April 10, 2017 Transcript (unofficial)
CBP Roadblock Arrest (by PCSD deputy)
SR-86 Southern Arizona
CR-17-706020-MI

Transcriber: Terrence Bressi
Prepared: 26 April 2017

Individuals referenced in transcript:

- **Agent T. Frye** => U.S. CBP agent working at the primary stop location of the SR-86 CBP roadblock
- **Agent Loper** => U.S. CBP agent assisting PCSD deputy Ryan Roher during arrest
- **Agent Fuentes** => CBP on-scene field supervisor who assisted Deputy Roher during arrest
- **Deputy Ryan Roher** => PCSD deputy who was working the roadblock with federal agents when defendant arrived on-scene.
- **Sgt. Brian Kunze** => Deputy Roher's supervisor who arrived on-scene after Roher arrested defendant
- **Terrence Bressi** => Defendant who was stopped & detained by Agent Frye in the lane of traffic along SR-86 at a CBP roadblock in front of two stop signs and subsequently arrested by deputy Roher for not cooperating with agent Frye.

**Time:**

- Elapsed time detained in lane of traffic by Agent Frye: 80 seconds
- Elapsed time detained in lane of traffic by deputy Roher: 64 seconds
- Total elapsed time detained at roadblock: 29 minutes & 17 seconds

**Transcription:**

17:13:13 Frye: U.S. Border Patrol immigration checkpoint, how you doing?
17:13:21 Frye: Hey, mind pulling in over there for a second?
17:13:24 Frye: Pull over there for a second.
17:13:26 Frye: Excuse me?
17:13:29 Frye: I didn't ask you if you mind. Could you pull over there for a second?
17:13:37 Frye: Could you pull over there please?
17:13:42 Bressi: You're blocking traffic. Let me know when I'm free to go Agent Frye.
17:13:45 Frye: You're free to go when you answer my question. This is an immigration checkpoint to see if you're a United States citizen.
17:13:50 Bressi: What law requires me to answer your questions Agent Frye?
17:13:54 Frye: Please pull over there. You can film that board right there, it's got all the laws there for you. Please pull over there. You're blocking traffic for all these people here.
17:14:03 Bressi: Let me know when I'm free to go.
17:14:04 Frye: You're free to go when you answer my question.
17:14:12 Frye: (garbled) ... where did the supervisor go (talking to someone on South side of road)

(Deputy Roher who had been standing on South side of roadblock begins walking over to primary)

17:14:33 Roher: Hi sir, how you doing?
17:14:34 Bressi: Hey deputy, you hanging out with the Border Patrol today?
17:14:37 Roher: I am.
17:14:38 Bressi: Yeah? Are you operating under an Operation Stonegarden grant deployment right now?
17:14:44 Roher: Yes sir, I am.
17:14:45 Bressi: So you're being paid by the Border Patrol, is that right?
17:14:47 Frye: (talking to Roher) I was trying to ask him an immigration question to see if he's a United States citizen.
17:14:50 Roher: OK do you need him to pull into secondary or?
17:14:52 Frye: I tried doing that but he refused.
17:14:53 Roher: OK. So I need you to pull into secondary or answer his questions.
17:14:56 Bressi: Why's that?
17:14:58 Roher: OK I'm not going to answer your questions.
17:14:59 Bressi: So are you enforcing federal immigration laws right now deputy?
17:15:02 Roher: So here's the deal, pull your vehicle over there or you're going to be subject to arrest sir.
17:15:05 Bressi: OK.
17:15:08 Roher: That's all I'm asking you to do. Just move over there....
17:15:11 Bressi: So who's detaining me right now?
17:15:12 **Roher:** I am sir.
17:15:13 **Bressi:** You're detaining me?
17:15:14 **Roher:** I am.
17:15:14 **Bressi:** So you're operating at this federal immigration Border Patrol checkpoint?
17:15:21 **Roher:** OK so you're...
17:15:22 **Bressi:** So that's right so you have jurisdiction to enforce federal immigration laws?
17:15:24 **Roher:** I'm not going to argue with you.
17:15:26 **Bressi:** Neither am I. I'm not arguing with you.
17:15:29 **Roher:** You understand your blocking the roadway right now, correct?
17:15:29: **Bressi:** No, he's blocking the roadway. I'm ready to go. Exactly what law am I violating right now?
17:15:37 **Roher:** Go ahead sir. I'll let you go.
17:15:37 **Bressi:** Thank you.

