

Exhibit B

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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE STATE OF ARIZONA**
9

10 Stephen Aiken and Deborah Aiken,

11 Plaintiffs,

12 v.

13 Town of Sahuarita, et al.,

14 Defendants.
15

Case No. 4:24-CV-00199-RCC

**AFFIDAVIT OF OFFICER OSCAR
FRUGE**

16 STATE OF ARIZONA)
17) ss.
18 COUNTY OF PIMA)

19 I, Officer Oscar Fruge, being first duly sworn upon oath, depose and state as follows:

20 1. I am employed as a Police Officer with the Sahuarita Police Department, badge
21 number SP279.

22 2. I am a certified peace officer in the State of Arizona, having completed the
23 Arizona Peace Officer Standards and Training (AZ POST) certification process.

24 3. I have been employed in law enforcement for 17 years, and I am familiar with
25 our departmental policies.

26 4. I have personal knowledge of the facts contained in this affidavit based upon
27 my own observations, as well as the review of the supplemental narrative I prepared in this
28 matter, and my department-issued body-worn camera (BWC) footage taken on April 19, 2023

1 (Axon Body 3 X6030819B, Parts 1 and 2).

2 5. At the time of this incident, I was employed as an Acting Sergeant with the
3 Sahuarita Police Department. I have been employed with the Department for seven (7) years
4 total.

5 6. On April 19, 2023 at 2120 hours I was on duty, in full uniform and driving a
6 marked police vehicle. I responded to 1124 W. Golden Meadow Path reference a domestic
7 violence call for service.

8 7. According to the call text, the witness heard an argument at the residence and
9 possibly heard sounds of the argument escalating. The witness believed that only a male and
10 female reside at the residence, they are new neighbors and the reporting party did not know
11 their names or had any further information. The arguing has been going on for approximately
12 20 minutes.

13 8. I arrived at the location at approximately 9:27 p.m. and activated my body worn
14 camera (BWC) which was later downloaded at the Sahuarita Police Department. I asked
15 dispatch if the incident location was 1124 W. Golden Meadow Path and they confirmed it
16 was. Ofc. Woodrow, who arrived at the same time, and I approached the residence, and
17 something was heard falling inside the residence. This activity and exchange is contained on
18 my body worn camera footage Part 1 at video time 00:30 to 01:00 (located at the bottom of
19 the video), and clock time of 21:28:36 to 21:29:06 (at the upper left of the video).

20 9. I rang the doorbell and a male occupant, later identified as Stephen Aiken, came
21 to a window located adjacent to the front door, opened the blind and asked who it was. We
22 identified as "Police" and I shined the flashlight on my uniform and badge. I informed Aiken
23 that we received a call and Aiken stated that his 12-year-old grandson was at the hospital. It
24 was difficult to hear Aiken, and I asked for him to step outside to speak with him. Aiken did
25 not want to step outside and asked if we had a "warrant." This activity and exchange is
26 contained on my body worn camera footage Part 1 at video time 01:00 to 01:57 (located at
27 the bottom of the video), and clock time of 21:29:06 to 21:30:02 (at the upper left of the
28 video).

1 10. I asked who was in the residence and Aiken stated that he was here and
2 “everybody is fine.” I told Aiken that I needed to speak with the occupants inside the
3 residence, and he stated that he wasn't going to answer any questions. Aiken further stated
4 that he would like for us (the police) “to leave the property and there is no problem here.” He
5 stated that he is retired cop and he knows the rules. Aiken confirmed that there was some
6 yelling and crying earlier, but stated that it was because of his grandson's condition and
7 because of the “vacc.,” which I took to mean something about vaccinations. This activity
8 and exchange is contained on my body worn camera footage Part 1 at video time 01:57 to
9 02:57 (located at the bottom of the video), and clock time of 21:30:02 to 21:31:02 (at the
10 upper left of the video).

11 11. I told Aiken that I would feel better if I could speak with the occupants of the
12 residence. Aiken said, “not without a warrant,” no one's life is in danger and everyone is
13 fine. I told Aiken that I did not know who else was inside the residence. I believed, at that
14 time, that Mr. Aiken could possibly be the victim, with the suspect inside the residence telling
15 him what to say. Aiken stated that he understood and there was no “probable cause.” This
16 activity and exchange is contained on my body worn camera footage Part 1 at video time
17 02:57 to 04:11 (located at the bottom of the video), and clock time of 21:31:02 to 21:32:17
18 (at the upper left of the video).

