Officer Herrera Interview 03/21/2023

Lefdal: Alright, and we are on the record. Before we get going any further, I just want to start out by, I'm going to read you what's called the Lybarger warning, and then I'm going to do some brief housekeeping, and then we'll get into the crux of the matter.

The date is March 21st, 2023. The time is 13:22 hours. Present in the room located at the Oroville Police Department is officer Herrera and Patrick Brady, as well as myself, Dusty R Lefdal of EIS.

The purpose of this investigation is to conduct an interview of officer Herrera who's an employee of the Oroville Police Department in the capacity of a police officer. [redacted] PC 832.7 [redacted]. This investigation is being recorded by myself in plain view. You'll have access to the recording in the event that any further proceedings are contemplated. Also, you have the right to record this interview with your own recorder if you wish to do so. At this time, I will request that each person present identify themselves on recording by stating their name, title and place of employment. Isaac, I'll start with you.

Herrera: Isaac Herrera, sworn law enforcement with the Oroville Police Department.

Lefdal: Can you spell your name for the record, please?

Herrera: Last name Herrera. H-e-r-r-e-r-a, first is Isaac, I-s-a-a-c.

Brady: My name is Patrick Brady. I'm here on behalf of Mr Herrera. I'm an attorney with Mastagni Holstedt. My name is spelled P-a-t-r-i-c-k, last name, Brady, B-r-a-d-y.

Lefdal: And my name is Dusty Lefdal of Employers Investigative Services, and I have been retained by the City of Oroville Police Department to conduct an internal affairs investigation. The spelling of my name is D-u-s-t-y, and my last name is Lefdal, L-e-f-d-a-l.

[redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

[redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted] ?

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted] ?

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: [redacted] PC 832.7 [redacted]

Herrera: [redacted]

Lefdal: Alright. That's out of the way. This is your house, Isaac. You know where all the restrooms are at, the doors are closed for our privacy and privacy only. If you ever need a moment to confer with your attorney, you just need a break, use the restroom, all you got to do is tell me. I'm not expecting this to take long, but whatever needs you have, just voice them and we'll make it happen. Okay?

Herrera: Copy that.

Lefdal: Pretty straightforward process. Certainly nothing to be stressed out over. The reason you're here is basically I need your help. So there was an incident that took place on -- I'm going to bring your attention back to September 1st of last year. In a nutshell, a young lady by the name of [redacted] compl was arrested at the Dollar General Store. I believe it was Dollar Tree or Dollar General. She was 11-5, the jail refused to take [indistinct] and she was arrested by officer Sasek.

Herrera: Correct.

Lefdal: She was later taken to the hospital and cited and released. Shortly after that second release by Officer Sasek, OPD returned to the hospital because she was causing a disturbance. And I believe that at that point that's probably when you enter, is that correct? This incident?

Herrera: Correct.

Lefdal: Okay. So basically what I'm looking for is what happened, your version of events, that happened after arriving at the hospital to deal with the disturbance?

Herrera: Okay. So, by the time I got to the hospital, the disturbance was already taken care of. So I pulled up in my patrol vehicle and never exited my patrol vehicle.

Lefdal: Okay.

Did you just like pull up to the other guys and door up? Or...

Herrera: Yeah. Sergeant [redacted] was outside, officer Sasek was outside, as well as the security officer, security, guard [redacted] was outside as well.

And we're at the back door of the ER.

Lefdal: Okay.

Herrera: So it was right outside the ER.

Lefdal: Do you recall where compl [redacted] was at this time?

Herrera: To my understanding she was in the back, or getting put into the back officer Sasek's patrol vehicle, or was already in there.

Lefdal: Okay. Do you recall her demeanor at that point?

Herrera: I was at the Dollar General on the initial call. She was in the back room, and I believe Dollar General had just got a shipment in, and there was a lot of these silver carts that they load merchandise on and that they roll out into the aisles to stock the shelves, if you know what I'm talking about.

Lefdal: I do.

Herrera: So it was like, completely compact in there. So we had to like, remove like damn near, excuse me -- we had to remove like three dozen carts, maybe even four dozen carts to kind of make room. Because she was underneath one, like hiding.