Bressi begins pulling away from roadblock

17:15:41: **Roher:** (to Frye) Hold that

Roher runs to his patrol car parked on South side of checkpoint as Bressi begins to leave. Bressi sees Roher running to his vehicle so pulls over to Western edge of roadblock. Roher drives up behind Bressi without his lights or sirens on, gets out of his vehicle and approaches Bressi's vehicle.

17:16:18 **Roher:** Can I have you step out of the car please sir.
17:16:19 **Bressi:** Why?
17:16:21 **Roher:** I gave you a lawful order to step out of the car please.
17:16:22 **Bressi:** Are you detaining me?
17:16:24 **Roher:** Sir, step out of the car!

Bressi steps out of car.

17:16:42 **Roher:** Thank you sir. Go ahead and produce your driver's license please.
17:16:46 **Bressi:** On what basis.
17:16:48 **Roher:** Please provide me with your driver's license sir.
17:16:50 Bressi: What are you detaining me for?
17:16:52 Roher: Sir, sir, I've asked you lawfully please provide me with your driver's license.
17:16:55 Bressi: I've asked you a very basic question here. Why are you detaining me agent? Why are you detaining me?
17:17:00 Roher: Driver's license please sir or you're going in handcuffs and you're going to go to jail.

*Bressi gives Roher his license.*

17:17:04 Roher: Thank you.
17:17:04 Bressi: What's your number? Huh?
17:17:07 Roher: Mr. Bressi you'll get it from me in a moment, OK.
17:17:09 Bressi: What's your number?
17:17:11 Roher: 5347.
17:17:13 Bressi: Who's your supervisor?
17:17:16 Bressi: Why don't you get your supervisor out here. I want to talk with him.
17:17:21 Roher: If I write you a citation, are you going to sign it sir?
17:17:26 Roher: Or do you need to go to jail?
17:17:31 Roher: Would you like to go in handcuffs?
17:17:36 Roher: OK, I'm going to ask you to turn around and put your hands behind your back please.

*Bressi puts camera down*

17:17:43 Roher: Turn around. Put your hands behind your back.
17:17:51 Roher: Please do not tense up. I ask that you move your hands just a little bit for me.
17:18:05 Bressi: This deputy is working with the federal Border Patrol here at a limited scope immigration roadblock has now handcuffed me without giving any probable cause for any violation of any law.
17:18:16 Roher: Mr. Bressi...(garbled).....
17:18:21 Bressi: Get your supervisor out here.
17:18:31 Roher: *(garbled)*...come on over here. Sit on the hood of my car please.

*Bressi sits on ground directly in front of Roher's patrol car*
17:18:34 Roher: Thank you or you can sit on your bumper. Or you can be a child and sit on the ground.
17:18:39 Bressi: Piss off.
17:18:40 Roher: Bravo echo whiskey 7629...garbled. I need a call number for a traffic and if there's a Lt. Out there I need a 45 please.
17:18:52 Dispatch: (garbled)....

Bressi notices two Border Patrol agents leering over him from behind

17:18:54 Bressi: You the senior agent on hand here agent Lopez?
17:18:56 Lopez: No.
17:18:57 Bressi: Who's the field supervisor out here today?
17:19:01 Lopez: Mr. Fuentes.
17:19:02 Bressi: Who?
17:19:02 Lopez: Mr. Fuentes.
17:09:02 Bressi: And where is he?
17:09:04 Lopez: I'm not sure sir. I was at secondary....
17:09:06 Bressi: So you guys have no supervisor out here? They're just letting you guys run wild at the roadblock?
17:19:10 Lopez: How are we running wild sir?
17:19:12 Bressi: What's that?
17:19:12 Lopez: How am I running wild sir?
17:19:15 Bressi: So you have no field supervisor is that correct?
17:19:18 Lopez: I said I do not know where he is at this time because I wasn't looking for him.
17:19:23 Bressi: Yeah.

