the private

1 attorney general doctrine, Rule 7(i) of the Arizona Rules of Procedure for Special Actions,
2 or any other applicable provision of law or equitable principle; and

3 (3) Grant Plaintiff such other and further relief as the Court deems just and
4 proper.

5 Respectfully submitted this 21st day of July, 2025.

6 AMERICAN CIVIL LIBERTIES UNION
7 FOUNDATION OF ARIZONA

8 By /s/ John M. Mitchell
9 John M. Mitchell*
Jared G. Keenan

10 **Admitted pursuant to Arizona Supreme Court Rule 38(d)*

11 *Attorneys for Plaintiff American Civil Liberties*
12 *Union of Arizona*

VERIFICATION

I, John Mitchell, do state and swear under penalty of perjury and as permitted by Rule 80(c), Ariz. R. Civ. P., as follows:

I am the Immigrants' Rights Attorney for Plaintiff ACLU of Arizona. I have read the foregoing Verified Complaint and, to the best of my knowledge, information, and belief, the statements made therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of July, 2025.

/s/ John M. Mitchell
John M. Mitchell