EMPLOYERS INVESTIGATIVE SERVICES
Background and Internal Affairs Investigations

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INTERNAL AFFAIRS INVESTIGATION NARRATIVE

Accused Employee: Sasek, Robert
Date Initiated:10/05/2022
Date Completed: 08/01/2023

SOURCE:

On 10/05/2023, our office was retained to conduct an internal affairs investigation. The Oroville Police Department received a document emailed to Chief Lagrone on 10/03/2022. EIS was requested to complete an investigation into Officer Sasek's actions on the night of 09/01/2022 after he provided complainant with a courtesy transport. She was found the next day bruised and reportedly struck by a vehicle on Neal Road. Concerns about [redacted] were also raised.

ALLEGATIONS:

complainant (through her attorney Robert Chalfant) claims in the written complaint that the below incident occurred. This is verbatim and typed as is:

On September 1, 2022, at approximately 2:00 p.m., complainant was arrested for trespassing (Penal Code Section 602) in Chico, California, and transported to the Butte County Jail ("Jail") in Oroville, CA. The arresting officer did not receive her shoes during the arrest and she was transported to the Butte County Jail without any footwear.

complainant underwent the booking process at the Jail and was seen by an intake nurse at approximately 2:50 p.m. After completing the booking process, complainant was cited and released. complainant was not given a bus pass so that she could return to her home in Chico, California, or provide shoes. complainant displayed obvious signs and symptoms of being under the influence at the time of her release from the Jail and this is recorded on Jail video.

[redacted] was arrested for a second time on September 1, 2022, and this occurred after her release from Jail. The second arrest occurred in Oroville around 9:00 p.m. and was by Officer Robert Sasek of the Oroville Police Department (OPD).

Officer Sasek transported complainant back to the Butte County jail for booking. complainant again went through the booking process at jail, and was seen by complainant, RN at approximately 10:03 p.m. Nurse [redacted] refused to admit complainant into the Jail until she was "medically cleared" at Oroville Hospital based upon complainant elevated blood pressure. The Jail made an appointment for complainant to be seen at Oroville Hospital for medical clearance and complainant was placed back into Officer Sasek's patrol vehicle so that he could take her to Oroville Hospital. Video from the Jail intake area shows Officer Sasek and complainant leaving the facility in his vehicle.

Officer Sasek drove complainant to Oroville Hospital as required by the Jail's booking staff. Officer Sasek had [redacted] complainant remain in his vehicle while he exited the vehicle and entered Oroville Hospital. Officer Sasek did not take complainant into the hospital to be seen by a medical provider as required for her to be properly booked into the Jail's custody.

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Instead, Officer Sasek drove complainant North on Highway for 15.5 miles to the area around Neal Road Recycling and Waste Facility. During the drive towards Chico, complainant asked, "Where are we going?" and Officer Sasek responded "Don't worry about it" and told her to "just shut up".

Officer Sasek parked his vehicle somewhere near the Waste Facility at approximately 11:00 p.m. and had complainant exit the vehicle. It was completely dark outside and complainant asked "Where are we?" Officer Sasek responded, "you will figure it out, it's not my problem." complainant was now all alone on Neal Road, it was pitch black out, and she had no phone, no shoes, no flashlight and had no idea where she was. Officer Sasek drove away leaving her there by the side of the road in the dark.

complainant then began walking on the gravel shoulder of the road in the direction that Officer Sasek had used to arrive at this location. As complainant made her way up the road near what is now known to be Franklin Construction, she was violently struck by a passing vehicle on her right side and was sent flying down a steep embankment into several large boulders where she remained in and out of consciousness and severely injured for approximately 12 hours. The vehicle that struck complainant did not stop to render assistance and instead fled from the scene of the accident. Her clothes were completely shredded and she had bruises all over the right side of her body. complainant needed emergency medical care but was unable to move.

At approximately 9:00 a.m. on September 2nd, complainant summoned the strength to crawl up the steep embankment where she had remained in and out of consciousness all night and was seen by workers at the Franklin Construction yard. They immediately recognized the seriousness of her injuries, provided water and assistance and called 911. Butte County Sheriff's Department officers arrived, insulted complainant by asking if "her boyfriend had hit her" and conducted no investigation into the hit and run that had occurred, or any inquiry into how complainant arrived at that location. complainant was transported by Ambulance to Enloe Medical Center in Chico, California.

complainant was in the ICU Unit at Enloe for approximately 7 days after being hit by the vehicle. complainant remained hospitalized for approximately 30 days since being abandoned on Neal Road by Officer Sasek. Based on the server-internal injuries that she sustained, medical providers were forced to remove 30 to 40% of her colon, and 2 feet of her small intestine. complainant has had multiple surgeries, and due to complications from the surgeries, developed sepsis. The infection was so severe that the skin on her right foot began deteriorating and her toes have turned black. Doctors at Enloe Hospital have informed her that she will likely require amputation. complainant has been on dialysis 24 hours a day since developing sepsis. Ms complainant has also been informed that due to the internal injuries and removal of a portion of her small intestine and a portion of her colon, she may be required to wear a colostomy bag for life.

Officer Sasek was on duty and in a marked patrol vehicle at the time of this incident. It is believed he was wearing a body-worn camera while transporting complainant, and that the vehicle may also have been equipped with an in-car-camera system that recorded audio. Additionally, the patrol vehicle was also likely equipped with an Automatic Vehicle Locator (AVL) GPS tracking device which would show the officer's location on 9/1/22 and confirm that he drove to Neal Road. Officer Sasek violated

After abandoning complainant on Neal Road, Officer Sasek subsequently returned to this office the following day and completed his arrest report for submission to the Butte County District Attorney. The DA is currently reviewing the arrest report and considering whether to pursue criminal charges against complainant Officer Sasek alleges in his report that he cited and released complainant at Oroville Hospital. – End.

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RELEVANT POLICY SECTIONS

- 340.5.9 – CONDUCT: (m) – Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.
- [redacted]

SCOPE OF INVESTIGATION

The scope of this investigation involves only the conduct of the employees involved. In this instance, it solely surrounds Officer Sasek's alleged conduct of leaving complainant on the side of the road in the dark, without shoes or communication devices. It does not involve what happened to complainant after she and Officer Sasek parted ways on Neal Road. Some of the timelines are inextricably woven into this conduct as it may serve to show corroboration of statements. The scope covers [redacted] Officer Sasek during this time. It does not cover subsequent statements made by other employees that may or may not lead to separate investigations at a later date.

What happened after complainant left the company of Officer Sasek cannot be investigated (other than Officer Sasek's reporting requirements [redacted] because her attorney would not allow her to be interviewed. Furthermore, at the time of her hospitalization, she did not provide a medical release. Without investigative leads and a direct link to an alleged policy violation, only the conduct leading up to the discovery of complainant can be completed.

The policy violation allegations brought forth in the Federal Complaint were not initially investigated but obvious discrepancies are pointed out in order to give factual background information. To determine potential mitigating or litigating circumstances as to complainant claim in Federal Court, a separate investigation would need to take place.

FACTUAL BACKGROUND AND TIMELINE

The following facts provide the relevant background information regarding complainant allegation. It should be noted that some of this information is considered outside of the scope of this investigation but provides context as to how and why Oroville PD came into contact with complainant

The fact that Officer Sasek left complainant on the side of Neal Road at night is not in question. This is admitted to by Officer Sasek. The events that lead to Officer Sasek leaving complainant on Neal Road are also not in question.

Based upon the statements made and evidence reviewed, below is an approximate timeline of events surrounding this incident:

- 09/01/2022
  - 1330 Hours: complainant arrested by BCSO for trespassing near Chico.

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- 1617 Hours: complainant released by BCSO at jail.
- 2050 Hours: complainant causing disturbance and trespassing at Dollar General, Oroville.
- 2121 Hours: complainant transported to jail by Officer Sasek.
- 2124 Hours: Arrive at jail.
- 2143 Hours: complainant and Officer Sasek en-route to hospital.
- 2149 Hours: Arrive at hospital.
- 2201 Hours: complainant cited and released from hospital.
- 2211 Hours: Officer Sasek receives call about disturbance and is back enroute to hospital.
- 2213 Hours: Arrives at hospital.
- 2218 Hours: Officer Sasek transports complainant
- 2247 Hours: Officer Sasek gives ending mileage and goes 10-8.

– 09/02/2022
  - 0934 Hours: complainant found at Franklin Construction.

– 09/04/2022
  - 1220 Hours: complainant Purse Found near BCSO arrest location.
  - 1220 Hours: complainant reported as missing person by daughter, BCSO advises she is at Enloe.

– 09/06/2022
  - 1455 Hours: Sgt. Larson (BCSO) responds to Enloe for report and photos.

– 09/07/2022
  - Sgt. Larson (BCSO) conducts records check of complainant.

EXHIBITS

The following items were collected and reviewed during this investigation. Only the relevant portions of each exhibit are mentioned below. All exhibits are included in their entirety in this case file for review.

Exhibit 1: CAD Report 2209010130 – Dollar General CAD

This document was obtained by OPD records. Below are relevant portions of this document:

20:52:32 Incident initiated in the CAD Log
20:55:17: 3833 is On Scene
20:57:55: 38K1 is On Scene
20:57:55: 38S3 is On Scene

21:06:47: "ATTEMPTING TO GET FEMALE OUT OF THE STORE"
21:11:02: "ONE DETAINED"

21:21:33: 3833 ENRT. BCJ BM 0 AT 2121
This entry is important as it validates the time stamp on the CAD log. The CAD log shows the time is 21:21:33 and the dispatcher inputs the time in the log as 2121.

