

Terrence Bressi

September 24, 2017

PIMA COUNTY BOARD OF SUPERVISORS
130 W. Congress St.
Tucson, AZ 85701

PIMA COUNTY SHERIFF'S DEPARTMENT
1750 E. Benson Highway
Tucson, AZ 85714

SHERIFF MARK D. NAPIER
1750 E. Benson Highway
Tucson, AZ 85714

DEPUTY RYAN ROHER
1750 E. Benson Highway
Tucson, AZ 85714

DEPUTY BRIAN KUNZE
1750 E. Benson Highway
Tucson, AZ 85714

PCSD DEPUTIES, AGENTS, OFFICERS,
AND EMPLOYEES STILL UNKNOWN
1750 E. Benson Highway
Tucson, AZ 85714

RE: *Notice of Claim Pursuant to A.R.S. § 12-821.01*

To Whom It May Concern;

This letter constitutes a Notice of Claim (NOC) pursuant to Arizona Revised Statute § 12-821.01 against Pima County Sheriff Deputy Ryan Roher, Pima County Sheriff Deputy Brian Kunze, Pima County Sheriff Mark Napier, the Pima County Sheriff's Department (PCSD), & the Pima County Board of Supervisors. The conduct of additional PCSD employees, officers, agents or others acting with the authority and/or at the direction of the PCSD and/or other "Responsible parties" may also have contributed to the injuries suffered by Claimant as discussed here within, and when their identities become known, this claim may be supplemented to include them.

This NOC is served on behalf of Terrence Bressi ("Claimant"). This letter also satisfies the requirements of A.R.S. § 11-622(A), to the extent that section applies.

This NOC is given without benefit of formal discovery and is subject to amendment or supplementation. The terms and content of this NOC are subject to Rule 408 of the Arizona Rules of Evidence along with Rule 408 of the Federal Rules of Evidence. Claimant reserves the right to amend this NOC as additional information becomes available. If for any reason you believe this NOC is not in compliance with A.R.S. § 12-821.01 please contact Claimant or Claimant's attorney.

The Claimant seeks an award of damages reasonably calculated to compensate for injuries he has suffered and continues to suffer related to unlawful detentions, criminal harassment, unreasonable force, unlawful arrests & false reporting by Pima County Sheriff Deputies at the Customs & Border Protection (CBP) roadblock located along SR-86 in Pima County, AZ near Milepost 146.6 (MP 146.6).

1. FACTUAL BASIS FOR CLAIM

ACLU:

Unlawful actions, like the ones Claimant experiences on a recurring basis, by CBP agents operating in Southern Arizona have become so pervasive that the ACLU of Arizona has investigated & written several damning reports regarding the epidemic in recent years. One such report is referenced below:

Record of Abuse: Lawlessness and Impunity in Border Patrol's Interior Enforcement Operations, October 2015

The ACLU of AZ has also submitted several formal complaints to DHS's Office of the Inspector General (OIG) and CBP's Office of Professional Responsibility (OPR) detailing widespread abuse at interior checkpoints and by roving patrols. In one such complaint filed in June of 2016, the ACLU of AZ included an account of Claimant's unlawful detention at the hands of CBP Agent Potter and PCSD Deputy McMillan earlier that year along with complaints from nine other individuals: See:

Complaint and Request for Investigation Regarding Unlawful Searches and Seizures of Innocent Residents by Agents of U.S. Border Patrol, June 28, 2016.

Additional related complaints filed by the ACLU of Arizona over the past few years include:

- Complaint and request for investigation of abuses at U.S. Border Patrol interior checkpoints in southern Arizona, including unlawful search and seizure, excessive force, and racial profiling, January 15, 2014
- Complaint and request for investigation of unlawful roving patrol stops by U.S. Border Patrol in southern Arizona including unlawful search and seizure, racial profiling, trespassing, excessive force, and destruction of personal property, October 9, 2013

Operation Stonegarden

Claimant first began noticing PCSD deputies either stationed at the SR-86 CBP roadblock, or in close proximity to it, in 2012. After investigating, Claimant learned that sheriff deputies were conducting joint operations with CBP via Operation Stonegarden deployments.