So, it was officer Sasek's call for service. So he was point on the call. I just remember she was in there. Her demeanor... I know her appearance was like grungy, homelessly-looking. And, you know, we kind of knew she was probably 11-5 or high under the influence just because it's a routine look. But nothing out of the ordinary. She was just in there. And that was my, I guess, observation of her.

Lefdal: Okay.

How about at the hospital?

Herrera: I did not see her at the hospital.

Lefdal: Didn't. So you never actually put your eyes on her at the hospital at any point?

Herrera: No.

Lefdal: Okay. How long were you there, roughly, an estimate.

Herrera: Less than five minutes. I had pulled up in my patrol vehicle and just was talking to security guard [redacted], sergeant [redacted] and Officer Sasek from my window.

Lefdal: Okay. Is this during the night time or day time?

Herrera: This is during the night time. I believe I had just gotten RB's so it was like, maybe not past 10 yet. Or not past 9 or 10. So... We had started at 6pm, 1800 that night.

Lefdal: Okay. Who left the scene first? You or Officer Sasek with [redacted]

Herrera: I left the scene first, because I was already in my patrol vehicle.

Lefdal: At any point after you left the hospital, did you meet up with Officer Sasek and [redacted]

Herrera: No.

Lefdal: No. At no point. Okay. So is it fair to say -- and correct me if I'm wrong if this isn't correct -- but is it fair to say, the last time you saw [redacted] was at the call for service at Dollar General?

Herrera: Um, actually see her, yes. But I know she was outside the hospital when I --

Lefdal: Fair enough.

Herrera: Okay.

Lefdal: Alright. When you were at the scene at the hospital, did you overhear, were you part of a conversation about how to solve this problem with [redacted]

Herrera: I understood that officer Sasek was going to be transporting [redacted] to Chico.

Lefdal: Okay. Do you remember how you understood that to be?

Herrera: I think, since he... Since he took her to the jail, and then took her to the hospital, and then the hospital didn't, I guess, want her there, or she was causing a disturbance, it was, he was going to take her home to Chico, I guess that's where she's from.

Lefdal: Okay.

Herrera: So, I knew that was being decided. Because we're a three man team for the city of Oroville, so it was going to be like, be available, you know... Because --

Lefdal: So they were keeping you in the loop, is that fair to say?

Herrera: Yeah. Because it was only going to be me and Sergeant [redacted] for calls for service while Sasek was going to transport.

Lefdal: And you already in a way, you already answered this, but I got to be clear because of the complaint that was filed.

At any point after you left the hospital, did you meet up at any kind of a gas station or a business that would, could be thought of as a gas station, to conspire as to what to do with [redacted]

Herrera: No.

Lefdal: Is it fair to say that while you were at the hospital, that that was the only discussion you

had that night about what to do with her?

Herrera: Yeah.

Lefdal: -- after that call for service?

Herrera: Right.

Lefdal: Okay. Did you get a chance to review the complaint? [inaudible][crosstalk] was published.

Herrera: I've seen the news articles. I haven't actually seen the actual filing.

Lefdal: Okay.

So... In it, it basically, it says that -- three officers met up at a gas station at night and conspired against her -- which, it's not super clear what the conspiracy is, but it ultimately led up to her being dropped off on the side of the road, on Neil Road.

Is there any idea where she would have come up with that? Like, do you have a theory that I could follow up on? Like, where, where she comes up with this? Because based upon what you just told me, it didn't happen.

Herrera: Yeah. No. No, there was, there was no meeting at any gas station or business after the hospital.

Lefdal: Okay.

Brady: Do you want to take a moment?

Herrera: Yeah, if I could just have a moment with...

Lefdal: Okay. Absolutely. Absolutely.

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Lefdal: Okay, we're back on the record, it's 13:35.

I believe when we left, I had asked if... I give you a summary, but, any idea where she's coming up with this? Anything that I can follow up on that can lead me to get some facts in this case regarding that issue?

Herrera: Yeah, so, outside the hospital when I had pulled up, officer Sasek -- I don't want to say, like, he appeared... He didn't... Officer Sasek -- I don't want to say he appeared frustrated over the, I guess, the situation, because, you know, we had to like dig her out of the Dollar General Area, go to the jail, deny, go to the hospital, issue, and now having to, you know, take her, you know, to Chico, I guess, to solve the issue.

I believe he had expressed that he didn't want to go all the way to Chico. And I had made a crude joke in poor taste about -- drop her off at "No Road."