21:24:35: 3833 ONSCEN. BCJ EM 0.3 AT 2143

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This entry is important as it validates the time stamp and the mileage provided from Dollar General to the Butte County Jail.

21:43:15: 3833 ENRT. OMC BM SAME AS ENDING AT 2143
This entry is important as complainant is alleging that at 10:03 p.m. the Jail Nurse refused to allow complainant to be booked and then she was transported to Oroville Hospital.

21:49:11: 3833 ONSCEN. OMC EM 3.7 AT 2148
21:49:25: 3833 CITE. OUT ON CITE
21:01:55: 3833 10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL ATTENTION
This entry is significant since it shows that complainant is now at a hospital, and no longer in Police custody.

21:11:29: HOSPTIAL CB TO 33 HAVING ISSUE WITH DETAINEE REQ ASSISTANCE
22:11:50: 3833 ENRT. OMCER
22:13:20: 3833 ONSCEN.
22:18:50: 3833 ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT 2218
22:47:49: 3833 ONSCEN. TOWN EM 27/3

Exhibit 2: BCSO Case Report #22-06016 – Found Property

This document was requested by OPD Lt. Zarate from the Butte County Sheriff's Office. Once he obtained it, he forwarded it to me. In summary, On 06/04/2022, Sheryl Dean reported finding complainant purse at 3090 Guynn Ave, Chico.

Exhibit 3: BCSO CAD #2209040063

This document was requested by OPD Lt. Zarate from the Butte County Sheriff's Office. Once he obtained it, he forwarded it to me.

Summary: W1 made a missing person's report of her mother, complainant on 09/04/2022 at 1221 hours. complainant was last seen on 09/01/2022 when she was released from the jail. The call was handled via telephone and cleared at 1536 hours.

Exhibit 4: Officer Sasek Call Logs

This document was obtained by Lt. Zarate upon my request from OPD records.

Relevant Entries:

20:53:32: Dispatched to Dollar General
20:55:17: ON SCENE
21:21:33: EN ROUTE TO JAIL
21:49:11: ON SCENE OMC
21:49:25: CITE. OUT ON CITE
22:01:55: 10-8. XRAY RELEASED AND ADVISED TO SEEK MEDICAL ATTENTION
22:11:50: ENRT. OMCER
22:13:20: ONSCEN
22:18:50: ENRT. 1014 TO UNK 1020 IN CHICO BM 0 AT 2218

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22:47:49: ONSCEN. TOWN EM 27/3
22:49:46: DISPATCHED TO OROVILLE DAM

Exhibit 5: Officer Sasek GPS Location Logs

This data was reviewed. There are no discrepancies located in this data. Please see Lt. Zarate's supplemental report on how this information was obtained.

Exhibit 6: Oroville PD Case #22-2954

This document was provided to me by Lt. Zarate as part of the initial investigative packet and information at the start of this investigation.

Summary: On 09/01/2022, [W2] reported that female was trespassing in the Dollar General store. [complainant] was instructed to leave but refused and hid in the back. Officers contacted [complainant] hiding underneath merchandise carts and trying to climb further away. She was detained and it was determined that she was probably under the influence of a CNS stimulant. She was unable to pass a medical screening at the jail so she was transported to the hospital and released after being cited. This report was authored by Officer Robert Sasek on 09/09/2022.

Exhibit 7: CHP Incident Detail Report #220902CH00066

This document was provided to me by Lt. Zarate.

Below are the relevant entries:

Location Address: 999 Neal Rd.
Caller Name: [W3]
Phone Pickup 9/2/2022 09:29:57
Call Complete 9/2/2022 09:31:25
XRAY ON PROPERTY
HOMELESS REFUSING TO LEAVE
TRANS TO BUTSO
RP NOT ANSWERING ON TRANS//1039 BUTSO

Exhibit 8: CHP 911 Call Audio

This was obtained by Lt. Zarate and forwarded to me as part of the investigation.

This call lasts 1 minute, 22 seconds. This is the audio of Exhibit 7. It records [W3] calling in a female trespasser. The CHP operator transfers the call to BCSO. [W3] disconnects. CHP provides the information to BCSO.

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Exhibit 9: Photos of Franklin Construction and Fence Line:

On 02/21/2023, while at Franklin Construction speaking with W3 [redacted] I took 5 photos of the scene. The digital versions of these photos are on the included hard drive.





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Exhibit 10: BCSO Case Report #22-06096

This document was obtained by Lt. Zarate and forwarded to me upon my request.

Summary: On 09/06/2022 at about 1435 hours, W4 reported her mother, complainant was booked and released into the jail and then dropped off on a country road somewhere after being forced into a patrol car. complainant was reportedly hit by a car and later taken to the hospital.

BCSO Sgt. Larson handled the call for service and responded to Enloe Hospital. She learned that:

- complainant has a history of narcotic use and law enforcement contact.
- complainant was arrested on 9/1/22 at about 1330 hours for trespassing (swimming at someone's pool) in Chico.
- She was released from jail at 1617 hours.
- On 09/04/2022 her purse was found.
- Later that day, her daughter (W1) called to report compl missing. Deputy Barrett located [redacted] that day in the hospital under the name, complainant.
- W1 last saw her mother on 8/31/22 at about 1800 hours.
- W1 said someone saw her mother on 9/1/22 and she seemed "distressed."
- compl has an abusive boyfriend [redacted] and W1 was afraid he hurt her.
- W1 saw compl had multiple injuries.
- compl told W1 that a bald deputy driving a SUV told her to get in his vehicle, drove her to an unknown location and forced her out of the car. It was dark and she was "clipped" by a vehicle that knocked her

into a ditch. The same deputy that dropped her off responded to Franklin Construction when she was found.

- Sgt. Larson observed scratches on compl s arms and legs consistent with rolling around in dry brush. complainant had larg bruise on her right arm and shoulder. She had abrasions on her upper back, buttocks and thighs consistent with road rash. She had a complaint of pain to her ribs.
- Complainant told Sgt. Larson that she was arrested for trespassing and booked into the jail. The arresting deputy saw her at the jail and was mean to her and not let her urinate. complainant was released by the same deputy that arrested her and contacted outside by him and forced into his vehicle. He drove her to an unknown area and forced her out of the car where she was then hit by a car and rolled into a ditch. The same deputy that did this contacted her after she was found the next day.
- complainant was adamant that her clothing and shoes were at her house. This was disproven by Deputy Rubinoff's report on 9/4/22.
- complainant admitted to using methamphetamine prior to this incident and that it made her feel different that usual.
- complainant described the deputy that dropped her off as a "stocky white male."
- [redacted] would not provide a medical release form.
- Sgt. Larson photographed complainant injuries.
- Sgt. Larson reviewed body cam footage from captured events prior to compl. being hospitalized.
    - Deputy Botts contacted complainant 3413 Bell Rd. She identified herself as complainant She was wearing a maroon tank top and black underwear. She told the deputy her belongings were at her house and provided vague statements. She was arrested and taken to the jail.
    - Captain Marsters reviewed surveillance video of the sheriff's office and observed complainant leaving the BCSO campus without being picked up.
    - Deputy Chamness contacted compl in the back of the ambulance at 999 Neal Rd. [redacted] was wearing different clothes. complainant provided a false name (complainant . She was not making sense when she said she was hit by a car. She would not provide any details. She appeared to be under the influence. No evidence of a vehicle collision were observed.
- On 9/7/22, Sgt. Larson contacted complainant again.
- W1 admitted that the mannerisms that Sgt. Larson described to her are consistent with compl being on drugs.
- W1 said that compl would lie to cover up her abusive boyfriend's actions.
- No phone calls from complainant to complainant's bf were located while compl was in the jail.
- complainant's bf was wanted for felony Domestic Violence.
- On 9/8/22, W1 contacted Sgt. Larson.
- She said compl was arrested again for trespassing a second time and taken to the jail again.
- Oroville PD contacted compl at Dollar General on 9/1/22. Officer Sasek arrested her and transported her to the jail. She failed the booking process and she was taken to OMC where she was cited and released.

Exhibit 11: BCSO 911 Call Transfer from CHP

This recording was obtained by Lt. Zarate and forwarded to me upon request.

This call lasts 1 minute, 59 seconds. It has the call transfer from CHP to BCSO but the reporting party, W3 is not on the line. A BCSO dispatcher calls W3 back. He reports a female not doing well. He said she has long black hair and a pink shirt, sitting on a water truck. He described her as "on something" and didn't know if she had any injuries. He said she had been in the weeds off of the side of a mountain.

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Exhibit 12: Google Maps Directions

This shows the routes, times and miles from the hospital (near the helipad) to Franklin Construction. The time of travel per this document appears to fit what Officer Sasek reported in his interview and on the call log.

Exhibit 13: BCSO Body Cam Footage from 999 Neal Road

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Ex. 13.1 - BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness

Summary: This is from the POV of Deputy Chamness. It is 6 minutes and 28 seconds long. He walks to the ambulance and finds Enloe Medics inside with complainant He questions her and she states she was hit by a car. She did not provide any details. She is aloof and only mutters that she is hit by a car when being questioned about providing a false name to the deputies. He questions her about giving them a false name. She lies about her identity and says she is not compl He pulls up her booking photo on his cell phone. Much of this video does not contain audio.