Operation Stonegarden is a U.S. Department of Homeland Security (DHS) federal grant program with a stated purpose of increasing cooperation and coordination between federal, state & local law enforcement agencies in a **joint mission** to secure the U.S. border. For purposes of this NOC, the federal grant program pays PCSD Deputies overtime to conduct zero tolerance traffic contacts and other enforcement operations under the close supervision & direction of CBP personnel. The stated purpose of the joint enforcement operations is to increase the number of contacts with the traveling public in order to look for smuggling operations that are of interest to CBP, gather intelligence for CBP and support CBP's border security mission.

The performance period for the most recent Operation Stonegarden Grant Program Award to the PCSD, No. 160404-03, is November 1, 2016 through December 31, 2017. For the 2016-2017 grant period, DHS awarded the PCSD \$1,070,000 in overtime expenses, \$80,000 in mileage expenses and \$26,208 in other travel costs. Among others, the grant agreement was signed by Chief Jesus Lopez of the PCSD and Sharon Bronson, chair of the Pima County Board of Supervisors. Similar grant awards have been in effect in previous years dating back to at least 2012.

Background:

During his routine work commute along SR-86 in Southern Arizona, Claimant has been stopped & seized by CBP agents at the SR-86 CBP roadblock more than 600 times since the roadblock's inception in January of 2008. Claimant lawfully exercises his 4th & 5th amendment rights during these seizures & as a result has become well known by CBP agents who operate the roadblock. While many CBP agents conduct themselves professionally during these non-consensual suspicionless seizures & quickly direct Claimant through the roadblock, a minority of agents have engaged in a pattern of harassment & retaliatory actions against Claimant over the past nine years that persist to this day. In recent years, this harassment has expanded to include sheriff deputies with the Pima County Sheriff's Department who collect overtime pay to assist CBP agents through the Operation Stonegarden federal grant program.

Since 2013, CBP agents have used or otherwise worked with PCSD deputies conducting Stonegarden deployments to harass & retaliate against Claimant for exercising his rights on four separate occasions. These incidents are detailed below & show a pattern of ongoing collusion & harassment directed against Claimant by CBP & the PCSD.

March 29, 2013 Encounter

On the afternoon of March 29, 2013, Claimant arrived at the CBP roadblock along SR-86 near mile post 146.6. As Claimant was coming to a stop at the primary stop location, CBP agents Grayson & McKnight pulled out personal recording devices & pointed them at Claimant. Agent Grayson then yelled "*Hey it's Mr. Bressi. It never gets old does it?*" making it clear Agent Grayson knew who Claimant was. Since the agents knew who Claimant was, they had no lawful basis to detain him further absent reasonable suspicion of criminal conduct. Claimant beeped his horn to get the attention of the field supervisor but he only looked up briefly & waved.

Agents Grayson & McKnight continued recording Claimant but didn't ask any questions or provide Claimant with any instructions or demands. Claimant hadn't experienced this type of behavior before but it was obvious the agents knew who Claimant was and were merely harassing him at this stage. As Claimant started to slowly move his vehicle forward, Agent Grayson yelled at him to stop. Claimant immediately did so & Agent Grayson stormed up to him while yelling a series of unsafe & conflicting orders. At the same time Agent McKnight moved to the passenger side of the vehicle while CBP Field

Supervisor Brandon stood up and walked up behind the vehicle. Agent Grayson then pulled out his radio & began requesting a local law enforcement presence.

Within a short time, PCSD Deputy Audetat & another deputy arrived on-scene. After conversing with Agent Grayson & Brandon, Deputy Audetat walked over to Claimant's vehicle & after a brief conversation during which Claimant moved his vehicle to the side of the road per Deputy Audetat's request, proceeded to ticket Claimant for stopping unnecessarily in the lane of traffic. Deputy Audetat did this despite knowing Claimant was ordered to stop by armed federal agents who were unlawfully detaining him in the lane of traffic at a federal roadblock.

