Incident/Investigation Report

Agency: **Windsor Police Department** Case #: **WI220711002**

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Incident Information

Date/Time Reported: **07/11/2022 1233**	Occurred Between: **07/10/2022 2037** & **07/10/2022 2047**
Location: [redacted], **WINDSOR CA 95492**	
UCR Status:	Officer: **Hunter, Mark 1102192**

Summary: During a road rage incident, a male threatened to kill the victim. The male's wife attempted to intercede and calm him at which time the male physically pushed his wife multiple times.

Related Cases: No Associated Cases

Charges

Statute: **243(E)(1) - PC - BATTERY DV SPOUSE/EX SPOUSE/DATE/ETC**		Attempted/Completed: **COMPLETED**
Classification: SIMPLE ASSAULT	Weapon: **Personal Weapon (hands; feet; teeth; etc.)**	
Location:		

Statute: **422(A) - PC - (FEL) THREATEN CRIME W/INTENT TO TERRORIZE**		Attempted/Completed: **COMPLETED**
Classification: INTIMIDATION	Weapon:	
Location:		

Offenders

Name (Last, First Middle): **BAHI, MARLON DAVID**	DOB: [redacted]	Age/Race/Gender: **40/White/Male**	Height/Weight: **5'08"/155**
Address: [redacted], Windsor CA 95492			(707) 235-1327
Employer/School: COUNTY OF SONOMA - 2796 Ventura Ave @Sonoma County Sheriffs Dept Santa Rosa CA 95403			
Offender of: 422(A) 243(E)(1)			
Custody Status: **Complaint**			

Victims

Name (Last, First Middle): **UNKNOWN,** [redacted]	DOB:	Age/Race/Gender: **Unknown/Hispanic/ Male**	Height/Weight: **/**
Address: ,			
Employer/School: -			
Victim of: 422(A)			
Relationship to Offender: VICTIM WAS STRANGER - BAHI, MARLON DAVID			

Victims

Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
UNKNOWN,		**40/Unknown/Female**	**/**
Address: ,			
Employer/School: -			
Victim of: 243(E)(1)			
Relationship to Offender: VICTIM WAS WIFE - BAHI, MARLON DAVID			
Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **20/Hispanic/Male**	Height/Weight: **5'09"/140**
Address: [redacted]			[redacted]
Employer/School: -			
Victim of: 422(A)			
Relationship to Offender: VICTIM WAS STRANGER - BAHI, MARLON DAVID			

Others Involved

Inv Type:	Name (Last, First Middle):	DOB:	Age/Race/Gender:	Height/Weight:
Other	[redacted]		**/Hispanic/Male**	**/**
Address: [redacted]				(707) 483-6702
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB:	Age/Race/Gender: **//**	Height/Weight: **/**
Address: [redacted]				(707) 393-8726
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **23/Hispanic/Female**	Height/Weight: **/**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type: **Witness**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **22/Hispanic/Female**	Height/Weight: **/**
Address: [redacted]				[redacted]
Employer/School: -				
Inv Type: **Reportee**	Name (Last, First Middle): [redacted]	DOB: [redacted]	Age/Race/Gender: **47/Hispanic/Male**	Height/Weight: **5'06"/195**
Address: [redacted]				[redacted]
Employer/School: -				

Vehicle

Year/Make/Model/Style/Color/License/State:	VIN:	Value:
2011/Infiniti/G35/2 Door Sedan/Black/9AZB475/CA	JN1CV6EK2BM212585	$0.00
Status: NONE	Related To: 1 - [redacted]	

Narrative

INITIAL NARRATIVE
Written by: **Hunter, Mark 1102192**
Date/Time: **07/11/2022 13:56:00**

On 07/11/2022 at approx. 1200 hours I was requested to conduct follow-up investigation on an incident that had occurred on 07/10/2022 at approx. 2040 hours on [redacted]. Windsor. I responded to [redacted]. where I activated my BWC and contacted the resident, [redacted].

