

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): **Aaron Cross , ; Arizona Conference of
Police and Sheriffs , ;**

Defendant(s): **Chris Nanos, Sheriff; Juan Carlos
Navarro , Captain;**

County of Residence: Pima

County of Residence: Pima

County Where Claim For Relief Arose: Pima

Plaintiff's Atty(s):

**Steven J Serbalik ,
Steven J Serbalik PLC
4925 E. Desert Cove Ave #116
Scottsdale, AZ 85254
480-269-1529**

Defendant's Atty(s):

,

,

IFP REQUESTED

REMOVAL FROM COUNTY, CASE #

II. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties(Diversity Cases Only)

Plaintiff:-

1 Citizen of This State

Defendant:-

1 Citizen of This State

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

440 Other Civil Rights

VI.Cause of Action:

42 USC 1983

VII. Requested in Complaint

Class Action:

No

Dollar Demand:

Jury Demand:

Yes

VIII. This case is not related to another case.

Signature: /s/ Steven J Serbali

Date: 10/17/2024

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

Complaint Exhibit A

Email to PCSD Legal
Representatives



From: Steve Serbalik steveserbalik@gmail.com
 Subject: Administrative leave for Sgt. Aaron Cross
 Date: October 15, 2024 at 8:42 AM
 To: Sean.Holguin@sheriff.pima.gov
 Cc: Kevin Kristick kristick@bosserollman.com

Sean,

It is my understanding that you are the attorney providing legal direction to PCSO based on communications I received from Sheriff Nanos back in April. In the past, I represented Sgt. Aaron Cross during both the "Law Matters" podcast internal investigation, and the subsequent internal investigation related to the misconduct allegations made by Mike Story.

Yesterday, I received communications from Sgt. Cross who informed me he'd been placed on administrative leave with pay, following some communications he had with Captain Navarro. I would like to provide some clarity and a brief timeline of events.

On Saturday, October 12th, Sgt. Cross and a retired PCSO deputy participated in a political event. It should be noted that Sgt. Cross was off-duty, and every item of clothing and equipment on his person was personally owned and purchased. In addition, Sgt. Cross did not display anything with PCSO on his person at any time (see attached photo). During this event, Sgt. Cross held a sign while standing on public property. Sgt. Cross was at this event from approximately 0700 hours until approximately 1000 hours.

On October 12th at 1324 hours, Sgt. Cross received a call from Captain Navarro. Captain Navarro told Sgt. Cross he'd been informed that Sgt. Cross was observed holding a sign with a negative message about Sheriff Nanos while on a public sidewalk. Sgt. Cross confirmed this was accurate. Captain Navarro informed Sgt. Cross that while off-duty, Sgt. Cross could participate in these activities, but Captain Navarro was under the impression that Sgt. Cross was wearing "uniform pieces." Sgt. Cross corrected this perception and informed Captain Navarro that he was wearing a tan polo and green "BDU" style pants, but all of it was personally owned and purchased, and none of the clothing items had departmental insignias or emblems on them. Captain Navarro told Sgt. Cross that he was ordering him not to wear clothing which deputies also wear on duty. Sgt. Cross said he would refrain from wearing clothing which is also worn by deputies on duty, but he intended on voluntarily wearing clothing of similar color. Captain Navarro told Sgt. Cross this was acceptable, and they concluded their phone call.

Eleven minutes later, at 1335 hours, Captain Navarro called Sgt. Cross again. Captain Navarro told Sgt. Cross that he did not want Sgt. Cross to go out and purchase clothing, because he was being ordered not to "look like" a deputy sheriff while taking part in these activities. Sgt. Cross asked Captain Navarro if this order was based on a written PCSO policy, and Captain Navarro said it was not. Sgt. Cross asked Captain Navarro if he would put this order - to not look like a deputy sheriff - in writing, as Sgt. Cross believed the directive may be unlawful as it curtailed his First Amendment Rights, but Captain Navarro said he would not provide the order in writing. They concluded their phone call.

On October 13th and approximately 0800 hours, Sgt. Cross participated in another political event while off-duty. Following the directive he received from Captain Navarro, Sgt. Cross wore a gray Under Armor shirt and tan "BDU" style pants. Everything Sgt. Cross wore was personally owned and purchased. It should be noted that to the best of Sgt. Cross' knowledge, no unit in PCSO wears this clothing or color scheme.