After Deputy Audetat wrote Claimant a citation, Claimant interviewed both Agent Grayson & Field Supervisor Brandon. Agent Grayson admitted to knowing who Claimant was & that he just wanted to video record him in the same fashion Claimant records agents who detain him at the roadblock. Similarly, Agent Brandon admitted to recognizing Claimant & his vehicle before it even came to a stop. Agent Brandon couldn't however explain why Agent's Grayson & McKnight detained Claimant in the lane of traffic to record him with personal recording gear. Agent Brandon said this was not the policy of CBP & that re-training may be needed.

Claimant requested a hearing regarding the charge & was found not responsible.

April 30, 2014 Encounter:

On the afternoon of April 30, 2014, Claimant arrived at the CBP roadblock along SR-86 near mile post 146.6. As Claimant entered the roadblock, he noted the presence of a PCSD patrol vehicle stationed within the roadblock's boundaries along the southern shoulder of the eastbound lane. The patrol vehicle was orientated such that vehicles entering the roadblock had to pass close by before stopping at the primary inspection station. It was later determined that the occupant of the patrol vehicle, Sheriff Deputy Avila, was being paid overtime to conduct joint operations with CBP under Operation Stonegarden & provide a general law enforcement presence at the roadblock. In so doing, Deputy Avila & the CBP agents that allowed him to operate at the roadblock, unlawfully expanded the scope of roadblock operations in violation of *Indianapolis v. Edmond* (2000) & *U.S. v. Martinez-Fuerte* (1976).

CBP Agent Tackett stopped Claimant at the primary inspection location & interrogated Claimant regarding his immigration status. When Claimant didn't answer, Agent Tackett referred to Claimant by name making it clear he already knew who Claimant was. When Claimant asked Agent Tackett what his first name was, Tackett told Claimant he was the one asking questions. When Claimant indicated he was asking questions too, Agent Tackett became upset, grabbed a spike strip & threw it down in front of Claimant's vehicle. In order to get the attention of Agent Tackett's supervisor & warn approaching traffic of the dangerous presence of a spike strip in the roadway, Claimant beeped his vehicle's horn. Field Supervisor Serrano walked over shortly thereafter & told Claimant he was being detained for not answering their questions despite well established law & CBP policy that prohibits such action (see *Florida v. Bostick*, 1991).

While this was going on, another agent ran over to Deputy Avila's patrol car. Deputy Avila approached Claimant shortly thereafter, asked Claimant to roll his window down further which he did, asked Claimant if he was a "Constitutionalist" and asked Claimant for his license. Claimant asked Deputy Avila if he was detaining him and Avila said no he wasn't but the Border Patrol was. After talking with the Border Patrol agents, Deputy Avila demanded that Claimant answer their questions. Field Supervisor Serrano then told Deputy Avila to cut Claimant loose because he knew who he was. Deputy

Avila ignored Field Supervisor Serrano however & began demanding Claimant's name again until Claimant asked Deputy Avila if he was conducting a Stonegarden deployment. Deputy Avila then told Claimant to leave the roadblock.

Claimant left the roadblock only to be followed & unlawfully pulled over by Deputy Avila a few miles down the road. Deputy Avila indicated he was stopping Claimant for honking his horn at the roadblock & then ordered Claimant out of the vehicle. At some point after Claimant exited the vehicle, three Border Patrol vehicles arrived on-scene & several agents got out & stood behind Deputy Avila's patrol car. Eventually all but one agent left the scene & the agent who remained behind obscured his name tag & refused to identify himself when Claimant requested that he do so.

Deputy Avila eventually cited Claimant for excessive horn honking. During Claimant's discussion with Deputy Avila, he learned that he was conducting an Operation Stonegarden deployment with the CBP & that Deputy Avila was ignorant of AZ requirements regarding encroachment permits for CBP roadblocks along state highways. After citing Claimant, Deputy Avila refused to identify the CBP agent who was still present & claimed he didn't know who he was. Soon after Deputy Avila left the scene & when Claimant approached the CBP agent to find out who he was, the CBP agent also left the scene.

Claimant requested a hearing regarding the charge & was found not responsible.