I explained to [redacted] that I was conducting follow-up from the previous night and asked if he had knowledge of an incident that occurred. [redacted] said he was aware of the incident. In summary, he told me the following:

[redacted] was away from the house and received a call from his sister, [redacted], who lives with [redacted] family. [redacted] told [redacted] that a friend of another housemate, [redacted], was in an argument with their next-door neighbor, Marlon Bhai. [redacted] told [redacted] she overheard Bhai threaten to kill [redacted] friend. [redacted] was at work and would not be home until after 1700.

[redacted] said his daughter, [redacted], had also witnessed the confrontation and heard Bhai threaten [redacted] friend.

I asked [redacted] if I could speak to [redacted]. [redacted] wife went into the house and returned with [redacted] who had been sleeping. I asked [redacted] who her friend was that was in the altercation last night. She said she only knew his first name was "[redacted]," but did not know his last name. She said they had a falling out last night and she blocked him on her Instagram account. She did not know his phone number and had no other way to contact [redacted].

I asked [redacted] what happened last night between [redacted] and Bhai. She said there had been some sort of road rage incident between the two. [redacted] coincidently pulled up in front of her house and Bhai pulled in behind [redacted]. Bhai exited his car and approached [redacted]. Bhai was screaming and cursing at [redacted] and called him a "fagot."

[redacted] said she had been drinking before the incident and did not recall all the details or what was exactly said. I asked if she recalled Bhai threatening to kill [redacted]. She said she did not.

I asked [redacted] when his daughter [redacted] would be home so I could speak to her. He said she did not get home until 1700, but worked at the Boys and Girls Club in Windsor. I responded to the Boys and Girls Club where I activated my BWC and met with [redacted].

In summary, [redacted] told me the following:

[redacted] was in her bedroom (which is at the front of the house and has a window that looks out onto [redacted] Ln.) and heard [redacted] and Bhai pull up in front of the house. [redacted] saw Bhai exit his car and aggressively approach [redacted] who was seated in his car.

[redacted] went out of her room and exited the house to the front yard. [redacted] watched as Bhai yelled and cursed at [redacted]. While yelling at [redacted], Bhai said, "I'm going to fucking kill you." He then said he was going to get his gun.

[redacted] said during the incident, Bhai's wife was in the car with their kids. His wife exited the car and attempted to intervene to calm Bhai. Bhai physically shoved his wife, causing her to fall backwards. [redacted] said Bhai's wife did not fall to the ground from being shoved, but definitely "tripped." Bhai yelled for his wife to get their kids and take them into the house which she did.

[redacted] said Bhai went to the rear of his SUV and got what she thought was a bulletproof vest.

At this point I contacted Sgt. Percy and advised of potential violations of 422 PC and 243(e)(1) PC.

SUPPLEMENT
Written by: **Castro, Rosendo 1102805**
Date/Time: **07/11/2022 16:38:00**

On 7/10/2022 at approximately 2040 hours, I was working uniformed patrol in a fully marked Windsor Police Department patrol vehicle, when I was dispatched to [redacted] Lane in regards to a Suspicious Circumstances call for service. The Reporting Party was initially anonymous, though he was later identified as [redacted]. [redacted] called SCSO Dispatch and reported that there was a male threatening a juvenile that he had a gun and was going to bring it out. [redacted] also reported that the male stated he was a "LEO", Law Enforcement Officer. [redacted] also stated that the male was "pushing and shoving" a female. [redacted] described the male as a WMA in his 30's, 5'07" with a medium build, bald head, wearing a gray t-shirt with gray shorts and flip flops.

Additionally, [redacted] reported that the juvenile was at [redacted] Lane and was reporting to him that this incident was started due to a road rage incident.

I arrived on scene with several other Deputies. *It should be noted that as I arrived on scene, I went to activate my BWC and believed I had successfully activated it. At the conclusion of the call I looked down at my BWC in order to turn it off, and I realized my BWC was not activated. Once I realized my mistake, I notified the on-duty sergeant.*

As I walked up to [redacted] Lane, I saw that there were approximately 8-10 people standing in the driveway. One of those people was (V) [redacted]. It should be noted that initially [redacted] was not identified, though his vehicles license plate was ran through SCSO Dispatch. Through his vehicles registration I learned that it was registered to a '[redacted] out of Calistoga. Once the need came to positively identify [redacted], I contacted Calistoga PD in order to see if they had any contacts with the vehicle. Calistoga PD informed me that they had numerous contacts with the vehicle, with the most recent being in May of 2022. Calistoga PD informed me that the driver of the vehicle was [redacted]. I then had SCSO Dispatch conduct a records check, as well as obtain a CA DL picture. Once I received the CA DL picture, I positively identified [redacted] as the subject on scene.