Bressi begins to stand up so he can sit on the hood of Roher's patrol car as initially instructed


Lopez grabs Bressi and shoves him back against his vehicle.
17:19:27 Bressi: I'm going to sit right over here where he told me to initially.
17:19:30 Lopez (still grabbing defendant): Sit down.
17:19:30 Bressi: Get your hands off me.
17:19:31 Lopez: Sit down sir.
17:19:31 Bressi: Get your hands off me.
17:19:32 Lopez: Sit down sir!
17:19:34 Fuentes: Sit down sir.
17:19:35 Lopez: Sit down sir.
17:19:36 Bressi: Fuentes, so you're the on-scene field supervisor?
17:19:39 Lopez & Fuentes: Sit down sir.
17:19:40 Lopez: The cop gave you a lawful order. Sit down sir.
17:19:42 Fuentes: You're being uncooperative.
17:19:44 Lopez: Sit down sir.
17:19:44 Bressi: I can't with your hands on me.

Lopez releases Bressi

17:19:46 Lopez: Sit down.
17:19:47 Fuentes: Sit down sir.
17:19:49 Bressi: He told me to sit right over there so I'm going to sit right over there.

Bressi walks over to front of patrol car and leans on hood.

17:19:55 Lopez: That's assault by the way.
17:19:57 Fuentes: No its not...(garbled)
17:19:58 Bressi: Oh it most certainly is Fuentes. Who's you supervisor? Who's your supervisor?
17:20:04 Fuentes: Ah (garbled)
17:20:05 Bressi: Are you cross certified to enforce state law?
17:20:08 Fuentes: I'm not enforcing any state law sir.
17:20:13 Bressi: So what reason am I being detained here for?
17:20:14 Fuentes: Ask, ask the deputy here.
17:20:17 Bressi: So what are you doing here then if I'm being detained by the Pima County Sheriff's deputy?
17:20:20 Fuentes: *(garbled)* safety...
17:20:21 Bressi: What are you doing here?
17:20:24 Fuentes: I'm making sure he's safe and so are you.
17:20:26 Roher: So Mr. Bressi, the reason why you're in handcuffs right now is you were blocking the checkpoint OK. It is a public road OK. I gave you a lawful....
17:20:33 Bressi: It's a federal immigration checkpoint and I was being detained by federal officers for federal immigration purposes not Pima County purposes.
17:20:39 Roher: Do you want to let me talk or do you want to just talk over me.
17:20:42 Bressi: Knock yourself out.
17:20:44 Roher: OK, I'm trying to explain it but you're interrupting me. You were stopped...I agree with you. It's a federal checkpoint but it's still a public roadway OK.
17:20:54 Bressi: It's a federal checkpoint. I'm being detained by federal officers.
17:20:57 Roher: Right but right now....
17:20:57 Bressi: So you decided you were going to take jurisdiction over a federal matter without any authorization, without any training, without any jurisdiction.
17:21:04 Roher: I'm glad you're tape recording this because this is outstanding.
17:21:07 Bressi: It is.
17:21:07 Roher: I have never met you before but I really appreciate the fact that you will not let me even communicate with you.
17:21:12 Bressi: How am I stopping you from communicating with me?
17:21:14 Roher: Because every time I try to talk to you, you talk over me.
17:21:17 Bressi: Go ahead.
17:21:18 Roher: No there's no point. Every time I try to start you decide to interrupt me and tell me the way it is. OK. So right now you're under arrest. You're going to go to jail, OK. You are blocking a roadway and you cannot do that. The Border Patrol agents are friendly. You come through here every day. I know you do. I've seen your videos and they're awesome by the way but the bottom line is you can't block the roadway.
17:21:43 Bressi: Thank you for admitting you know who I am and that you've seen my videos.
17:21:45 Roher: Absolutely! It's impressive.
17:21:48 Roher: I have no problem with what you do but the bottom line is you can't block a roadway. So that's why you're in handcuffs right now OK. You don't have to be rude to us. You don't have to be uncooperative. All you have to is take a few extra seconds and be polite. Let them do their thing and
move on. So you forced this. Not Border Patrol. Not the sheriff's department.