At 0945 hours, Sgt. Cross received a call from Lt. O'Connor. Lt. O'Connor gave a direct order to Sgt. Cross to respond to Captain Navarro's office within 30 minutes. Sgt. Cross complied with this order, and met with Captain Navarro in his office. During this meeting, Sgt. Cross was placed on paid administrative leave pending an internal investigation. Sgt. Cross was provided with a list of PCSO equipment he was ordered to turn in by the end of the day. Sgt. Cross was not provided with the nature of the pending internal investigation, but was admonished that he was not to speak about the pending internal investigation with unauthorized persons. Later, this admonishment was modified and Sgt. Cross was told he was not to disclose to any unauthorized persons that he was on administrative leave.

From a preliminary position, we believe that if PCSO received complaints of Sgt. Cross participating in political events *in uniform* while off duty, this would serve as the basis for a potential misconduct investigation. However, during the fact finding phase of this potentially reasonable investigation, Captain Navarro established with Sgt. Cross on October 12th that this was not the case. There are also no photographs showing any PCSO insignia. In addition, and acting in deference to what we believe is an unlawful directive from Captain Navarro (notwithstanding the constitutional concerns related to this directive), Sgt. Cross' future participation in these events was also off duty and in clothing which is not consistent with any known uniform deputies currently wear while on duty for PCSO.

We believe that PCSO is invested in the protection of the Constitutional Rights of both the citizens of the county and its employees. However, we believe that there are individuals with political motivations who are "weaponizing" the internal processes of PCSO to curtail these rights. The current actions taken against Sgt. Cross have a "chilling effect" on his Constitutional Rights (including but not limited to having the actual effect of prohibiting speech related to the decision to place Sgt. Cross on administrative leave), and this effect extends to other members of the PCSO who share these same rights. PCSO, based on the enclosed photo and this summary, is currently on notice that Sgt. Cross' actions were protected by the Constitution and are not in violation of any PCSO policy.

PCSO's decision to place Sgt. Cross on administrative leave - and to provide media comments on this issue - raise significant concerns, and have a chilling effect on both Sgt. Cross and other PCSO members.

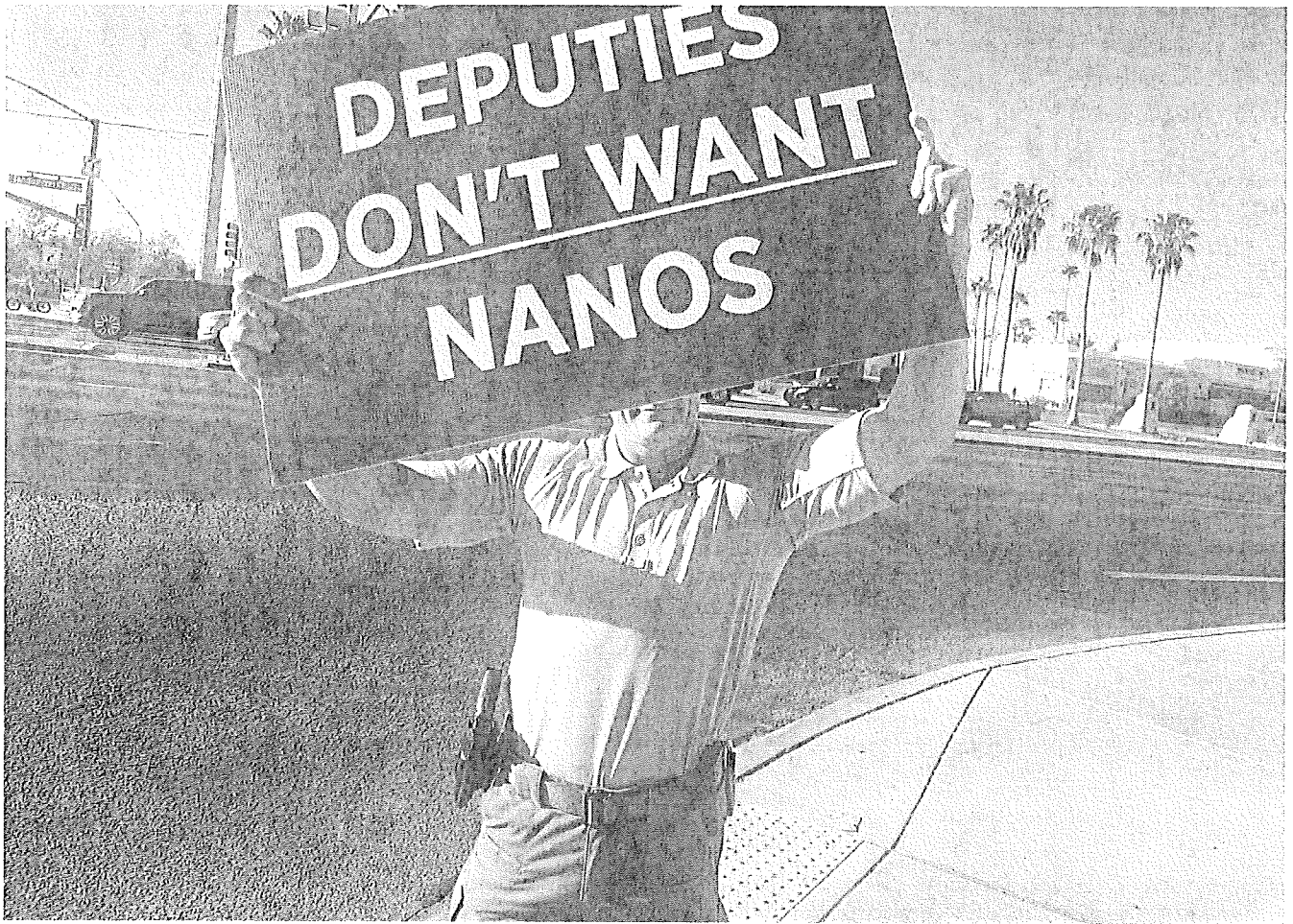
For these reasons, we ask PCSO to remove Sgt. Cross from his current administrative leave status and release him from the admonishment by 1500 hours on this day of October 15th, 2024.