As I approached the driveway, I heard Deputy Briggs state that the suspect, Marlon Bhai, had been seen in the garage of [redacted] Lane. Bhai matched the exact description given by [redacted]. I then approached the residence with Deputy Briggs, at which point Deputy Briggs interviewed Bhai. See Deputy Briggs supplemental report for further regarding his interview with Bhai.

While Deputy Briggs spoke with Bhai, I walked over to [redacted] Lane, where Deputy Cummings was speaking with [redacted]. As Deputy Cummings spoke with [redacted] the residents from the residence attempted to interject and tried to talk over one another. I informed all the residence that this incident was primarily concerning [redacted], as he was the one directly involved. I heard [redacted] tell Deputy Cummings that he and Bhai had been in a "road rage" incident as they drove on Hembree Lane. After the road rage incident, [redacted] continued to his destination, which happened to be next door to where Bhai lives. Once they parked, [redacted] stated that Bhai came up to his window in an aggressive manner and made statements about him being a law enforcement officer and that he had guns. [redacted] started to explain that Bhai had threatened him. See Deputy Cummings supplemental report for further information regarding his interview with [redacted].

Once Deputy Cummings was done speaking with [redacted], I made small talk with him. During that, I asked [redacted] how old he was and he informed me that he was 20 years old. I informed him that the initial caller had reported that he was a juvenile, and I informed him it was likely due to the fact that he looks very young.

Deputy Cummings then went over to speak with Bhai. Once he was done, he returned to [redacted] and informed him of his findings. I did not hear exactly what Deputy Cummings stated to [redacted] as I was speaking to some of the Spanish speakers from the residence.

Towards the end of this call for service, SCSO Deputies were dispatched to a high priority call in the Petaluma area. Several Deputies cleared this call for service and made their way to the high priority call.

As I spoke to some of the Spanish speaking residents, I briefly informed them of the reason we were called out and the issues with "he said she said" calls for service. The residents went on to explain that they have lived there for many years and have had issues/disagreements with Bhai. They knew that he was a law enforcement officer, though they did not know which agency he worked for.

As I spoke to the Spanish speaking residents, one of them stated that during the altercation Bhai had possibly pushed his wife. At the time of the call, [redacted] did report that the male, Bhai, had pushed a female. It was unclear who the female could have been, as no one had reported being pushed while Deputies were on scene.

I then cleared this call for service, and as I looked over the call notes I saw the note regarding a male pushing a female. Based

on the notes in the call and the statements from residents about Bhai possibly pushing his wife, I determined that I needed to conduct further investigation, at which point I contacted [redacted] in regards to his observation prior to calling SCSO.

Once at Windsor PD I called [redacted]. I asked him what he saw prior to calling SCSO Dispatch, and he informed me that he had been driving on [redacted] Lane after picking up his daughter at a nearby residence. As he drove he noticed that there was an altercation between a adult male, and what he believed was a juvenile male. [redacted] elected to stop his vehicle and he observed the adult male aggressively confront the younger male. [redacted] reiterated several times that the adult male was the aggressor in the situation. Additionally, [redacted] stated that he heard the adult male state that he was an officer, and something about having a gun. [redacted] could not recall specifically what was said, though he knew it was something along the lines of being a an officer and having a gun.

[redacted] mentioned that at one point during the altercation, a woman holding a child, who he assumed was the adult males wife, came out of the house and attempted to bring the male into the house. [redacted] then stated that the male yelled at the female to get back in the house.

I went on to ask [redacted] about his reporting of a male pushing and shoving a female. [redacted] explained that as the adult male was confronting the younger male, a female tried to step in between them in order to separate the two. As the female was doing so, the adult male pushed the female out of the way. [redacted] described the female as a younger woman who was wearing a red colored tank top. Based on who I saw on scene, the female matched the description of a female who lived at [redacted] Lane. That female was later identified by Deputy Hunter as [redacted]. [redacted] was a neighbor of Bhai and had no dating relationship with him.