17:22:15 Bressi: You know you're full of shit, you know that don't you?
17:22:18 Roher: Oh so now you're going to curse at me.
17:22:19 Bressi: You're damned right I am.
17:22:19 Roher: Outstanding. Well make sure that's on the video too as well.
17:22:22 Bressi: I most definitely will.
17:22:23: Roher: Absolutely because I really appreciate being cursed at.
17:22:25 Bressi: You pull that crap out of your ass like I forced this, I caused this issue, yeah right.
17:22:33 Bressi: Do whatever you're going to do.
17:22:34: Roher: I am. I'm going to wait for someone...you asked for a supervisor. I have one on the way.


17:22:43 Roher: So you can treat him the same way.

17:22:51 Bressi: You're getting paid time and a half for this aren't you?
17:22:53 Roher: I don't have to answer your question.

17:22:57 Roher: Wow, are you just some kind of awesome super lawyer type person. So you just can't be a good, good citizen and just do the best you can. You have to...

17:23:10 Bressi: I am being a good citizen.
17:23:11 Roher: By being difficult?
17:23:11 Bressi: Huh, by challenging unlawful authority being exercised by you and the...these federal agents here working so closely hand in hand.

17:23:21 Roher: Wow, so I'm towing a car that's over there.
17:23:24 Roher: I guess that makes me illegal....

17:23:25 Bressi: Doesn't look like you're towing anything. Looks like you're over here hassling me.
17:23:31 Roher: Well you were the one who wouldn't move through the checkpoint.

17:23:32 Bressi: No. They were the ones that were detaining me at the checkpoint. I told them I was more than ready to go but they refused to let me go so here I am.

17:23:40 Roher: So it seems reasonable to you to not even roll your window down and answer their
simple question?
17:23:45 Bressi: What law requires me to answer their simple questions?
17:23:49 Bressi: Well that's what I'm asking you.
17:23:50 Roher: I didn't ask you what law.
17:23:50 Bressi: Are you a law enforcement officer?
17:23:52 Roher: Yes.
17:23:53 Bressi: Then what law requires me to answer their questions?
17:23:55 Roher: That's up to them. That's up to them. They're the ones who make the determination on whether you're going to answer or not.
17:24:02 Bressi: So why didn't they put me in handcuffs? Why did you put me in handcuffs?
17:24:06 Roher: Because you were blocking....
17:24:06 Bressi: If there's a federal law....
17:24:07 Roher: Stop! Done! Done. No I'm done listening to you. We're done talking.
17:24:10 Bressi: Then take a hike.
17:24:12 Roher: Ah, no. You're going to jail.
17:24:13 Bressi: Either haul me to jail, take a hike, get out of my face.
17:24:15 Roher: I don't have a cage in my car otherwise you'd be in it. And I don't have a cage in the car otherwise you'd be in the car and we'd be on our way. OK, but you've also asked for a supervisor and I'm accommodating that request.

17:26:33 Bressi: OK, 55093 is the agency number on this U.S. Customs & Border Protection truck that pulled in behind the Pima County Sheriff's deputy here. The deputy claims that he is arresting me for blocking traffic at the roadblock even though he told me to go through the roadblock which I did. So the deputy seems to be doing the dirty work for Border Patrol here because the Border Patrol knows that they don't have a legal leg to stand on. I have no obligation to answer their questions. They know that so instead they attempt to create an issue by illegally detaining people in the lane of traffic and getting their pals in the Pima County Sheriff's Dept. to do their dirty work for them.

17:27:42 Bressi: If the Border Patrol did have a legal leg to stand on, it would have been them who arrested me and attempting to prosecute me. But that never happens. Of course they're quite geographically challenged in that they don't seem to be able to find the border that they're actually paid
to patrol instead they like to harass domestic traffic inside of the country absent suspicion.

17:28:09 Bressi: So is this one of those checkpoints where there are...where you guys make absolutely no apprehensions on an annual basis? There's 9 out of 12 or 13 in the Tucson sector. Is that right? It must be a jobs program for Border Patrol agents.

17:28:43 Bressi: It should be crystal clear to that this is a joint task force operation between the Border Patrol and Pima County Sheriff's Dept. Otherwise these two agents wouldn't have diverted their attention away from the checkpoint that they're allegedly operating in order to lay hands on me here...on behalf of the deputy. And since some of the terms of Operation Stone Garden are that every deployment has to be approved by the Border Patrol it's very clear that Deputy Roher, r. o. h. e. r., here is here at the express...with the express permission and request of the Border Patrol. It's funny how the Pima County Sheriff's Dept. never had a presence at this roadblock until the Border Patrol started paying them about a million dollars a year to be out here.