***Note**: I have had multiple previous law enforcement contacts with complainant and have personal knowledge that she will identify herself as complainant and/or complainant . complainant is a real person that resides in Glenn County and has an extensive criminal history.

Ex. 13.2: BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff

Summary: This is from the POV of Deputy Rubinoff. He arrives on scene at Neal Road. This video is 2 minutes and 5 seconds long. He locates other BCSO deputies talking with complainant while she is sitting on a water truck. The medics arrive on scene along with the fire department. complainant does not have any shoes on. Much of this video does not contain audio.

Ex. 13.3: BCSO Axon Body Cam Footage – 2022-09-02 X60A58540

Summary: This video is 23 minutes, 48 seconds long. This shows a deputy arriving on scene at Franklin Construction. He meets the RP, W3 He contacts complainant sitting on a water truck, slumped over without shoes and drinking water. She reports that she is sick. She says she hurt her arm and identifies herself as complainant She is covered in dirt and agrees to have an ambulance check on her. Other deputies, medics and fire personnel arrive on scene. Deputies walk a nearby gulch and return to the ambulance where complainant is located. Much of this video does not contain audio.

Ex. 13.4: BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z

Summary: This video is 2 minutes and 33 seconds long. It shows Deputy Chamness arriving on scene and walking up to another deputy and W3 at a water truck. complainant has no ID. She seems evasive when she is asked what her name is. The medics and fire department arrive on scene. complainant doesn't answer questions when asked how she got there. She walks to the ambulance under her own power. She believes she is in Sacramento. Some of this video does not contain audio.

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Ex. 13.5: BCSO Axon Body Cam Footage – 2022-09-02 X60A58393

Summary: This video is 6 minutes and 26 seconds long. It shows Deputy Rubinoff and another deputy talking to complainant in the ambulance. She is asked about her identity and what happened. She identifies herself as compl and as compl. The RP meets the deputies and thanks them. Much of this video does not contain audio.

Exhibit 14: BCSO Sgt. Larson Body Cam Footage from Enloe Hospital

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Summary: This BWC footage is from Sgt. Larson when she contacted complainant and her daughter at Enloe Hospital. It is 32 minutes and 27 seconds long. It shows Sgt. Larson talking to medical staff and interviewing Ms. co daughter. Her daughter is concerned that a deputy may have harmed her mother. Sgt. Larson then contacts complainant. She is in a hospital bed with a tube in her nose and IV lines. She is laying on her left side. She has marks and scratches on her arms. Sgt. Larson documents the injuries using a cell phone. complainant initially agrees to have a medical release signed. Her daughter says she doesn't seem comfortable with it and it's decided that they may sign it later on.

Exhibit 15: 19 Photos of complainant' injuries in hospital.

19 photos were taken by Sgt. Larson at Enloe Hospital. Below is a sample of these photos. Hardcopies as well as the digital copies provided by BCSO to Lt. Zarate of OPD are included for review.



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Exhibit 16: BCSO surveillance video showing James in jail and being released.

All BCSO footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

This is a series of videos showing James being booked and released from the BCSO jail. In summary, it shows that complainant did not enter a patrol vehicle and walked southbound out of the jail campus towards a bus stop.

Exhibit 17: BCSO BWC of Initial complainant Arrest

All BCSO body camera footage was obtained by Lt. Zarate upon our request and forwarded for use n this investigation.

Ex 17.1 BCSO BWC of Deputy handling initial compl. Trespass Call

This video is 25 minutes and 19 seconds long. The deputy finds complainant swimming in a pool. She said the property belongs to a friend of hers. She identifies herself as complainant complainant is arrested.

Ex 17.2 BCSO BWC of Deputy

This video is 2 minutes long. It shows a deputy searching complainant' property. She is questioned about how she got there.

Ex 17.3 BCSO BWC of Deputy handling call with complainant

This video is 26 minutes and 33 seconds long. It is from the POV of the second deputy handling the call.

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Exhibit 18: Civilian Complaint Litigation Hold Letter

This document was emailed to Chief of Police Bill LaGrone on October 3rd, 2022. The first two pages of the document is a notice to preserve all electronically stored information, copies, and backup as defined by Rule 34 of the Federal Rules of Civil procedure, relating to the arrest of complainant on 09/01/2022.

The next two pages are a copy of the Oroville Police Department Civilian Complaint form. The form has been typed; however, the signature, date, and name line are in handwritten format.

Exhibit 19: Complaint for Violation of Civil and Constitutional Rights in US District Eastern Court

This document shows Plaintiff, complainant demands a jury trial against the City of Oroville, Officer Robert Sasek, Sergeant Ali Khan and DOES 1-10.

This document was reviewed in its entirety. The relevant portions are highlighted below:

- complainant was arrested for trespassing and booked into the Butte County Jail on 09/01/2022 at about 1400 hours for trespassing while swimming in a homeowner's pool.
- The arresting BCSO deputy observed complainant was incoherent, had an altered mental status and was possibly under the influence.
- He did not retrieve complainant shoes after the arrest and she was booked without them.
- complainant was seen by the jail nurse at about 1450 hours, was cited, and released.
- complainant showed obvious signs of mental and physical impairment at this time.
- complainant was arrested again on 09/01/22 at the Home Depot in Oroville at about 2100 hours by Officer Sasek.
- complainant was incoherent and unable to care for herself at this time and Officer Sasek believed she was under the influence.
- Officer Sasek was informed of complainant previous arrest.
- Officer Sasek arrested complainant
- Officer Sasek transported complainant to the jail where she was seen by the nurse at about 2203 hours. She was refused booking until medically cleared.
- Officer Sasek was present during the time complainant was refused booking due to her being under the influence.
- Officer Sasek transported complainant to Oroville Hospital for a medical clearance.

- Officer Sasek left complainant in his vehicle at the hospital after going inside himself. He did not have her medically cleared. He cited and released her in violation of Penal Code Section 853.6(i) and OPD policy.
- Policy 420.4.2(a) was violated by Officer Sasek by releasing complainant on a citation and promise to appear because she was a danger to herself or others. Subsection (b) provides that the person requested requires medical examination or care.
- Officer Sasek was required by OPD policy to obtain permission from his supervisor to cite and release complainant
- A security guard encountered complainant in the parking lot and called Officer Sasek back.
- Officer Sasek was informed that complainant barricaded herself in a hospital bathroom.
- The security guard escorted complainant back out into the parking lot.
- Officer Sasek and Sgt. Khan responded to the hospital and discussed the matter.
- Officer Sasek placed complainant back into his patrol car and left.
- Officer Sasek drove complainant to a local gas station in Oroville. Sgt. Khan arrived at the gas station as did another officer and they discussed a plan of action.
- PC 832.7
- Officer Sasek drove complainant to an area near the Neal Road Waste Facility. While driving, complainant asked where they were going and he answered, "Don't worry about it" and told her to, "Just shut the fuck up."
- At about midnight, Officer Sasek pulled over and told complainant to get out of the vehicle. When she asked where they were, he responded, "You will figure it out, it's not my problem."
- Officer Sasek sped away, throwing dirt and gravel at complainant with his patrol car tires.
- complainant began walking towards Franklin Construction, the same way which Officer Sasek used to arrive at scene. She was struck on her right side by a passing vehicle and sent flying down an embankment where she remained for about 10 hours.
- BCSO staff arrived on scene, insulted complainant and did not inquire or investigate how she got there.

INVESTIGATION

Officer Sasek Interview

Officer Sasek was interviewed on 10/19/22. His attorney, William Baird, was present. Officer Sasek was mirandized and compelled to speak. Officer Sasek provided the following, summarized statement:

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Officer Sasek was called back to the Oroville Medical Center after citing and releasing complainant *on a previous call. He left to back his partner up on another call. After leaving that call, he received a call from retired officer* guard . guard *is a security guard at the hospital.* guard *reported the lady (*compl. *was acting weird at the hospital and asked that he return.*

Sasek arrived back at the hospital behind the E.R. entrance. guard *was with* compl *. She was calm. Sasek asked* complainant *what to do. She said she wanted to go home and Sasek offered her a ride.* *said her home was in Chico and Chico was safe. Sasek agreed and his supervisor (* *) cleared it.*

Sasek began to transport comp *As he was leaving, he was having issues with his work phone so he reset it. He reset the whole phone because just resetting IRIMS in the past hasn't worked. As he passed the Durham-Butte College exit on Hwy 99, he came up the hill and could see the green stop light.* compl *demanded to get out of the car. Sasek told* compl *that he wasn't going to let her out on Hwy 99. He took the first right that was available which was Neal Road. He continued Eastbound where he knew there was a large space available about a mile up the road.*

Upon arrival, Sasek asked compl *if she was okay. She didn't respond. He got out and opened the door and* compl *exited the car. She walked about 15 to 20 feet and called Sasek a motherfucker and started kicking rocks. He didn't want to have issues with* compl *in the middle of nowhere so he got in his patrol car and left.*

Officer Sasek took the same route back to Oroville that he took when transporting compl *– end.*

Officer Sasek clarified that he believed he dropped compl off at the entrance to the worm food business on Neal Road. He described it as a big open parking lot with a building nearby and a power pole.