19 12. I observed Aiken pick up a vacuum cleaner and I asked what had happened to
20 it. Mr. Aiken said that it “fell over.” I continued to speak with Aiken, and he continued to
21 refuse to open the door to the residence. I told Aiken that I just needed to check the welfare
22 of the residents and he stated that I needed “probable cause” and that “I'm not going to give
23 it to you, everything is fine, there is no crime here, no one is in danger.” He seemed to again
24 attribute any prior activity at the house as shock or sadness associated with the grandson, and
25 whether the grandson would make it through the night. It was apparent to me that Aiken was
26 not unwilling to talk with me, just unwilling to answer questions about the number and
27 condition of other persons in the residence. This activity and exchange is contained on my
28 body worn camera footage Part 1 at video time 04:11 to 07:53 (located at the bottom of the

1 video), and clock time of 21:32:17 to 21:35:59 (at the upper left of the video).

2 13. Aiken said he was going to bed and I told him I would be back in 5-10 minutes.
3 Aiken stated that if I came back that he would call Internal Affairs and file a complaint. This
4 activity and exchange is contained on my body worn camera footage Part 1 at video time
5 07:53 to 09:10 (located at the bottom of the video), and clock time of 21:35:59 to 21:37:16
6 (at the upper left of the video).

7 14. Lt. Zamora and Sgt. Heath arrived, and I briefed them on Mr. Aiken's
8 statements. Officer Dixon was directed to call the original reporting party, and after doing so
9 said the witness advised that a female and male were heard yelling from the residence, "No!,
10 No!. No!" and "You will show me respect."

11 15. Sgt Heath requested a RAM if needed for a forced entry into the residence.

12 16. After discussing the matter with law enforcement arriving at the scene, I
13 returned to the front door to maintain a dialogue with Mr. Aiken. At the front door, Aiken
14 showed his hands in the window. I asked if we could come in to talk to him and he said no,
15 as there was no one hurt inside the residence, no one was in danger, and he was upset because
16 of his grandson, attributing any yelling to being upset over the situation with the grandson.
17 Aiken said this was "getting close to harassment," or words to that effect. I explained it was
18 not harassment, and explained we had further conversations with the witness, who discussed
19 a female yelling inside the residence earlier. I asked who else was inside the residence and he
20 stated, "I'm not answering your questions sir." This activity and exchange is contained on
21 my body worn camera footage Part 2 at video time 00:00 to 01:26 (located at the bottom of
22 the video), and clock time of 21:43:15 to 21:44:41 (at the upper left of the video).

23 17. I told Mr. Aiken that he had a beautiful house and he stated that he worked hard
24 for it. I thanked him for his service of being a police officer and that I still needed to speak
25 with the occupants of the residence. Aiken stated, "That's not happening." I asked Aiken "Is
26 there anything that I could say or do so he may open the door and come outside to talk to us."
27 Aiken continued to decline to open the front door and stated that he was going to bed. Aiken
28 also said that if we could hear yelling, then we could come in the residence. I asked if there

1 was anything that I could do, and Aiken told me to “write it up as it took place.” This activity
2 and exchange is contained on my body worn camera footage Part 2 at video time 01:26 to
3 04:51 (located at the bottom of the video), and clock time of 21:44:41 to 21:48:05 (at the
4 upper left of the video).

5 18. I again told Aiken that it was a nice house, and I did not want to have to break
6 down the front door. Mr. Aiken continued to deny opening the front door and told me to
7 “push it further.” I explained to Aiken that I did not want to push it further and I just wanted
8 to conduct a quick welfare check. I again reminded Aiken there was a report of a woman
9 screaming at the residence, and that’s why we were there. At one point, in talking about
10 Aiken’s prior police employment, Aiken claimed that he was shot in the back while on duty
11 with a .25 caliber handgun during a domestic violence call. Aiken asked me to “take his
12 word” for it that nothing had occurred; I said I could not. Aiken again said the situation made
13 him very sad, and “if a neighbor heard me, I apologize,” or words to that effect. Aiken
14 continued to refuse entry into the residence. I further asked Aiken if it would be possible to
15 just have an officer check inside, and he could pick the officer. Aiken asked that if police
16 could talk to his wife on the phone, would the police go away. I informed Aiken, I needed to
17 put “eyes on” her. Aiken eventually provided his wife’s phone number. I told Aiken I “just
18 needed to check up on her.” I again asked if I could see her; or send an officer in. Aiken
19 claimed his wife could not get out of bed, so Aiken offered to take the phone to her. At that
20 point, Aiken closed the blinds, even though I asked him to keep them open. This activity and
21 exchange is contained on my body worn camera footage Part 2 at video time 04:51 to 15:08
22 (located at the bottom of the video), and clock time of 21:48:05 to 21:58:22 (at the upper left
23 of the video).