It is our hope that once fully informed, PCSO will comply with State and Federal Law and the United States Constitution and take this appropriate action. We sincerely hope that we are able to avoid elevating our concerns to legal action, but are prepared to take this step if PCSO is unwilling to refrain from impinging on the Constitutional Rights of their employees. If you would like additional information or clarification please let me know.

Sincerely,

Steve Serbalik
 Attorney for Sgt. Aaron Cross





Complaint Exhibit B

Screenshots of PCSD Media Release



PIMA COUNTY SHERIFF'S DEPARTMENT MEDIA RELEASE

Chris Nanos, Sheriff

PCSD IA Investigation October 15, 2024

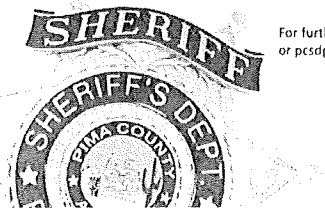
On Saturday, October 12, 2024, members of the Pima County Sheriff's Department received multiple reports of deputies standing at the intersection of Tanque Verde and Sabino Canyon, displaying a sign that read, "Deputies don't want Nanos." Several citizens described this display as intimidating. Many 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

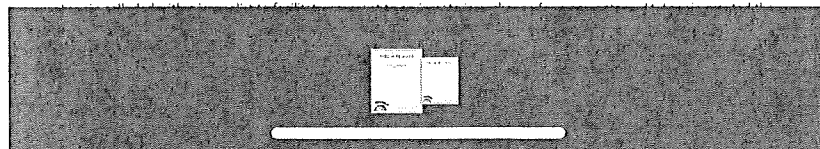
Chris Nanos, Sheriff

Open Microsoft 365 (Office)