Officer Sasek was asked about resetting his work phone and IRIMS. He said he noticed he had problems with his IRIMS just after leaving the hospital with compl . He said he tried to refresh it but it didn't work so he turned the phone off and turned it back on. He did this because he had been having radio problems and wanted to know what his team was doing at all times when he is out of town. Sasek said he didn't end up resetting it after he turned the phone back on. He didn't remember to turn his IRIMS back on until he got back into town.

Transcript

Stover: Okay, so just so I understand the word you're using, "reset". Are we talking completely powering the phone phone off, sliding to off, turning it to back on?

Ofc Sasek: Completely powering the phone off and then hitting the button to turn it back on again and then having to go back into RIMS and log in again.

Stover: Okay. So did you do all of that in the parking lot at the hospital?

Ofc Sasek: No. So as I was leaving the hospital I clicked on my RIMS and I went to refresh it, because you drag it down like a Facebook page and it'll refresh the app. It was giving me issues, it had been giving me issues throughout the night, and I was like you know if I'm going to be away from town, where we have radio issues all the time so I can't hear what my team is doing. I would like to be able to know what my team is doing on a current refresh.

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So I reset it and then I started driving and then I didn't end up resetting it. I think I may have turned it on, I can't remember if I hit the button to let it go through it's turn on process, but then I was driving, there was a bit of traffic and I wasn't going to try to poke through my phone and then drive through town.

Stover: Do you have any recollection of when you did turn that back on?

Ofc Sasek: So when I got RIMS and everything completely logged back on, I want to say I was near the 149 Highway 70 exit, coming back into town, because I'd heard some chatter over the radio, guys were busy and I was like, well I forgot to reset my app all the way through, so let me get it up and going and monitor radio traffic where I can try to figure out where they're at.

Officer Sasek was asked to describe the route he took when he transported compl. He believed he took Oro Dam Boulevard to Hwy 70. Took 70 North to 149 and North onto 99. He then took a right onto Neal Road.

Officer Sasek was asked about how he got the transport cleared by his supervisor. He said his supervisor was Sgt. [redacted]. [redacted] was on scene and speaking with Officer Herrera. Officer Sasek asked [redacted] if it was okay to give her a ride home and he said to go ahead. Sasek said his BWC was on, but it was not activated.

Transcript

Lefdal: Okay. Did you notice or notify anybody that you were going back to the hospital to deal with that issue?

Ofc Sasek: I advised dispatch.

Lefdal: Okay. Via the radio?

Ofc Sasek: Yes.

Lefdal: And everything in that transmission went fine?

Ofc Sasek: Yes.

Officer Sasek was asked about how [redacted] compl exited his patrol car.

Transcript

Stover: So going back to when you're parked at the gate there of the worm food place. How did she exit the vehicle?

Ofc Sasek: When I asked her. is this good, she didn't say anything. I opened my vehicle, turned around to make sure the back door was unlocked, opened the door, stepped back and she turned and walked right out.

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Officer Sasek confirmed that compl got out of the car under her own power. He did not recall seeing any physical injuries on compl during the incident or prior contacts with her that night. He did not see her fall or injure herself in his presence.

Transcript

Lefdal: So is it fair to say she was in control of her faculties when you left her?

Ofc Sasek: Yes. Yes. At that point in time she knew that she was in Oroville, she knew that going home to Chico was safe. So I didn't deem her to be... I didn't deem her to be 5150 at that time. I thought she was of sound mind.

Stover: Did she have any property with her?

Ofc Sasek: No. When I searched her she didn't have anything on her.

Stover: When she told you to stop, did she say anything about can I use your phone to call somebody?

Ofc Sasek: No, she did not.

Stover: Do you remember if you offered?

Ofc Sasek: I don't believe I offered. Like I said I stopped and let her out. She wasn't really talking much and then she started walking away and I was like this is just a little not regular. And then she turned and started, you know, MFing me, and I was just not going to keep myself in that situation.

Lefdal: Do you remember if she had shoes?

Ofc Sasek: I don't. I don't believe she had shoes. I don't believe she had shoes when I contacted her at Dollar General.

Lefdal: Okay. Do you remember the traffic conditions about that time at night on Neal Road?

Ofc Sasek: I think I saw one vehicle while I was on Neal Road.

Lefdal: You wouldn't happen to remember what vehicle that was?

Ofc Sasek: No I saw headlights.

Officer Sasek was aware that compl alleged that she was hit by a vehicle after he dropped her off. He said he only became aware of that due to the notice he received for this interview.

Officer Sasek was asked about using inappropriate or unprofessional language when he dropped compl off.

Transcript

Stover: Okay. She alleges that you used inappropriate and unprofessional language when you dropped her off at the gate to the worm farm. Do you have any recollection of that?

Ofc Sasek: I do not. I believe what I said to her is, when she started motherfucking me is, I'm not doing this, because I'm not going to get an altercation with anybody in the middle of nowhere by myself.

Stover: Can you elaborate on what you consider to be "motherfucking"? Like was she literally yelling -- you're a motherfucker?

Ofc Sasek: She said -- motherfucker, fuck you, fuck this -- as she was then turning and kicking rocks at me.

Officer Sasek was asked to explain his rationale for dropping compl off where he did. He said compl asked to be let out and because it was a consensual encounter, he complied with her request.

Officer Sasek was asked about the GPS in his car. He said he did not intentionally turn off the phone and he wasn't told to do it.

Sasek said it is not normal to run his body worn camera on transports but that policy will change for him from now on. He felt that he was helping someone and didn't expect this to take the turn it did.

Officer Sasek indicated he did not know exactly where he was transporting compl when he started the transport.

Transcript

Stover: So your radio traffic, you put that you were en route from the hospital to an unknown location in Chico. Did you not know where you were going?

Ofc Sasek: No I did not. It's not uncommon for somebody to say, can I get a ride to Chico and then they'll either provide us with a more detailed area where we're dropping them off when we get there because they don't know the exact address. We do transport a lot of transients and sometimes they're staying with friends so they don't know the address and whatnot. So that's what I was expecting was to get into town and be like, hey okay turn right here, turn left here, and this is where I'm staying.

Officer Sasek explained that he didn't put out the ending mileage when he ended the transport with compl because he didn't think his radio was working at that time. He said he gave an ending mileage when he got to a place where he thought his radio was working.

Transcript

Stover: So when you normally transport somebody and you have completed that courtesy transport to wherever, whether it be Chico or Neal Road at the worm farm, how come

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you didn't put out your ending mileage at that location and the person had been removed from the vehicle.

Ofc Sasek: Because I didn't think my radio was working at that point in time. So I got to where I knew that my radio would work and then I believe that I gave an ending mileage.

Stover: You did, you did. You gave the ending mileage when you got back to the city. So, I mean I'll just be frank with you. Here's the way that we look at this, right. We didn't have GPS tracking. Not sure if you turned it off. If it's a computer glitch what the deal is, because that's one layer of protection for you. We don't have a body worn camera, which would have been another layer of protection for you. And then the radio traffic, the mileage that you gave, you gave when you got back to the city, and you could have potentially put over the radio where you dropped her off, which would be normal protocol right, is to to say where you dropped the person off on the radio?

Ofc Sasek: Not necessarily on the radio, but I did advise my sergeant.

Stover: You advised your sergeant where you dropped her off?

Ofc Sasek: Yes.

Stover: That night?

Ofc Sasek: Yes.

...

Lefdal: Okay. I do have one follow up. And I'm sorry I'm not a big fan of going back and forth. But...

You had made a comment earlier that you didn't believe your radio was going to work while you were out on Neil Road when you dropped her off?

Ofc Sasek: Not necessarily Near Road. Our radios are super spotty. It could be a bad windy day and we don't hear much on our radios. Normally when I go to Chico, my radio does not work very well. On a clear day it could work fine. On a windy day it could not work fine. So whenever I leave the immediate area I expect my radio not to work, just as a backup I like to have the other tools available to me.

Lefdal: Like what?

Ofc Sasek: Like my phone.

Lefdal: Did you use your phone as a backup tool when you didn't use your radio to give the ending mileage when she actually ended out of the car, did you call dispatch and let them know?

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Ofc Sasek: No, I did not.

Lefdal: Okay. Can I ask why?

Ofc Sasek: I just didn't think of it. I was just trying to get back at that point in time. I was like, this is odd, this is not how my regular transport, you know, taking somebody to Chico would be. What to get back. It was an extremely busy night so I was just trying to get back to the guys so I could help.

Lefdal: Has your radio ever worked as it's supposed to just outside of the city limits?

Ofc Sasek: I would say not that far, no, it's not really clear. It doesn't normally work very clear. I would have to switch over to Gould and then dispatch has to do some weird thing. I don't know if they have to switch to Gould to hear me or what not. But when we work farther out of our area, we normally switch over to a radio, the Good Gould Channel and Gould Channel doesn't work very well.

Lefdal: Okay, so if you're transporting someone to Chico have you... Well, let me back this up a little bit more of a basis here. Have you transported someone as a courtesy ride to Chico before?

Ofc Sasek: I have.

Lefdal: Okay. And when that person gets out of the car, how will you notified dispatch that it was done?

Ofc Sasek: Normally what I do -- and I know this is kind of just a shitty situation, I apologize for my language -- I would write it down. And then I would give them the mileage from where where I dropped him off at, the location that I dropped him off at. At this point in time, or at that point in time I didn't look down at my radio because -- or not my radio, my mileage, because this was just, it was odd. You know, like the whole situation was odd and I didn't think to look down and you know, check my mileage.