24 19. After obtaining his wife’s phone number, Mr. Aiken allowed officers to speak
25 with his wife, later identified as Deborah Aiken, over the phone and through the window at
26 the front door. By this time, approximately one half hour had elapsed without Aiken opening
27 the door, summoning his wife, or allowing us to speak with his wife about what had happened
28 or what was happening.

1 20. After the call, I continued to speak with Mr. Aiken through the front door. Mrs.
2 Aiken appeared in a full-sleeve house coat that covered most of her body. I repeatedly asked
3 Mrs. Aiken if she was willing to talk to me separately, away from her husband. I told her “I
4 have to check on her, and make sure everyone is okay,” of words to that effect. I told her that
5 she may need to tell me something away from her husband who I pointed out, remained close-
6 by. I informed Mrs. Aiken that if she did not open the door, we (the police) would be required
7 to use force to open the door. Mr. Aiken then appeared with his wife and took charge of the
8 conversation. I asked Mrs. Aiken if she could come out and give me just thirty seconds of
9 her time. I informed Mrs. Aiken that we had a tool to open the door. I also told Mrs. Aiken
10 I was giving her a last warning. I offered her the opportunity to come outside, but she had to
11 do it now. Mr. Aiken continued to argue. The RAM was shown to the Aikens, who was
12 advised that officers were going to force entry. At that time, Mrs. Aiken was in front of the
13 glass panel and Mr. Aiken was behind her. The Aikens would not open the door. The
14 announcement “breach, breach, breach” was given, I stepped back, and forced entry was
15 made. This activity and exchange is contained on my body worn camera footage Part 2 at
16 video time 17:35 to 23:21 (located at the bottom of the video), and clock time of 22:00:51 to
17 22:06:36 (at the upper left of the video).

18 21. Mrs. Aiken was led outside where Lieutenant Zamora talked with her to explain
19 why a forced entry was required, including information leading them to believe someone
20 inside the residence had been hurt or was assaulted. This activity and exchange is contained
21 on my body worn camera footage Part 2 at video time 23:21 to 27:33 (located at the bottom
22 of the video), and clock time of 22:06:36 to 22:10:49 (at the upper left of the video).

23 22. Mrs. Aiken did not want officers in her house, and it was explained that the
24 home needed to be checked. This activity and exchange is contained on my body worn
25 camera footage Part 2 at video time 27:33 to 28:00 (located at the bottom of the video), and
26 clock time of 22:10:49 to 22:11:15 (at the upper left of the video).

27 23. When officers discovered broken glass in various places in the house, they
28 warned Mrs. Aiken to watch her feet. Mrs. Aiken stated the broken glass was the result of

1 Mr. Aiken dropping a glass. When a loose or broken plastic piece was found on the ground,
2 Mrs. Aiken could not provide any explanation. Mrs. Aiken explained that Mr. Aiken “always
3 breaks stuff.” Mrs. Aiken admitted that Mr. Aiken had been yelling earlier, but that it was
4 about their daughter, Stephanie. According to Mrs. Aiken, Mr. Aiken was upset about the
5 grandson being given the Covid vaccine. This activity and exchange is contained on my body
6 worn camera footage Part 2 at video time 28:05 to 30:55 (located at the bottom of the video),
7 and clock time of 22:11:20 to 22:14:10 (at the upper left of the video).

8 24. I requested Green Valley Fire Department (GVFD) to respond, and Mrs. Aiken
9 declined medical assistance. This activity and exchange is contained on my body worn camera
10 footage Part 2 at video time 30:55 to 31:10 (located at the bottom of the video), and clock
11 time of 22:14:10 to 22:14:25 (at the upper left of the video).