Lefdal: Oh.

Herrera: So I, I made a joke in passing. There is no ultimate decision off of that. But I believe, to answer your question, that is a possibility of where she may have gotten that.

Lefdal: Now, to my understanding, there was no decision made, and I didn't know he was going to... I didn't know the designation of where he was going to drop her off at. I just... Because I would want to make that clear.

To my understanding he was going to take her to Chico to take her home, or somewhere in Chico.

Lefdal: So, to put this back and make sure I have everything correctly.

The discussion was being had between you, Sergeant [redacted], and officer Sasek about what to do with compl [redacted], because she'd been an ongoing issue that night.

As a joke in passing, you mentioned -- you know, just drop her off on Neil Road.

Herrera: Right.

Lefdal: Not expecting anyone to take it seriously.

Herrera: The discussion was being held between Sasek and Sergeant [redacted] of what to do. And I had made that joke.

Lefdal: Oh, you just injected the joke into the conversation?

Herrera: Correct.

Lefdal: Okay. But you're not a supervisor to officer Sasek, correct?

Herrera: No. Me and... I'm a little... We're, I guess, on this, we're even, I have been with the department a little bit longer on the sworn side. But no, I'm not officer Sasek's supervisor, or...

Lefdal: And it's your testimony that you said that joke flippantly, jokingly.

Herrera: It... Looking back... Well, now that I'm here, it was a very crude joke in poor taste.

Lefdal: But, you didn't have any intent for anyone to follow up?

Herrera: No.

Lefdal: -- and actually do that action?

Herrera: Not at all. Not at all.

Lefdal: Okay. Do you recall any further discussion between Sergeant [redacted] and Officer Sasek regarding that joke, or that -- my words, not yours -- "idea"?

Herrera: No, no other discussion after that.

Lefdal: Okay. Alright. Totally get it.

Okay, regarding compl [redacted] testimony at this point, her complaint, her recollection that you guys met up at a fuel station, a gas station, to conspire against her -- any idea where she specifically came up with that idea? Anything that I could follow up on?

Herrera: Not to my knowledge. I mean, we're at the back of the ER, there's some, you know,

overhangs or, you know, little awnings or whatnot outside, and it's, you know, well lit. But other than that, I don't know where this gas station comes into play.

Lefdal: Okay. To someone... Is it fair to say... And I have been there during the day but I haven't been there at night. Are there like neon lights that you would find? Is it lit up kind of like a gas station? Like an overhang...

Herrera: You can say that. I mean, it's pretty bright.

Lefdal: Could, it be considered mistakenly as a gas station, from someone who may be under the influence?

Herrera: You could say so.

Lefdal: And been awake for a long time?

Herrera: You could say so.

Lefdal: Okay. Alright. So you drove away and that was the last, that was it.

Herrera: Correct.

Lefdal: Officer Sasek and Sergeant [redacted] were still on the scene by the time you left?

Herrera: By the... As I was pulling away, Sergeant [redacted] was already entering his patrol vehicle, and officer Sasek was returning to his.

Lefdal: Perfect, okay. Anything that you would like to clarify? Anything that you want to add to anything that you said?

Brady: Do you want to talk, or do you want to...

Herrera: Just, if I can...

Brady: Yeah, let's just go talk one more time. That's a good idea.

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Lefdal: Alright, we're back on the record and the time is 13:41.

Is there anything else regarding this incident with compl [redacted] and officer Sasek that you feel that I should know, that you are in possession of any knowledge that I should know?

Herrera: No.

Lefdal: Okay. Are you in possession of any physical evidence that I should have?

Herrera: No.

Lefdal: Okay. Perfect. Mr Brady, is there anything that you would like to add or clarify for your client?

Brady: Nothing from me.

Lefdal: Alright. At that time, I'm going to admonish you not speak to anybody about this case

other than your attorney or myself or Lieutenant Zarate? Okay.

Herrera: Copy that.

Lefdal: In about 10 days or as soon as I get this transcribed, I'll send you a transcript to review. If you can have anything you want to add, just get a hold of your attorney and we'll get back together. But, if I don't hear from you after that, then I'm going to [indistinct] Okay.

Herrera: Copy that.

Lefdal: Alright, I'm going to end this, and the time is 13:42.