So when I got back into town and I knew my radio was working completely and I started asking where the other units were is when I gave my mileage.

Lefdal: Okay.

Officer Sasek was asked if anything illegal or sexually related occurred with complainant when the transport ended. His attorney objected heavily to the line of questioning and ultimately Officer Sasek didn't answer the question.

Officer Sasek was asked about compl clothing. He indicated that he didn't know if compl clothing had changed during any of his interactions with her.

Officer Sasek was questioned further about his BWC and compl demeanor change.

Lefdal: Okay. When you went back to the hospital to deal that after that phone call from [redacted], was your body cam on?

Ofc Sasek: No, it was not.

Lefdal: And why is that?

Ofc Sasek: Because everything was really... It was a nice encounter. I don't know how to describe. Like if I'm expecting something that's potentially going to go wrong, you know, I'll activate my body camera. But, you know, I've already talked to this lady, I built a decent rapport, she was being kind, there was no need, it was like, you know, I'm just going to go talk to her and figure out what the issue was.

Lefdal: So you guys were completely Code 4, you and her, through and your previous contacts?

Ofc Sasek: Yes. We made the contact at Dollar General, at the jail she was completely calm, compliant. There was no need to worry that I was expecting.

Lefdal: So that leads me to my next follow up question. So what happened with her being completely compliant Code 4, good rapport, to hitting, what, about Neal Road where she started saying, let me out and things became hostile?

Ofc Sasek: I have no clue. As far as I knew she was completely okay with getting a ride. She willingly got into the back of the car. We were going good. I had some music playing in the vehicle. And then we passed the Butte College Durham exit and the next thing I know is she said, hey I want out, let me out.

And I was like, okay, I'm not going to let you out on highway 99. I didn't feel like that was a smart thing to do. So I took that first right that I could, I drove up to Neal Road and then when I let her out at that little opening, everything was completely, it was calm. It was nice. She stepped out of her own accord. She popped out and she started to walk away, and I was like, okay, this is, okay, what's going on? You know, it's a little... But, okay.

Lefdal: A little what? Just finish your thought.

Ofc Sasek: Just a little off, you know, like...

Lefdal: Why?

Ofc Sasek: Because I expected to give this lady a ride to Chico and then all of a sudden she wanted out. And then the next thing I know is she was upset, and then she like...

Lefdal: Why was she upset?

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Ofc Sasek: I don't know. Like I said, she got about 15 to 20 feet away from the vehicle and then she turned around and as she turned around, she started "motherfucking" me and then she started kicking rocks, and I decided that I wasn't going to be a part of that situation because I'm out here all alone. It's just myself, I'm not trying to keep myself in any bad situations, I'm not going to try to fight a lady in the middle of nowhere, you know, I'm not going to sit there in a situation if I don't have to.

Lefdal: Did you have a thought about turning on your body cam at that point?

Ofc Sasek: At that point in time, I had already started to take a seat in my vehicle, so I figured it would just be smarter to leave.

Lefdal: So is it your statement that she just kind of did a 180, completely 180, bam, went from Code 4 to MFing you...

Ofc Sasek: Yes.

Lefdal: -- for no real reason whatsoever, based upon nothing what you've done?

Ofc Sasek: Exactly.

Lefdal: She had a complete turnabout?

Ofc Sasek: Yeah, she just kind of turned around and changed.

...

Lefdal: Okay. Based on what training and experience you have, did you believe [redacted] complainant to be under the influence of a controlled substance at the time that you were dealing with her?

Ofc Sasek: At the time that I contacted her at Dollar General, I believe that she may have been under the influence of something. But then as I spent more time with her going to the jail and whatnot, I believe that she might have some slight mental health issues instead. Based on my experience, people that are are high don't have the ability to calm down all the way, and by calm down I mean they can slow down their speech and stuff like that but their body will still be fidgeting and whatnot. She was able to calm down, like she would get worked up a little bit, and then she would calm down as if she was just worked up. She wouldn't calm down in her voice and her tone and how she talked to me and then keep twitching. She would completely calm down.

Lefdal: So she'd go to complete extremes, high and low?

Ofc Sasek: Not complete extremes, but like when when I was arresting her she was worked up, she was upset about being arrested so she was you know be-bopping and twitching a little bit. But then after that I would say adrenaline spike kicked up she started to come

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down off the adrenaline spike and then calm down, and she wasn't twitching and you know, uncontrolled body movements were not there, she was able to actually maintain a steady body position and have a conversation.

At the end of the interview, Officer Sasek indicated there were some lights in the area. He stated it was what he would consider well lit, but it was in the pitch dark either.

Sgt. Ali Khan Interview

[redacted] PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

Officer Sasek cleared the courtesy transport of [redacted] complainant *with Sgt.* [redacted]. *His understanding is that Officer Sasek was transporting her to Chico, either to where she lives or to the Home Depot, which commonly occurs.*

Transcript

Stover: Okay. So at the hospital he says that he cleared transporting her to Chico with you.

Khan: He did.

Stover: Okay. So what was your understanding of what he was going to do with her?

Khan: Take her to Chico, possibly to where she lives, or to Home Depot is where we normally take people in that area.

Stover: Okay. So we're going to jump right into that.

Khan: Okay.

Stover: So, Home Depot. Is that your understanding of the general destination when you provide a courtesy transport from Oroville to Chico? It's to the Home Depot parking lot?

Khan: If they want to just go to Chico in general? Yes.

Sgt. [redacted] said it was a busy night and that Officer Sasek MIGHT have told him he dropped her off somewhere but he didn't think about it. The last time he was aware of [redacted] compl condition was when they picked her up at Dollar General. She was wearing a shirt and pants but he didn't recall her shoes, if any. Sgt. [redacted] believed Officer Sasek found him on a call for service when he got back from dropping [redacted] compl off but doesn't recall him saying anything about dropping her off near the worm food farm.

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Sgt. [redacted] indicated that since the incident, he has had time to look into the Neal Road area. He was initially under the impression that it was closer to the Chico transient camps. He now has a better idea of where it is located.

Transcript

Stover: Okay. So when officer Sasek gets back, he meets up with you on a call and says, hey, I dropped her off. But you don't actually recall where he said he dropped her off at?

Khan: I don't.

Stover: Okay. If he had told you -- I dropped her off up by the worm farm -- do you think you would've been, like, okay... Or would you have had more questions? Or...

Khan: I would have had more questions. I mean, Neal Rode, I thought that was closer to like the transient camps that... Now that I've looked into it by, like, States, that whole area there. That's where I was thinking it was at. That's only after they asked me about it.

But from the time that occurred to the time they asked me about it, I didn't think anything of it at all.

Stover: Were you aware of any other information? Were you aware that Butte County went out there the next morning because she allegedly was hit by a car, or that she was in the hospital? Any of that?

Khan: I wasn't aware of anything at all.

...

Stover: So the night of the incident when he comes back and tells you, when you stated it's busy, you're just... You're under the impression that he dropped her off somewhere near the homeless encampments there by Estates.

Khan: Yeah. I mean, I trust my guys, and I didn't really have any questions for him at the time, and we were busy. And that's exactly what I thought he was. He had dropped her off where she wanted to go, which was Neal Road I guess.

Sgt. Khan was questioned about standard procedure as it pertains to providing courtesy transport.

Transcript

Stover: Okay. Alright. So... When he... There's some oddities in the way he behaved, in my opinion, okay, in what operationally seems normal to me. He provided some information that maybe it's not.

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But when somebody transports a courtesy transport from here to Chico, and let's say they're going to go to the Home Depot parking lot...

Khan: Okay.

Stover: And they pull in the Home Depot parking lot, do they not get on the radio and say -- I dropped the subject at Home Depot, this is my ending mileage. I'm backing out to the city.

Khan: So standard policy, yeah, you're supposed to say, hey, 1087, and NE mileage, whatever your NE mileage will be. And then, yeah, you're back around to the city.

But we've been having a lot of radio issues. Like, our radios are, are screwed. Sometimes got in and out, and you can't hear anything, you can't transmit from there. So unless you call, there's no radio in Chico.

Stover: Okay. And that's a known thing?

Khan: Oh yeah. Like, they're, everyone's aware of it.

Stover: Okay.

Khan: Yeah.

Stover: Alright. So to be fair, you said you don't really recall -- you remember him saying Neil Road, I guess, or that's where you believed he told you. Did he say anything about the fact that, dropped her off, she didn't have any shoes, didn't have a cell phone, had no way to take care of herself, as far as...

Khan: No.

Sgt. Khan advised he was never told by Officer Sasek about any issues with RIMS but that it's not uncommon to have to restart the app. Sometimes it can take up to an hour.

Sgt. Khan was again asked about compl' clothing. He did not recall what she was wearing. He didn't recall her demeanor when they responded to the hospital to deal with her.

Sgt. Khan was asked about his interaction with Officer Sasek when he got back that night. He indicated that there was a fire at Hwy 70 and Oro Dam Boulevard that night and he gave permission to Officer Sasek to respond Code 3 to that call. Sgt. Khan was near the back of the police department checking out a suspicious circumstances incident at a nearby business. He didn't recall exactly when he met up with Officer Sasek following his transport of compl. Sgt. Khan indicated that in retrospect, he should have paid more attention due to an officer not going 10-97 at the end of a transport.