17:30:02 Bressi: Number 795 is the Pima County Sheriff's deputy vehicle that just pulled up.

Bressi shifts his weight and turns toward the road to get a glimpse of the PCSD supervisor who just arrived on-scene.

17:31:22 Lopez: Remain sitting down sir.
17:31:22 Bressi: Piss off. You taking jurisdiction over this detention?
17:31:26 Lopez: You were told to stay in a sitting position. Please stay there sir.
17:31:30 Bressi: Are you cross-certified to enforce state law? If not shut the hell up.

17:34:55 Bressi: How long you been certified through Arizona POST Roher? Is that how you say your last name, Roher?
17:35:00 Roher: Roar.
17:35:01 Bressi: Roar?
17:35:01 Roher: But you're close. It's 13 years sir.
17:35:04 Bressi: 13 years huh?
17:35:05 Roher: Yep.
17:35:08 Bressi: How much do you get from these deployments? What do you get 5, 10 thousand extra
in your salary every year?

17:35:12 Roher: I'm not going to answer that sir? I'm pretty sure my salary's public record isn't it?
17:35:15 Bressi: I don't know. Is it?
17:35:17 Roher: I don't know. Is it?
17:35:17 Bressi: I guess we'll find out.
17:35:19 Roher: Go for it. Doesn't hurt my feelings. I work for the community. I'm pretty sure you can find it.
17:35:25 Bressi: Then why don't you just say it.
17:35:29 Roher: Because I don't think I have to divulge it to you.
17:35:31 Bressi: Yeah, OK.
17:35:37 Roher: You can stare at me all you want sir. I don't really know why.
17:35:42 Bressi: I'm looking at you because you're looking at me. You're welcome to look someplace else.
17:35:44 Roher: I'm not looking at you. Yes, outstanding.
17:35:47 Bressi: Yes.
17:35:47 Roher: Here we go.

Roher's supervisor walks over.

17:36:13 Bressi: Kunze?
17:36:13 Kunze: Kunze
17:36:15 Bressi: Deputy Kunze.
17:36:19 Kunze: How can I help you?
17:36:20 Bressi: Well I'm wondering why I'm in handcuffs here.
17:36:21 Kunze: Because you're under arrest.
17:36:23 Bressi: And why's that?
17:36:23 Kunze: He already told you why you're under arrest.
17:36:24 Bressi: So you don't know why I'm under arrest?
17:36:26 Kunze: Sir, he's already told you. How can I help you?
17:36:26 Bressi: I want to know if the Pima County Sheriff's Dept. is fully behind agent....deputy Roher here on this unlawful arrest.
17:36:36 Kunze: Don’t know that it’s an unlawful arrest sir.

17:36:40 Bressi: Oh, OK.

17:36:40 Kunze: You’re under arrest at this time OK. Now he’s going to fill you out a citation. You have a choice. You can sign that citation in lieu of going to jail promising to appear in court or if you don’t want to sign the citation then we’ll have to take you down to the Pima County jail. DO you understand that?

17:36:57 Bressi: So you’re fully backing deputy Roher here.

17:37:00 Kunze: Yes. Do you understand....

17:37:02 Bressi: Do you know what happened?

17:37:04 Kunze: He just briefed me on what happened. Do you understand what I just told you?

17:37:07 Bressi: Do you understand that Deputy has illegally arrested me here?

17:37:10 Kunze: Don’t sound like it to me.

17:37:12 Bressi: Do you know that deputy Roher waved me through the roadblock. I pulled over when it was clear that he was going to follow me down the road here and then he arrested me after waving me through the roadblock.

17:37:22 Kunze: OK so you know that he arrested you?

17:37:24 Bressi: So is deputy Roher is he working with the Border Patrol here? Is this a joint task force operation?

17:37:30 Kunze: No.

17:37:31 Bressi: It’s not?

17:37:31 Kunze: (talking to Roher) All right so fill out the citation and if he will sign it we’ll cite and release him and if not he’ll go to jail.

17:37:39 Roher: OK.

17:37:40 Bressi: Sgt., who's your supervisor?