12 25. Once inside the residence, and separated by sight and sound from Mr. Aiken,
13 Deborah Aiken continued to deny that anything had happened. Despite her denials, I observed
14 broken glass throughout the living room and the sectional couch was apart. When questioned,
15 Mrs. Aiken explained that Mr. Aiken no longer has feeling in his fingers drops glasses all the
16 time. She confirmed the yelling heard earlier, stating it was related to her daughter Stephanie,
17 who had been married three times, and Mr. Aiken was upset because of his grandson getting
18 the COVID 19 “vacc.” Steve Aiken believed that the vaccine had caused myocarditis in the
19 grandson’s heart. Mrs. Aiken said Mr. Aiken was mad at Stephanie. He was yelling to Mrs.
20 Aiken that he, Mr. Aiken, was mad at Stephanie. Mrs. Aiken admitted seeing that Mr. Aiken
21 was bleeding from a cut, but could not explain what happened to him. When she lifted her
22 sleeves up, there was no injury. Mrs. Aiken confirmed that Mr. Aiken said words to the effect
23 of “you don’t respect me,” (as heard by the reporting party) but was referring to Stephanie.
24 These activities and exchanges are contained on my body-worn camera footage, Part 2, at
25 video time 32:39 to 38:52 (located at the bottom of the video), and clock time 22:15:54 to
26 22:22:07 (at the upper left of the video) and again at video time 42:42 to 43:06, and clock
27 time 22:25:57 to 22:26:21.

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1 26. Sgt. Heath and I explained to Mrs. Aiken why there was a need to speak to her
2 separately to check her welfare, confirm her safety, and possibly provide aid to her or others
3 based on the nature of the domestic violence report. This activity and exchange is contained
4 on my body worn camera footage Part 2 at video time 43:28 to 45:55 (located at the bottom
5 of the video), and clock time of 22:26:44 to 22:29:10 (at the upper left of the video).

6 27. After Mrs. Aiken's interview was completed, I was informed to clear, and I
7 departed the scene.

8 28. During the course of this incident, Mr. Aiken made a continuous effort to
9 prevent police from speaking to Mrs. Aiken in a secure location and away from Mr. Aiken,
10 that would allow us to maximize the chances of receiving an accurate report of Mrs. Aiken's
11 welfare, safety, and what had been taking place in the residence. I am aware through my
12 own training and experience that victims of domestic violence are reluctant to speak honestly
13 while in the presence, and sometimes under the control of the perpetrator. If forced to give
14 their version of events in front of the perpetrator or with the perpetrator close by, victims will
15 refrain from an honest account out of fear of reprisal once the police leave. My BWC shows
16 repeated requests for Mr. Aiken to open the door, including my statements of "Is there
17 anything I can say or do" to have Aiken open the front door so we could ensure everyone in
18 the residence was "okay." Aiken refused to assist in this effort for a significant amount of
19 time, and never agreed to my requests. When Mr. Aiken did summon Mrs. Aiken, he
20 continued to do most of the talking, and remained with Mrs. Aiken, or in close proximity to
21 Mrs. Aiken, when she spoke. Mr. Aiken continuously refused to open the door, or allowed
22 for a separate interview of Mrs. Aiken. He did not allow her to open the door to speak with
23 us. Mrs. Aiken would not open the door while Mr. Aiken was present, or nearby. I believed
24 we were confronted with a situation where we needed to separate Mrs. Aiken from Mr. Aiken,

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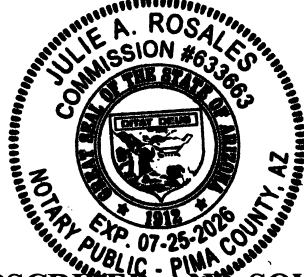
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1 and determine who else was in the residence, check on welfare in this domestic violence call
2 for service, and to render emergency aid to Mrs. Aiken, or others who might be in need of
3 aid.

4 FURTHER AFFIANT SAYETH NAUGHT.

5 Executed this 22nd day of August, 2025.



10 *Frue SP279*

11 Officer Oscar Frue
12 Badge No. SP279
13 Town of Sahuarita Police Department

14 **SUBSCRIBED AND SOWN TO** before me this 22 day of August, 2025, by
15 Officer Oscar Frue.

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A handwritten signature of the Notary Public, written in black ink over a horizontal line.

Notary Public

My Commission Expires

07/25/26