Transcript

Lefdal: Were you at that fire?

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Khan: I wasn't.

Lefdal: Okay. Do you remember what call you were on?

Khan: Yeah, I was right here behind the PD. Someone... We saw the brake lights flashing out one of the vehicles back here. Like, Mount Enterprises, and we thought someone was breaking in there, so we had to clear the whole yard, and it was just me. I think I waited for officer Herrera to show up, and we did that. We were dealing with that while he was over there at the fire.

Lefdal: Okay. At what point did he meet, Sasek meet up with you? And...

Khan: So that's what I don't remember. I don't exactly remember when he told me that... If he says he did, he did. I believe him 100%, he's an honest dude. I just don't remember when he told me that he dropped her off at Neal Road.

Lefdal: So you don't have independent recollection of you guys doing a face to face, and him telling you what happened?

Khan: I don't.

Lefdal: But at some point you come to the knowledge, you come in possession of the knowledge that he dropped her off at Neal Road?

Khan: Yeah.

Lefdal: But you don't know whether it would be a radio, cell phone, in person?

Khan: No.

Lefdal: Okay. Do you recall ever having a time on that patrol on that shift where you're going, gee, Robert has been gone for a while, or, where's my officer? Or thinking anything along those lines? Like... I haven't heard from him.

Khan: Are you referring to when you went to drop her off?

Lefdal: Yes. Sure.

Khan: It didn't take that long.

Lefdal: Okay. Did anything click with you when he gave his total mileage over the radio when he got back to town? Did anyone... Did anything click in your, in your mind going -- that doesn't make much sense, because I didn't hear him say anything before.

Khan: I did not. No.

Lefdal: Okay. Looking back, would it have?

Khan: Oh, yeah. Oh, yeah, it definitely would have.

Lefdal: Okay. In what way?

Khan: I think in my part I should have been paying more attention, not did a... I should have paid more attention to what he said on the radio, and why he didn't go 97 where he went, to where he dropped her off at. But like I said, it was busy, so I don't... I mean, I blame myself a lot too.

Lefdal: When you say it was busy, give me a brief description. Like, were you call to call that night?

Khan: We had quite a few calls. Yeah.

Lefdal: Okay. And do you remember how many officers were on shift that you were supervising? Including MLE's.

Khan: Just officer Herrera and officer Sasek, that's all.

Lefdal: Okay. So no MLE's or anything like that?

Khan: No.

Sgt. Khan was asked if he felt that Officer Sasek had minimized his involvement in transporting comlp t all [redacted]
[redacted] PC 832.7

Transcript

Stover: I realize nobody wants to get anybody else in trouble. Right? But like, as his supervisor, do you feel like perhaps maybe he minimized some of the circumstances of this when telling you what happened? Or... Are you the kind of supervisor that when somebody comes to and says, hey, I did this, you ask them follow up questions. Like...

I feel like he... I feel like if he had come to you and told you the entire circumstances of surrounding why she was there, and where he actually dropped her off, that you may have taken some action.

Khan: So, yeah. Ready for my answer?

Stover: Yes, please.

Khan: Okay. So, yeah, if I'd have known that he dropped off over there, I'd have told to go, go look for her, pick her back up.

But... Can you repeat your question again? Sorry.

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Stover: So, my thing is, is do you think he gave you... Do you think he was truthful with you? But gave you one tenth of the circumstances? Or do you feel like maybe you didn't interpret what he was trying to tell you?

Khan: I just don't remember exactly when he told me what he told me that day. I just remember Neil road and I didn't think anything of it at the time.

Stover: Okay. But if he had told you -- I dumped her off in the dark by the worm farm, with no shoes, no cell phone, up by the dump, and then I left her on the side of the road -- would that have changed you think the way you dealt with it that night?

Khan: Oh, yeah. I'd of told him to go pick her up.

W3 Contact

On 02/21/2023, I contacted W3 at Franklin Construction located at 999 Neal Road in Chico, California. W3 was the reporting party on 09/01/2022 when compl was located and later transported by Enloe Ambulance to the hospital.

W3 was cooperative but requested that our conversation not be recorded. He said he didn't want to end up in the media. In summary, W3 reported the following:

W3 *was at work and was standing near the shop. He looked to the West and saw a female* (later identified as complainant) *walking up the hill out of the ravine towards the shop. She was obviously disheveled and looked like she was under the influence. She had weeds in her hair and her shoulder was injured. He doesn't recall which shoulder. She was possibly wearing green pants and a tank top. She walked through the equipment towards the North.* W3 *lost sight of her for a minute but later found her sitting on the stop of a water truck parked nearby. He told her she needed to leave. She was acting erratically and didn't really say anything. She possibly said, "okay" when she was told to leave. She was completely out of it and seemed like she was on every drug there was.* W3 *went and retrieved a bottle of water for her. He walked up to her but stopped several feet away because she smelled so bad. She had defecated in her pants and it was apparent that she had spent the night in the ravine.*

W3 *called 911 and the sheriff's office came out with an ambulance. The deputies were appropriate and professional. She didn't really respond to their requests, but she was transported via the ambulance. – end.*

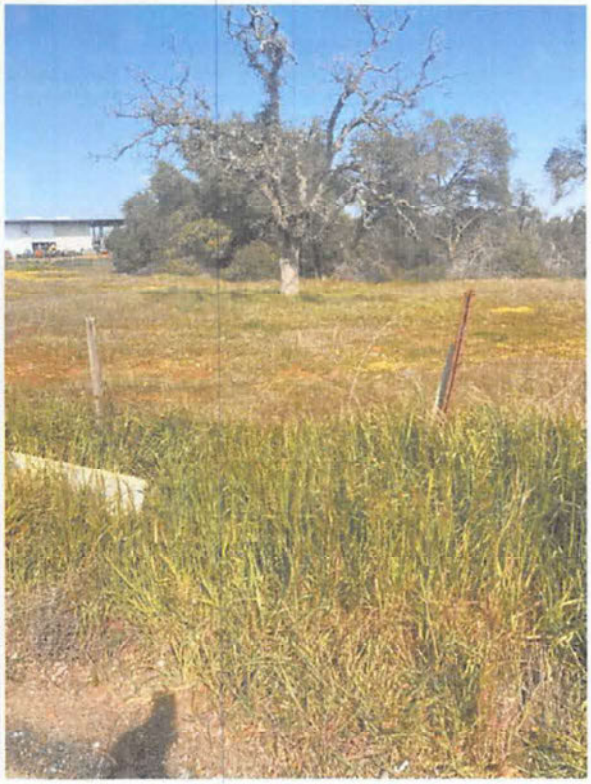
W3 said he was aware of the complaint that was made. He said it's not uncommon for transients to find their way into his equipment yard. He felt as though they were drawn in by the lights. W3 said he didn't have any cameras facing the direction in which compl was encountered. He was under the impression that compl found her way into his equipment yard from Highway 99 and had no doubt that she spent the night down in the ravine. He said the sheriff's deputies went down into the ravine the day she was transported but didn't find any evidence that she had camped or slept down there.

I asked W3 if there was a break in the fence that he felt compl could have used to enter the property. He said the fence was down on the road in a small area but that was it. I thanked W3 for his cooperation and asked that he call me back if he thought of any other information that would be useful.

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I went out onto Neal Road and looked at the fence separating the road from Franklin Construction's property. There were two areas of the fence that would appear to be "open" enough to go through fairly easily. Both areas are between the area where Officer Sasek reported dropping compl off and the main entrance to Franklin Construction. (See photos).





Attempt to Interview Ms. compl

On 03/03/2023, I spoke with complainant's attorney, Robert Chavant. I asked if I could speak to his client to get more information from her about the incident. He said he would talk to his client but that his opinion was that she should not provide a statement. He then asked if the involved officers admitted any fault. I explained to him that I couldn't divulge that information. I asked that he or his client contact me if they chose to provide a statement.

BCSO Evidence Received

On 03/07/2023, I received the following from Lt. Zarate:

BCSO Report #22-06096 from Sgt. Larson
BCSO CAD #2209020040 – Welfare Check from Neal Road
BCSO CAD #2209060113 – Suspicious Circumstances from Sgt. Larson at Enloe Hospital
BCSO Audio of 911 transfer from CHP with Mike Lad as Reporting Person
BCSO Axon Body Cam Footage – 2022-09-02 X60A58540
BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness
BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff

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BCSO Axon Body Cam Footage – 2022-09-02 X60A4213Z – Chamness (2) "hit by a car"
BCSO Axon Body Cam Footage – 2022-09-02 X60A58393 – Rubinoff (2)
BCSO Axon Body Cam Footage – 2022-09-06 X60A57920 – Larson at Enloe.
19 Photos of complainant injuries in hospital.
BCSO surveillance video showing ompl in jail and being released.

Officer Herrera Interview:

On 03/21/2023, Officer Isaac Herrera was interviewed at OPD. He was with his attorney, Patrick Brady. Officer Herrera was compelled to speak and in summary, provided the following statement:

Officer Herrera was on duty on 09/01/2022 and recalls the incident with complainant. Following her initial arrest at Dollar General, they again were called to deal with her at the Oroville Hospital. Officer Sasek was the responding officer and Officer Herrera responded to back him up as well as Sgt. Khan.