At that point I believed I had ruled out the possibility of a domestic violence incident occurring. Based on [redacted] statement I believed the residents at [redacted] Lane had mistaken [redacted] for Bhai's wife.

During our call, [redacted] made a comment stating that his daughter, who he had picked up shortly before he called SCSO Dispatch, may have recorded the incident on her cell phone. [redacted] stated that he needed to confirm with his daughter if she had actually recorded any of the incident. Up to this point I have not heard back from [redacted].

As my call went on with [redacted] he began to inquire if the adult male was actually a law enforcement officer. [redacted] asked several times, though I ultimately informed him that we were still investigating, and I could not provide an answer. [redacted] went on to state that he had some sort of affiliation with Santa Rosa City Council, and added that he played sort of role in the recent Sheriff Candidate Election. Based on [redacted] statements, I informed him that possibly a Supervisor could answer some of his questions. [redacted] then stated that he had already reached out to some of his contacts due to his concern if the male subject was in fact a law enforcement officer.

My conversation with [redacted] then ended.

Based on the above facts, I deemed it necessary to inform the on-duty sergeant of this call for service. Due to the high priority of the call for service in the Petaluma area, there was approximately a 4 hour time delay before I notified the on-duty sergeant.

The following day, It was learned by Deputy Hunter that Bhai had pushed his wife several times during the road rage incident the night before. Deputy Hunter then started an investigation into the suspected domestic violence.

Additionally, I was instructed to re-interview [redacted] in regards to the possibility of criminal threats being made by Bhai.

On 7/11/2022 at approximately 1857 hours, I called [redacted] in order to re-interview him. It should be noted that I received two possible numbers for [redacted] from Calistoga PD, [redacted] and [redacted]. The number ending in [redacted] was disconnected and I was unable to leave a voicemail. The number ending in [redacted] was not answered and did not have an identifiable voicemail, though I was able to leave a message.

I contacted Calistoga PD and requested an Attempt to Contact for [redacted] requesting he call me in regards to this investigation.

On 7/11/2022 at approximately 2030 hours, I received a call back from the subscriber of [redacted], and he identified himself a "[redacted]". [redacted] stated that he knew [redacted], though he had a falling out with him approximately 2 years ago. He informed me that at that time he was on Juvenile Probation and his probation officer advised him to stop all contact with [redacted]. [redacted] did not provide any further information. [redacted] did not have a contact number for [redacted].

This supplemental report is pending contact with [redacted].

Nothing further

SUPPLEMENT
Written by: **Briggs, Preston 1102223**
Date/Time: **07/12/2022 06:04:00**

On 7/11/2022 at approximately 2043 hours I was on patrol in the vicinity of Billington Ln. and Hembree Ln. in Windsor when I heard WPD deputies being dispatched to [redacted] Ln. regarding a subject that stated he was a law enforcement officer, had a gun and was in a disturbance with a juvenile. I responded to the location because I was the closest unit and was advised by RP-[redacted] that he was the reporting party.

In essence [redacted] advised me that he was down the street picking up his daughter when he saw the subject living at [redacted] Ln. (later identified as S-Marlon Bhai) pushing and making threatening remarks to a juvenile ([redacted]) associated with [redacted] Ln.

It should be noted that through the investigation, [redacted] was determined to actually be 20 years old and was not a juvenile.

During my interaction with [redacted], Bhai came out of his garage and quickly went back in. I confirmed with [redacted] that Bhai was the subject who he was talking about and he stated that it was.

I went to [redacted] Ln. to contact Bhai. It should be noted that I recognized Bhai and knew that he was a Sonoma County Sheriff 's Office Deputy.