March 26, 2016 Encounter:

On the afternoon of March 26, 2016, Claimant arrived at the CBP roadblock along SR-86 near mile post 146.6. While Agent Martinez questioned Claimant about his legal status, Agent Rivera explicitly identified Claimant to CBP Field Supervisor Potter. The agents therefore knew who Claimant was & had no basis to detain him further absent any reasonable suspicion of criminal conduct.

Nonetheless, Field Supervisor Potter insisted that Claimant answer his questions, and directed him to roll down his driver's side window. Field Supervisor Potter then ordered Claimant to secondary but had placed a "spike strip" in front of the vehicle preventing Claimant from moving. Claimant was detained for over fifteen minutes in the lane of traffic while Field Supervisor Potter moved to the South side of the road where he conversed with several agents & talked to dispatch. Field Supervisor Potter returned after fifteen minutes or so, asked Claimant if he was ready to leave but refused to allow Claimant to leave without answering his questions. Field supervisor Potter continued asking questions but when Claimant attempted to hand agent Potter a copy of an ACLU report regarding unlawful checkpoint practices, the agent let the report fall to the ground & accused Claimant of "polluting," before picking up the report, looking it over & asking Claimant questions about it.

After approximately thirty-five minutes, Pima County Sheriff's Deputies arrived on-scene to investigate. After Claimant refused to answer further questions, Field Supervisor Potter stated that Claimant was no longer being detained. Deputy McMillan told Claimant he could leave the checkpoint but then directed him to pull over to the side of the road. After Claimant pulled his vehicle over, Deputies approached Claimant with one of the Border Patrol agents & asked Claimant for his license. Claimant asked why he was being detained & Deputy McMillan stated he was being investigated for "criminal littering." Claimant refused to answer any further questions. Deputy McMillan read Claimant's Miranda rights & then walked away. Deputy McMillan returned approximately twenty-five minutes later & released Claimant without charge. In all, Claimant was detained for over an hour.

Claimant reported the encounter to the ACLU of Arizona. The ACLU investigated further, added Claimant's incident to several others they had compiled & generated a complaint that was filed with CBP's Office of Professional Responsibility. See:

Complaint and Request for Investigation Regarding Unlawful Searches and Seizures of Innocent Residents by Agents of U.S. Border Patrol, June 28, 2016.

April 10, 2017 Encounter:

On the afternoon of April 10, 2017, Claimant arrived at the CBP roadblock along SR-86 near MP 146.6. As Claimant entered the roadblock, he noted the presence of PCSD Deputy Ryan Roher standing on the South side of the eastbound traffic lane near a CBP agent who was inspecting the passenger side of vehicles entering the roadblock. Deputy Roher was being paid overtime to conduct joint enforcement operations with CBP at the roadblock under Operation Stonegarden. In so doing, Deputy Roher & the agents that allowed him to operate at the roadblock, unlawfully expanded the scope of roadblock operations in violation of *Indianapolis v. Edmond* (2000) & *U.S. v. Martinez-Fuerte* (1976).

CBP Agent Frye stopped Claimant at primary, looked over Claimant's vehicle, asked Claimant if he would mind "pulling in over there" & began interrogating Claimant regarding his immigration status while Deputy Roher looked on from the other side. When Claimant asked Agent Frye to let him know when he was free to go, Agent Frye indicated Claimant would be free to go after he answered his questions. In so doing, Agent Frye effectively turned a brief roadblock stop into an indefinite detention & a violation of Claimant's 4th & 5th amendment rights.

Shortly thereafter, Agent Frye called over to the South side of the roadblock & requested to know where the supervisor was. In response, Deputy Roher, who is not a CBP supervisor, walked over to Agent Frye & Claimant, admitted he was conducting an Operation Stonegarden deployment with CBP & told Claimant to either move to secondary inspection or answer Agent Frye's questions. This despite Deputy Roher having no authority to enforce federal immigration law or otherwise give orders on behalf of federal agents conducting immigration inspections at a federal roadblock.