By the time Officer Herrera arrived on scene, compl had already been secured (presumably in the back of Officer Sasek's patrol car. Security Officer guard was there. Officer Herrera didn't even get out of his patrol car. They were at the back door of the emergency room and it was at night time. Officer Sasek appeared frustrated because he had been dealing with Ms. compl all night. Sgt. Khan and Officer Sasek were discussing what to do with her. It was determined that they were going to give her a ride to her home in Chico. Officer Sasek indicated he wasn't excited to go all the way to Chico. Officer Herrera jokingly said that he should drop her off at Neil Road. He said it flippantly and didn't mean it seriously. There was no further discussion between anyone about dropping her off at Neil Road. Officer Herrera left the hospital in his patrol car, followed by Sgt. Khan. Officer Sasek left shortly afterwards with Ms. compl – end.

I asked Officer Herrera if he ever met up with Officer Sasek and complainant after he left the hospital. He said no. I asked him if he ever met up with anyone from that scene at any kind of a gas station. He said no. When I asked him where he thought Ms. compl might get that idea from, he said the hospital could be mistaken for a fuel station by someone under the influence.

Officer Herrera stated he didn't want to say Sasek was frustrated over the situation that night because the jail didn't accept compl and the hospital didn't want to take her but, he believed Sasek expressed that he didn't want to go all the way to Chico that night. Officer Herrera said he made the joke about dropping her off on Neil Road in passing and believed that no decision was made off of that comment. Officer Herrera said he didn't know that Officer Sasek was really going to drop her off on Neil Road.

Officer Herrera said the last time he physically saw complainant was during the arrest at Dollar General where she was acting erratically. He didn't actually see her at the hospital but knew she was there.

I asked Officer Herrera if there was anything else I should know about this case or any information/evidence he had. He said there wasn't. Officer Herrera was admonished not to discuss the case with anyone other than his attorney, myself, or Lt. Zarate.

The interview with Officer Herrera was audio recorded and transcribed. He was sent a copy of the transcript and told to advise me if he had anything to add, edit or delete.

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Officer Sasek Re-Interview:

On 06/14/2023, I re-interviewed Officer Sasek with the intention of questioning him further about Officer Herrera's statement of "dumping" Ms. compl off on Neal Road. He was previously noticed through his attorney and a transcript of his previous interview was provided to him. We met at OPD with his attorney, Mr. Baird. Mr. Baird asserted that his client is using the same rights he had during the previous interview. I compelled Officer Sasek to speak to me.

I explained to Officer Sasek the reason for the interview and I asked him if he had heard Officer Herrera make that statement at the hospital the night he gave Ms. compl a ride home. *He said he had not heard Officer Herrera make that statement.* He indicated that it was a coincidence. I asked him if this was the first time he had heard that statement. He indicated that it wasn't. He explained that, just prior to me interviewing Officer Herrera on this case, Officer Herrera called Officer Sasek. Officer Herrera told him that he felt obligated to let him know that he had made that statement that night and that he was going to tell me about it during our interview. Officer Sasek said that he realized nobody is supposed to discuss the case but that Officer Herrera felt obligated to let him know.

Transcript

Lefdal: Okay. And you've read it.

So let me ask you, were you present for any statements being made about quote-unquote, "dumping" Ms compl out on Neil road?

Sasek: No, I was not.

Lefdal: Okay. So you never heard that statement?

Sasek: No, I did not.

Lefdal: From anybody?

Sasek: From anybody.

Lefdal: Okay. This... So this is the first time that you've heard that?

Sasek: No. I was...

Lefdal: Can you clarify that?

Sasek: I was advised by Officer Herrera that he was going to be interviewed and he didn't want to feel as I was going to betray him -- or not betray him -- as in, he was going to betray me. Because he said that he made a distasteful joke and he was going to let you know about it, or let the investigator know about it.

Lefdal: Okay.

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Sasek: And then he basically told me that he made some kind of joke about -- while you're on the way, drop her off on Neil Road.

Lefdal: Okay.

Sasek: So I heard about this after our interview. I understand that we're not supposed to discuss this, but he did reach out to me and just let me know, hey, I don't want you to feel like I'm betraying you, but I did make a joke and, heads up. So when this does come up, you're not getting hit out of left field.

Lefdal: Okay.

Sasek: So, when the joke was made, I was unaware of it. I did not hear it. That was the first I had heard of it was when Officer Herrera told me that, hey, man, just a heads up. If this comes back, this is what I said.

Lefdal: Okay. So is it... So this is a coincidence?

Sasek: 100%.

Lefdal: 100% a coincidence?

Sasek: 100%, I had no intention of dumping somebody off at anywhere.

I do this job to take care of people. My brother-in-law lives in the field. You know where the olive orchard is up on Table Mountain? Right up here?

Note: Based upon Officer Sasek leaving Ms. compl at the almost exact spot where Officer Herrera joked about leaving her just moments prior, the statement by Officer Sasek indicating he didn't hear the statement is concerning. He indicates this is merely a coincidence. Officer Sasek was at the hospital with Officer Herrera and Ms. compl at the time Officer Herrera made the "off color" statement.

Timeline

Based upon the statements made and evidence reviewed, below is an approximate timeline of events surrounding this incident:

- 09/01/2022
  - 1330 Hours: Ms. compl arrested by BCSO for trespassing near Chico.
  - 1617 Hours: Ms. compl released by BCSO at jail.
  - 2050 Hours: Ms. compl causing disturbance and trespassing at Dollar General, Oroville.
  - 2121 Hours: Ms. compl transported to jail by Officer Sasek.
  - 2124 Hours: Arrive at jail.
  - 2143 Hours: Ms. compl and Officer Sasek en-route to hospital.
  - 2149 Hours: Arrive at hospital.
  - 2201 Hours: Ms. compl cited and released from hospital.

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- 2211 Hours: Officer Sasek receives call about disturbance and is back enroute to hospital.
- 2213 Hours: Arrives at hospital.
- 2218 Hours: Officer Sasek transports Ms. compl
- 2247 Hours: Officer Sasek gives ending mileage and goes 10-8.

– 09/02/2022
  - 0934 Hours: Ms. compl found at Franklin Construction.

– 09/04/2022
  - 1220 Hours: Ms. compl Purse Found near BCSO arrest location.
  - 1220 Hours: Ms. compl reported as missing person by daughter, BCSO advises she is at Enloe.

– 09/06/2022
  - 1455 Hours: Sgt. Larson (BCSO) responds to Enloe for report and photos.

– 09/07/2022
  - Sgt. Larson (BCSO) conducts records check of Ms. compl .

FINDINGS:

Summary of Events Based on Investigation:

The following summary of events was determined based upon evidence, documents, and statements obtained from interviews.

complainant was originally contacted and arrested by the Butte County Sheriff's Office for trespassing on 09/01/2022 while swimming in a residential pool. She was booked into the Butte County Jail in Oroville, California. She was released at 1617 hours the same date. She left the BCSO campus, walking southbound towards the area of Dollar General and Home Depot.

Later that evening, at 2050 hours, she was contacted by Oroville PD Officers (including Officer Sasek) after it was reported that she was causing a disturbance inside Dollar General and refusing to leave. After barricading herself in the back room, she was arrested by Officer Sasek and taken back to the jail. At the jail, she failed her medical clearance. Officer Sasek transported her to the Oroville Hospital for a clearance. At the hospital, she was cited and released.

Ten minutes later, Officer Sasek gets a phone call from a security guard stating that Ms. compl is causing a disturbance and that she has to leave. Officers Sasek and Herrera respond as well as Sgt. Khan. Officer Sasek's body camera is not activated because he didn't believe it to be necessary based on the type of encounter it was. It is determined that Officer Sasek will provide a courtesy transport to an unknown location in Chico for Ms. compl This is a common practice. Officer Herrera jokingly states that Officer Sasek can always just drop her off halfway at Neal Road.

Officer Sasek transports Ms. compl in his patrol car, northbound out of town until they reach Hwy 70. They go northbound on Hwy 70 until they turn West on Hwy 149. They turn North on Hwy 99w. Officer Sasek reports Ms. compl demands to be let out of his vehicle. He decides that it is not safe to drop Ms. compl off at the lit intersection of Hwy 99 and Neal Road. This intersection is controlled 4 ways by traffic lights and has roadway

lighting. He knows of a wide area on Neal Road about 1 mile to the East. He drives her there, towards the crest of the hill, where he lets her out of the vehicle. She does not have a cell phone or shoes. It is dark. There is an approximately 20-foot, steep, embankment on the North side of the road. Officer Sasek leaves Ms. compl and returns to Oroville. At no time does Officer Sasek provide an ending mileage via phone, radio, or written document during the incident. Officer Sasek does not believe his radio would work there but doesn't know for sure. He gives his ending mileage later, as he nears Oroville.