Bhai came back out into the garage, which was open and spoke with me in the driveway. In essence he told me the following:

Bhai was driving home with his family in their vehicle and when they were in the vicinity of the Shell Station on Hembree Ln., [redacted] drove past them at a high rate of speed and almost side swiped Bhai's vehicle. [redacted] happened to be driving to Bhai's next door neighbor's house ([redacted].) and was parked across the street from Bhai's house when Bhai returned home. When Bhai exited his vehicle, which he parked in his driveway, he noticed that [redacted] window was down. Bhai told [redacted], "Hey dude, why don't you slow the fuck down." [redacted] was "talking shit" before he exited his vehicle after being confronted and was waving his hands in the air and "tried to size up" Bhai. While Bhai and [redacted] argued, [redacted] pushed Bhai and then began confronting Bhai about being law enforcement. Bhai claimed that [redacted] mentioned something about a gun and Bhai responded that he had guns too. Bhai then told his wife (later identified as IO-[redacted]) to bring their children inside. Shortly after he did that, another female (later identified as IO-[redacted]) intervened and also began pushing Bhai. Bhai described that he tried to back away from her and imitated that he was pushing her hands away from him as he backed up.

After learning Bhai's account of the incident, I asked if he desired any prosecution against [redacted] for 242 PC. Bhai stated he did not want any prosecution.

Deputy Cummings soon came to my location. I advised Deputy Cummings of what Bhai told me. Deputy Cummings confirmed with Bhai a few details that he needed after interviewing [redacted] to determine whether or not there were any other crimes that were committed, which there were not. Refer to Deputy Cummings report for further details.

This investigation was recorded on my body worn camera.

No further information.

SUPPLEMENT
Written by: **Cummings, Steven 1102846**
Date/Time: **07/12/2022 06:04:00**

On 7/10/2022 at approximately 2040 hours, I responded to [redacted] Lane due to an argument stemming from a road rage incident. Refer to Deputy R. Castro's primary report for further details regarding the primary call for service.

I arrived and contacted a group of by standers that were standing on the side walk outside of [redacted] Lane. I asked if anyone within this group was involved in the altercation. A male, later identified as [redacted], stated that he was the driver of one of the involved vehicles and pointed to his vehicle that was parked fronting [redacted] Lane.

I asked [redacted] to tell me what had happened prior to our arrival. The following is a summary of [redacted] statement. Refer to my BWC for a complete transcript of my contact with [redacted]

[redacted] stated that the incident started after a "road rage" incident between him and the guy who lives at [redacted] Lane. The road rage incident reportedly occurred on Hembree Lane in Windsor. Both involved parties reportedly continued to their respective destinations after the road rage incident on Hembree Lane. [redacted] explained that he had been headed to visit a friend at [redacted] Lane and parked his vehicle just passed his friends residence fronting [redacted] Lane. [redacted] explained that the other involved party had followed him onto [redacted] Lane and pulled into the driveway at [redacted] Lane.

It was ultimately determined that neither party intentionally followed the other to their destination on [redacted] Lane.

[redacted] stated that after the other involved party parked his vehicle, the involved male exited his vehicle and approached him ([redacted]) as he sat in his vehicle across the street. [redacted] stated he had his window down and the male approached him as he sat within the driver's seat. [redacted] explained that he and the male exchanged words and that during the heated exchange the male threatened to "hurt" and/or "kill him". [redacted] responded by telling the male that if he did not back away, he would step out of his vehicle. [redacted] then put his car in park and stepped out of his vehicle to confront the male. The altercation continued and [redacted] explained that he and the male continued to exchange words. [redacted] stated that during this portion of the confrontation, the male's wife reportedly tried to intervene but the male used his arm to keep her away from the confrontation, telling her to get the kids and to get inside. [redacted] further explained that at one point during the altercation the male mentioned getting a "gun".

[redacted] stated that he was initially unaware that the male was a "Cop" but learned that information during the confrontation.

At this time I walked over and contacted Deputy P. Brigs who was speaking with the male at [redacted] Lane. It is to be noted that I did not recognize the male or realize that he was a Law Enforcement Officer employed with the Sonoma County Sherriff's Office at the time of this contact.

Deputy P. Briggs advised me that the male, later identified as Marlon Bhai, was pushed multiple times during the confrontation but did not wish to seek criminal prosecution against [redacted]. Refer to Deputy P. Briggs supplemental report for further information regarding his contact with Bhai.

I walked back over and re-contacted [redacted] in front of [redacted] Lane. At this time [redacted] thanked us for taking care of

everything and stated he just wanted to "drop" anything moving forward.

Deputy Castro stayed with [redacted] and the Spanish speaking residents to further explain why were called.

Nothing further.