17:37:43 Kunze: Uhm, my sup...it's Lt. Gregor.

17:37:47 Bressi: And could you give me your number?

17:37:47 Kunze: My badge number?

17:37:49 Bressi: Yeah.

17:37:50 Kunze: No I did not.

17:37:50 Bressi: Could you?

17:37:51 Kunze: Badge #1115.

17:37:53 Bressi: Thank you.
Kunze walks away

17:38:26 Roher: So Mr. Bressi I’m going to take you out of handcuffs. Are you willing to sign the citation?
17:38:32 Bressi: Let me see the citation.
17:38:33 Roher: All right it’s going to be electronic so I’m more than happy to show you the screens. I’m going to tell you I’m reluctant to take you out of handcuffs because I’m afraid you want to fight.
17:38:40 Bressi: *laughs* You don’t have to worry about any physical confrontation from me.
17:38:45 Roher: OK, that’s cool. Come on back.

Walk to back of patrol car where there’s a laptop setup.

17:38:59 Roher: It’s right here. So here’s your name and information. Here’s your vehicle information. Here’s our location. You’re being cited for obstructing a highway or public thoroughfare. This is the court information. There’s my name and badge number. Are you willing to sign it.
17:39:20 Bressi: Yes.
17:39:33 Roher: I’m going to take you out of handcuffs just turn towards me please. Thank you.
   *(garbled)*
17:39:56 Roher: I’m going to give you this stylish. Go ahead and take that if you would please. And you can physically sign on the yellow box on the screen please. It’s not an admission of guilt. It’s just a promise that you’re going to show up in court.
17:40:03 Bressi: Where’s the physical citation?
17:40:08 Roher: It gets printed after you sign it.
17:40:10 Bressi: I will print...uh...I will sign the printed version.
17:40:13 Roher: No sir you either sign this or you go back into handcuffs and you go to jail. My instructions were fairly clear but its OK., yellow box on the screen please.

Bressi signs the citation. Roher begins walking away.

17:40:35 Roher: It will be just a moment and I’ll print that for you and you’ll be on your way.
17:40:42 Bressi: *(to Kunze)* So you’re still standing fully behind this arrest huh?
17:40:42 Kunze: Yes sir.
17:40:59 Bressi: Is he on an Operation Stonegarden deployment?
17:41:02 Kunze: We're working a Stonegarden deployment.
17:41:05 Bressi: How many deputies are normally working these deployments?
17:41:08 Kunze: Just depends.
17:41:10 Bressi: Was he stationed specifically at this...well he was standing right there so was he stationed specifically right here?
17:41:13 Kunze: Sir, we're working a Stonegarden deployment. OK I'm not gonna tell you where everybody's positioned and stationed. OK, I answered your question we are on a Stonegarden.

Roher walks back over.

17:41:29 Roher: Here's your license back. Here's your citation. Court date is May 10, 2017. It's at 240 North Stone at Pima County Justice Court. Do you have any questions?
17:41:41 Bressi: You'll be hearing my questions at a later date.
17:41:49 Bressi: Agents, what are your star numbers, star numbers issued by the Pima County Sheriff's Dept.?
17:41:58: Bressi: (to Kunze) Are these agents cross-certified by the state to enforce state or county law?
17:41:59 Kunze: No idea....
17:42:00 Bressi: You have no idea? (to Roher) Have you checked their uh their encroachment permit that they're required to have on hand at all times?
17:42:07 Roher: No sir.
17:42:09 Bressi: Issued by the Department of Transportation?
17:42:10 Roher: I don't know anything about any encroachment permits.
17:42:11 Bressi: Of course not. So, you being a law enforcement and all you wouldn't actually know if there's a law that allows them to do this under state law and whether or not they're in compliance with the terms of that encroachment permit.
17:42:22 Roher: You can make fun of me all you want and smile at me but I can't answer that question. Don't know.
17:42:26 Bressi: I didn't figure you could.
17:42:29 Roher: OK.
17:42:30 Bressi: All right gentlemen. Please make sure you're all available for the court proceedings that will ensue.
Bressi walks back to his vehicle. Some additional interaction takes place when Bressi sees Agent Fuentes sharing information with the deputies and goes back to request everyone's business card of which only Roher provided one.