The next day, Ms. compl is located at 999 Neal Road at Franklin Construction. She is bruised and has several cuts, scrapes and marks. She has made her way from the shoulder of Neal Road into the yard of the business. W3 contacts here and requests she leaves. W3 calls the sheriff's office and an ambulance. BCSO personnel arrive along with an Enloe Ambulance and Butte County Fire. Ms. compl falsely identifies herself as complainant and refuses to answer questions directly. During questioning, she is threatened to be taken to jail. At this time, she mutters that she was hit by a car. No evidence of this is located by the deputies. Ms. compl is transported and admitted to Enloe Hospital in Chico under the name of complainant

Ms. compl daughter calls the sheriff's office to report her mother missing. BCSO staff explain to her that she was admitted under a different name and that she is in Enloe. Ms. compl other daughter calls the sheriff's office to report possible misconduct based upon what Ms. compl told her. Ms. compl claims a bald, stocky, white deputy forced her into his patrol vehicle, transported her into the middle of nowhere, dumped her off and she was struck by a vehicle. Sgt. Larson investigates and finds no evidence to support this claim. She advises Ms. compl daughter that it appears Oroville PD transported Ms. compl somewhere and that is the last known contact law enforcement had with her.

Per Google, Butte County is 1,636.5 square miles. Furthermore, it is reasonable to believe that this incident would look worse if Officer Sasek were to have made a premeditated decision to drop her off here and that he may receive worse discipline, as opposed to making a poor, split-second decision. It is not probable that Officer Sasek dropped off Ms. compl here simply as a coincidence.

Discrepancies:

The following discrepancies were located during this investigation. Not all of these are within the scope of the investigation however, it cannot be overlooked that they were encountered:

- Ms. compl claims a bald deputy that arrested her took her to Neal Road.
  - This is not the case. Officer Sasek is not bald and is not a deputy sheriff. BCSO wears green and/or tan uniforms. OPD Officers wear a dark navy blue or black uniform.
- Ms. compl claims that the same deputy that arrested her gave her ride from jail.
  - This is not accurate. Video shows Ms. compl walking away from the jail towards the Butte County District Attorney's Office.
- Ms. compl was adamant that her clothing was located at her home.
  - This is not accurate. Deputy Rubinoff took the clothing when he arrested her for trespassing.
- Ms. compl described the "deputy" that dropped her off as a stocky, white male.
  - Not so. Officer Sasek is a compl male.

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- Ms. compl claims she was struck by a vehicle.
  - Sgt. Larson puts in her report that the marks, scrapes and scratches are consistent with someone going through dry brush. Furthermore, I canvased the scene and found no evidence of a previous motor vehicle accident such as blood, hair, broken plastic, glass, etc.

- Ms. compl claims in the Federal Complaint that she was arrested by Officer Sasek at the Home Depot store.
  - This is not accurate. By all accounts, Ms. compl was arrested at the Dollar General store in Oroville, CA.

- Ms. compl claims in the Federal Complaint that she was cited and released by Officer Sasek in violation of 853.6(i) of the California Penal Code.
  - This section has a multitude of sub-sections and subsection (i) must be accompanied by another section in order to be effective.

- Ms. cp~ompl laims in the Federal Complaint that OPD Policy Section 420.4.2(a) was violated because subsection (b) was not met.
  - Subsection (a) prevents citing an offender if they are a danger to themselves or others. Subsection (b) provides that the person arrested requires medical examination or medical care. Ms. compl was indeed at the hospital at the time of her cite and release and Officer Sasek reportedly advised her to seek medical attention inside.

- Ms compl claims in the Federal Complaint that Officer Sasek violated policy 420.4.2 by not getting permission from his shift supervisor to release her.
  - Section 420.4.2 states, "The shift supervisor *MAY* authorize a release on citation....."

- Ms. compl claims in her Federal Complaint that Officer Sasek "abandoned her" in the parking lot and insinuates that she was not given the opportunity for proper care.
  - Ms. compl reports that she barricaded herself in the hospital bathroom. This is undoubtedly inside the hospital where medical staff work.

- Ms. compl claims in her Federal Complaint that Officer Sasek transported her to a gas station where he met up with Officer Herrera and another unknown officer to come up with a plan.
  - There is no evidence of this. Officer Sasek denies doing this and said he drove non-stop to the area on Neal Road where he dropped Ms. compl off. The timeline supports this claim. Officer Herrera denies this as well. He stated he met with Officer Sasek and Sgt. Khan at the hospital when they deal with Ms. compl the second time.

- Ms. compl claims in her Federal Complaint that she remembers specific conversations between her and Officer Sasek and uses quotes.
  - Ms. compl could not recall the correct agency that arrested her the second time, the correct agency that transported her to Neal Road, the anatomically correct description of Officer Sasek, the location of where she was taken from or where she left her clothing but can somehow recall specific conversations.

- Ms. compl claims in her Federal Complaint that she began walking in the same direction that she arrived from after being let out of Officer Sasek's car, towards Franklin Construction.

- Franklin Construction is due East from where Officer Sasek recalls dropping Ms. compl off. They approached the area from the West, from Hwy 99. Furthermore, Officer Sasek dropped Ms. compl off on the South side of Neal Road. It is impossible to walk in the same direction in which they approached from, but still in the direction of Franklin Construction.

- Ms. compl claims in her Federal Complaint that she was struck on the right side of her body by a passing vehicle and thrown down an embankment.
  - In order for this to happen and Ms. compl be walking back towards Hwy 99, she would have to have been walking on the South side of Neal Road. Furthermore, the only embankment in the immediate area is on the North side of Neal Road, directly to the Northwest of where Officer Sasek dropped her off. In order for her to be struck on the right side by a vehicle and thrown down an embankment, she would have to had been walking, opposing traffic, Eastbound on the North side of Neal Road towards Franklin Construction. This area was checked extensively for signs of a collision and none were located.

- Ms. compl claims in her Federal Complaint that BCSO deputies did not attempt to ascertain how she got there.
  - This is incorrect. Video shows them conducting an investigation and even walking the ravine that she was seen coming out of.

Questions and Answers:

Officer Sasek: In order to determine whether or not Officer Sasek violated OPD policy, the following questions should be asked:

Question 1: Did Officer Sasek conduct himself or do anything that he *reasonably* should have known was contrary to good order, efficiency or *would reflect unfavorably upon this department* or its members.

Answer 1: The fact that Officer Sasek took a female to a remote location where he let her out of his patrol car in the dark, without shoes, a flashlight or cell phone and in a questionable mental state is without question. Officer Sasek does not deny these facts. He argues that Ms. compl demanded out of his patrol car and, due to it being only a courtesy transport, he acquiesced. Officer Sasek drove past a lit, controlled intersection at Hwy 99 and Neal Road while going to their final location. Officer Sasek believed this was not the safest location and proceeded up the road near Franklin Construction.

- It should also be noted that Officer Sasek deactivated his IRIMS software. He claims this was due to a malfunction. He failed to provide an ending mileage at the time he dropped Ms. compl off. He reports this was due to his *belief* that his radio wouldn't work.

- Officer Sasek failed to record the interaction on his BWC because he didn't think of it.

- Officer Sasek failed to place a phone call with his cell phone to document the ending of the transport or notify his supervisor of the change in plans.

- Officer Sasek did not document in his report in dealing with Ms. compl, the circumstances in which he left her. No written report was made as to his contact with Ms. compl after she was booked into the jail and released from the hospital. He did not provide a supplemental report or initiate a second

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report to document the encounter. The report was completed on 09/09/2022, 8 days after the encounter, giving him plenty of time to do so.

Question 2: Did Officer Sasek drop Ms. [redacted] compl off intentionally and with Malice?

Answer 2: There is no evidence to suggest malice was present during this incident.

The question of intent is not as easily answered. Officer Herrera reported that he made a joke in poor taste while at the hospital with Officer Sasek and Ms. [redacted] compl stating that Officer Sasek could always just drop off Ms. [redacted] compl at Neal Road. Officer Sasek denies hearing this comment. Furthermore, Officer Herrera said he felt so badly about having to testify to this, that he first called Officer Sasek to give him warning that he was going to state this during his interview.

It is worth noting that Butte County is 1636.5 square miles and the fact that Officer Sasek chose the exact place Officer Herrera mentioned earlier requires you to question Officer Sasek's statement that this was not pre-meditated and calls into question his credibility.

[redacted] PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

POLICY RECOMMENDATIONS:

OPD Policy was reviewed as part of this investigation. Although policy exists for dealing with custodial transportation, nothing pertaining to dealing with non-custodial or "courtesy transports" could be found. Specifics pertaining to:

- Dealing with courtesy transports of the opposite sex.
- Documenting the transport.
- Notifying supervisors.
- What to do if the civilian wants out of the patrol car.
- Accepted locations of drop-off, etc.

would have been useful in this investigation and consideration should be given by the agency to its implementation.

METHODOLOGY

This investigation was conducted using methodology following industry standards and using investigative techniques taught in both law enforcement and the private sector. I have training from California P.O.S.T. to

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conduct law enforcement internal affairs investigations, training for the Peace Officer Research Association of California, Force Science Institute, California Association of Licensed Investigators as well as multiple other state and private training entities. I have conducted workplace investigations since 1998 and have been licensed by the California State Bureau of Investigative Services since 2005.

All transcripts are cited as accurately as possible from audio recordings taken from interviews. Complete accuracy of each word verbatim cannot be promised but every effort was made to provide truthful, accurate statements.

The evidentiary standard applied to this investigation involved a preponderance of evidence. In essence, did one side outweigh the other. All investigative conclusions in this report are based upon this standard.

E.I.S. investigators remained completely independent during this investigation. At no time did the city nor its agents attempt to dissuade or direct this investigation but did provide answers and clarity at times while attempting to learn historical data or attempt contact with staff.

Dusty R. Lefdal
Investigator
Employer's Investigative Services
capi #24506