When Claimant asked Deputy Roher why, Roher responded by saying, "OK, I'm not going to answer your questions". When Claimant asked Deputy Roher if he was enforcing federal immigration law, Deputy Roher threatened Claimant with arrest. Claimant then asked Deputy Roher who was detaining him. Deputy Roher indicated he was detaining Claimant despite the fact Claimant was still being detained by CBP Agent Frye & despite Roher having no authority to enforce federal immigration law.

When Claimant asked Deputy Roher what law he was violating, Deputy Roher said, "Go ahead sir, I'll let you go" without consulting with Agent Frye first. Meanwhile, CBP Agent Frye stood back & readily acquiesced to Deputy Roher's actions.

As Claimant began to pull away from the roadblock, he looked in his rear view mirror only to see Deputy Roher running towards his patrol car. Anticipating a traffic stop, Claimant pulled his vehicle over to the South side of the road. Deputy Roher pulled in behind Claimant a short time later with neither his emergency lights or siren on making it unclear what Deputy Roher's intent was. Deputy Roher approached the driver side of the vehicle and ordered Claimant to get out. When Claimant asked to know what was going on given that Deputy Roher had just released Claimant from the roadblock & his patrol lights weren't on, Roher threatened him with arrest.

After Claimant stepped out of his vehicle, Roher demanded Claimant's license. Claimant asked to know why Roher was detaining him only to have Roher threaten to handcuff & arrest him again. Claimant provided Roher with his license & told Roher he wanted to speak to his supervisor. Deputy Roher indicated Sgt. Bustamonte was his normal supervisor but today Sgt. Kunze was. Roher then began walking towards his patrol car while looking over Claimant's driver's license when he suddenly turned around, walked back towards Claimant & demanded to know if Claimant would sign a citation if he wrote one up while failing to indicate what the citation would be written for. Since state law only requires an individual to sign a traffic citation if the citation is for a misdemeanor or petty offense while civil traffic infractions are routinely issued without signatures, Deputy Roher's demand was not only strange but premature at best without Claimant also being informed as to the nature of the charge.

Instead of writing a citation, explaining the charge(s) and presenting it to Claimant to sign, Roher escalated the encounter by threatening to arrest Claimant if he didn't answer the question. Roher started by asking Claimant if he needed to go to jail. Roher then followed up by asking Claimant if he would like to go in handcuffs. A.R.S. § 13-3888 requires a peace officer to inform defendants of the charges against them before making an arrest whenever possible. Roher's refusal to identify why he had detained Claimant & his demand that Claimant answer affirmatively to signing a citation that hadn't been written yet for an offense Roher hadn't identified to Claimant was not only unreasonable but unlawful as well.

Roher then used unreasonable force on Claimant by handcuffing his arms behind his back & arresting him for not responding to his demand. When Claimant reviewed Deputy Roher's police report later, Claimant noted that Deputy Roher didn't mention anything about demanding Claimant answer, under threat of arrest, his question regarding whether Claimant would sign a non-existent citation for an unknown violation. Instead, Roher characterized Claimant's questions regarding whether or not he was being detained & what he was being detained for as, "some type of legal verbal/judo challenge". Roher went on to try & justify his unreasonable force & unlawful arrest of Claimant by falsely claiming in the police report he handcuffed Claimant because he appeared to move towards Roher to try to get very close on several occasions. The record shows however it was Roher who moved close to Claimant while Claimant remained stationary. The record also shows that Roher handcuffed & arrested Claimant because he didn't answer Roher's question regarding a non-existent citation for a violation that he refused to identify. To further try & justify his actions, Roher also falsely claimed in the police report that Claimant tensed up in such a way that threatened him while he was handcuffing Claimant.

Deputy Roher led Claimant over to his patrol car where he indicated Claimant could sit on the bumper of Claimant's vehicle or the hood of the patrol car. Sitting on the bumper of Claimant's vehicle didn't seem like a viable option with Claimant's arms handcuffed behind his back. Additionally, Roher's patrol car was still running & given the hot afternoon sun, Claimant was concerned about the temperature of the hood of the vehicle. Given these concerns, Claimant opted to sit on the ground in front of the patrol car rather than risk getting burned by sitting on the hood.