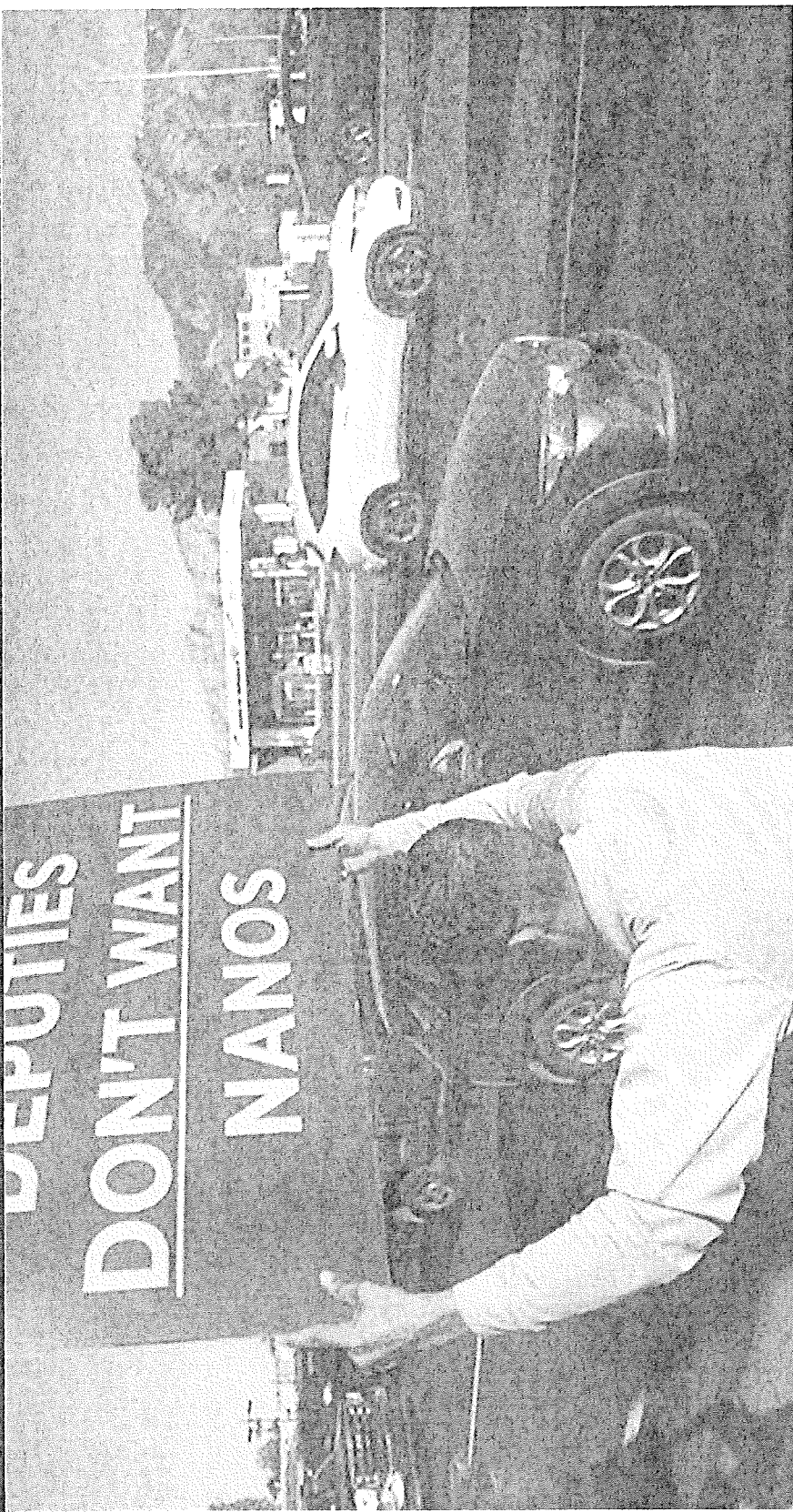
defining these acts as prohibited.

Subsequent inquiry revealed that Lt. Lappin had been working with a local reporter. Information available shows that Lt.



Complaint Exhibit C

Arizona Star Photo from Protest



Heather Lappin, a lieutenant at the Pima County jail and he Republican candidate for sheriff, says she was notified Monday that she was on paid administrative leave after posting this photo on her campaign's Facebook page. The department has said it shows deputies campaigning in uniform, though the photo shows a retired deputy whose beige shirt has no Pima County Sheriff's Department badges.

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*Attorney for Aaron Cross and the Arizona
Conference of Police and Sheriffs, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Aaron Cross, individually and the Arizona
Conference of Police and Sheriffs, an Arizona
nonprofit corporation,

Plaintiffs,

v.

Chris Nanos, in his official capacity as Sheriff
of the Pima County Sheriff's Department; Juan
Carlos Navarro, in his official capacity as a
Captain of the Pima County Sheriff's
Department.

Defendants.

NO.

PROPOSED ORDER.

After reviewing Plaintiffs' Motion for a Preliminary Injunction:

THE COURT FINDS that Plaintiffs have a strong likelihood of success on the merits, that keeping Plaintiff Cross on administrative leave and under admonishment from discussing the fact that he was even on leave will cause Plaintiffs irreparable harm, and that the balance of equities and the public interest favor a preliminary injunction.

IT IS HEREBY ORDERED that Defendants will remove Plaintiff Cross from

1 administrative leave. IT IS FURTHER ORDERED that Plaintiff Cross is allowed to
2 discuss that he was on administrative leave and other matters of public concern until
3 further order of this Court.
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