Roher left Claimant on the ground with his arms handcuffed behind him & walked to the side of his patrol car while talking on the radio. Claimant noted the presence of a CBP agent standing close behind him and shifted his body around to face him. When Claimant attempted to re-position himself to a place where Deputy Roher had indicated he could sit earlier however, CBP Agent Lopez grabbed Claimant and shoved him against a vehicle. When Claimant told Lopez he was re-positioning himself & to get his hands off him, Lopez eventually let him go. At some point during this time frame, CBP Field Supervisor Fuentes walked over and stood next to CBP Agent Lopez.

A short time later, Deputy Roher walked back over & indicated Claimant was being arrested for “blocking the checkpoint”. When Claimant pointed out he was being detained by federal agents in the lane of traffic against his will at the roadblock, Roher became upset with Claimant, acknowledged he knew who Claimant was, acknowledged he had watched videos that Claimant had previously posted online & acknowledged he knew Claimant came through the roadblock all the time. He then admonished Claimant for being rude & uncooperative while indicating all Claimant had to do was be polite & let the Border Patrol agents “do their thing”. When Claimant asked Deputy Roher what law requires him to answer CBP questions while being detained & interrogated at an immigration roadblock, Deputy Roher responded by saying, “That’s up to them. They’re the ones who make the determination on whether you’re going to answer or not”. Deputy Roher couldn’t explain however why he interfered with & took control of a roadblock encounter where Agent Frye & CBP Field Supervisor Fuentes were the ones responsible for not only deciding but also acting on that decision.

When Deputy Roher’s supervisor arrived, Claimant asked Sgt. Kunze why he had been arrested. Sgt. Kunze wouldn’t answer so Claimant asked whether Sgt. Kunze supported Deputy Roher’s actions. Sgt. Kunze indicated he supported the arrest, ignored Claimant’s concerns that the arrest was unlawful along with his attempt to provide an account of the arrest & showed deliberate indifference to Claimant’s assertions regarding Deputy Roher’s unlawful actions.

After Deputy Roher finished filling out the citation per Sgt. Kunze’s order, Deputy Roher asked Claimant if he would sign the citation while once again failing to identify the violation. Claimant indicated he wanted to see the citation first. With his supervisor standing by, Deputy Roher did what he was supposed to do this time & showed Claimant the citation while informing Claimant that he was being charged with obstructing a highway.

Claimant indicated he would sign the citation & Deputy Roher removed the handcuffs. Claimant signed the citation, asked Sgt. Kunze if he still supported the arrest & whether Deputy Roher was on a Stonegarden deployment. Sgt. Kunze affirmed on both accounts. Claimant waited for his driver’s license to be returned. Claimant then asked Deputy Roher if he had checked to see if CBP had an encroachment permit issued by the Arizona Dept. of Transportation that was required to be on site. Deputy Roher indicated he didn’t know anything about state issued encroachment permits, a strange admission coming from someone allegedly concerned with highway obstructions.

Upon receiving a copy of the police report generated by Deputy Roher, Claimant noted several false and/or misleading statements after comparing the police report to the available record. A.R.S. § 13.2907.01 makes it a crime to make false reports to a law enforcement agency. Claimant has also requested copies of all training materials for sheriff deputies conducting Stonegarden deployments via a public records request. The PCSD has responded by indicating there are no training materials associated with Stonegarden deployment in which sheriff deputies closely coordinate enforcement actions with federal agents who have a different mandate, jurisdiction & set of laws that govern their actions from that of county sheriff deputies.

11. LEGAL BASIS FOR CLAIMS

In addition to state statutes referenced previously, the legal basis for these claims include:

VIOLATION OF CONSTITUTIONAL RIGHT TO FREEDOM FROM UNREASONABLE SEIZURES

The Responsible Parties, while acting in their official and individual capacities and under color of law, violated the Claimants' rights to freedom from unreasonable seizures. Under Article 2, Section 8 (Right to Privacy) and 13 (Equal Privileges and Immunities) of the Arizona Constitution: By authorizing, acquiescing in, employing, failing to adequately train or supervise those directly involved in, and/or participating in or being deliberately indifferent to the stop, detention, interrogation, handcuffing & warrantless arrest of Claimant, the entities and individuals to whom this NOC is addressed violated Claimant's right to freedom from unreasonable seizure.

**VIOLATION OF CONSTITUTIONAL RIGHT TO FREEDOM
FROM SELF-INCRIMINATION**

The Responsible Parties, while acting in their official and individual capacities and under color of law, violated the Claimants' rights to freedom from self-incrimination. Under Article 2, Section 8 (Right to Privacy), 10 (Self-incrimination) and 13 (Equal Privileges and Immunities) of the Arizona Constitution: By authorizing, acquiescing in, employing, failing to adequately train or supervise those directly involved in, and/or participating in or being deliberately indifferent to the stop, detention, interrogation, handcuffing & warrantless arrest of Claimant, the entities and individuals to whom this NOC is addressed violated Claimant's right to freedom from self-incrimination.

**VIOLATION OF CONSTITUTIONAL RIGHT TO FREEDOM
FROM CRUEL AND UNUSUAL PUNISHMENT**

The Responsible Parties, while acting in their official and individual capacities and under color of law, violated the Claimants' rights to freedom from cruel and unusual punishments. Under Article 2, Section 15 (Excessive bail; cruel and unusual punishment) and 13 (Equal Privileges and Immunities) of the Arizona Constitution: By authorizing, acquiescing in, employing, failing to adequately train or supervise those directly involved in, and/or participating in or being deliberately indifferent to the stop, detention, interrogation & excessive force through handcuffing & warrantless arrest of Claimant, the entities and individuals to whom this NOC is addressed violated Claimant's right to freedom from cruel and unusual punishment.

**VIOLATION OF EQUAL PROTECTION OF THE LAW
UNDER FOURTEENTH AMENDMENT**

By the actions described above, the entities and individuals to whom this NOC is addressed violated Claimant's right to freedom from unreasonable seizure as protected by the Fourth Amendment of the United States Constitution, his right to remain silent as protected by the Fifth Amendment of the United States Constitution, his right to freedom from cruel and unusual punishment as protected by the Eighth Amendment of the United States Constitution and his right to equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution.

FALSE ARREST/IMPRISONMENT

By authorizing, acquiescing in, employing, failing to adequately train or supervise those directly involved in, and/or participating in or being deliberately indifferent to the restraint of Claimant's liberty without lawful justification and without Claimant's consent, the entities and individuals listed to Whom this NOC is addressed subjected the Claimant to false arrest/imprisonment.

Based on the principles of vicarious liability, respondeat superior, and municipal/county liability, the entities and individuals listed in this NOC are liable for the conduct of their employees and their agents. Thus, the Pima County Board of Supervisors, the Pima County Sheriff's Department, Sheriff Mark Napier & Deputy Brian Kunze are responsible for the actions of Deputy Ryan Roher and other officers and agents acting with the authority and/or at the direction of the PCSD. Additional liability is created by the entities and individuals due to their failure to adequately train and supervise their officers and agents.

111. AMOUNT OF CLAIM

The Responsible Parties conducted, & continue to conduct, themselves in a manner in both their official & individual capacities that violate clearly established rights. Claimant asserts that the Responsible Parties' actions have caused substantial harm that entitles him to monetary damages for the claims listed above, & payment of these claims is justly due. Claimant also asserts a clear pattern of harassment & unlawful behavior by the Responsible Parties that Claimant has every reason to believe will continue into the future in the absence of a significant deterrence to such behavior.

Claimant is also entitled to recover punitive damages against the Responsible Parties & any other individual(s) acting in their individual capacities, for their intentional acts because their conduct is malicious or in reckless disregard of Claimant's clearly established rights.

Claimant will settle these claims for \$250,000.

The entities & individuals named in this letter have sixty (60) days to respond before further legal action can be instituted under Arizona state law pursuant to A.R.S. § 12-821.01.

Sincerely,

Terrence Bressi
Claimant