SONOMA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS INVESTIGATION
22-IA-0008

BACKGROUND SUMMARY

On July 12, 2022,[1] I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. He requested I conduct an Internal Affairs investigation regarding Deputy Marlon Bhai's conduct on July 10, 2022, while off-duty. Specifically, I was assigned to investigate the allegation that after a road-rage incident, Deputy Bhai threatened the other driver, made statements about getting a gun, and was potentially involved in a domestic violence incident with his wife.

Incident:
On July 10, 2022, at approximately 2040 hours, deputies from the Windsor Police Department were dispatched to [redacted] Lane in Windsor, to investigate a suspicious circumstances report. The anonymous caller stated there was a male threatening a juvenile, stated he had a gun, was a law enforcement officer and was pushing and shoving a female.

When deputies arrived, they identified the involved parties as [redacted] and off-duty Sonoma County Sheriff's Deputy Marlon Bhai. During the course of the initial investigation, after speaking with both the involved parties, no arrests were made, and the call was cleared.

On July 11, 2022, Deputy Mark Hunter was assigned to conduct a follow-up investigation, to ascertain if Deputy Bhai was involved in domestic violence with his wife during the incident. During his follow-up investigation, Deputy Hunter learned there was an allegation Deputy Bhai pushed his wife. At that point he stopped his investigation and contacted a supervisor.

Detectives from the Santa Rosa Police Department's Domestic Violence and Sexual Assault unit investigated the domestic violence allegation. At the conclusion of that investigation, SRPD DVSA Detective J. Page determined there was no probable cause to believe any domestic violence occurred between Deputy Bhai and his wife.

Due to Deputy Bhai's conduct, this incident was forwarded to the Sheriff's Office Professional Standards Bureau and this administrative investigation was initiated.

During the course of this administrative investigation, it was learned Deputy Bhai was storing his handgun, unsecured, in his personal vehicle and the handgun was not properly loaded with appropriate ammunition.

[1] An underlined date indicates it is part of my investigation – Sergeant Brent Kidder, Internal Affairs

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COMPLAINT / AUTHORITIES

The purpose of this investigation was to determine whether or not Deputy Marlon Bhai violated law, Sheriff's Office Rules and Regulations or Office-Wide policy, more specifically:

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Policy 306.5.1 – Firearms – Inspection and Storage

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Policy 306.5.4 – Firearms – Storage in Vehicles

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code §16850; Penal Code §25140; Penal Code §25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code §25140).

Policy 320.5.1 Standards of Conduct – Laws, Rules and Orders

c. Violation of federal, state, local or administrative laws, rules or regulations.

Policy 320.5.8 – Standards of Conduct – Performance

c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting of any office related business.

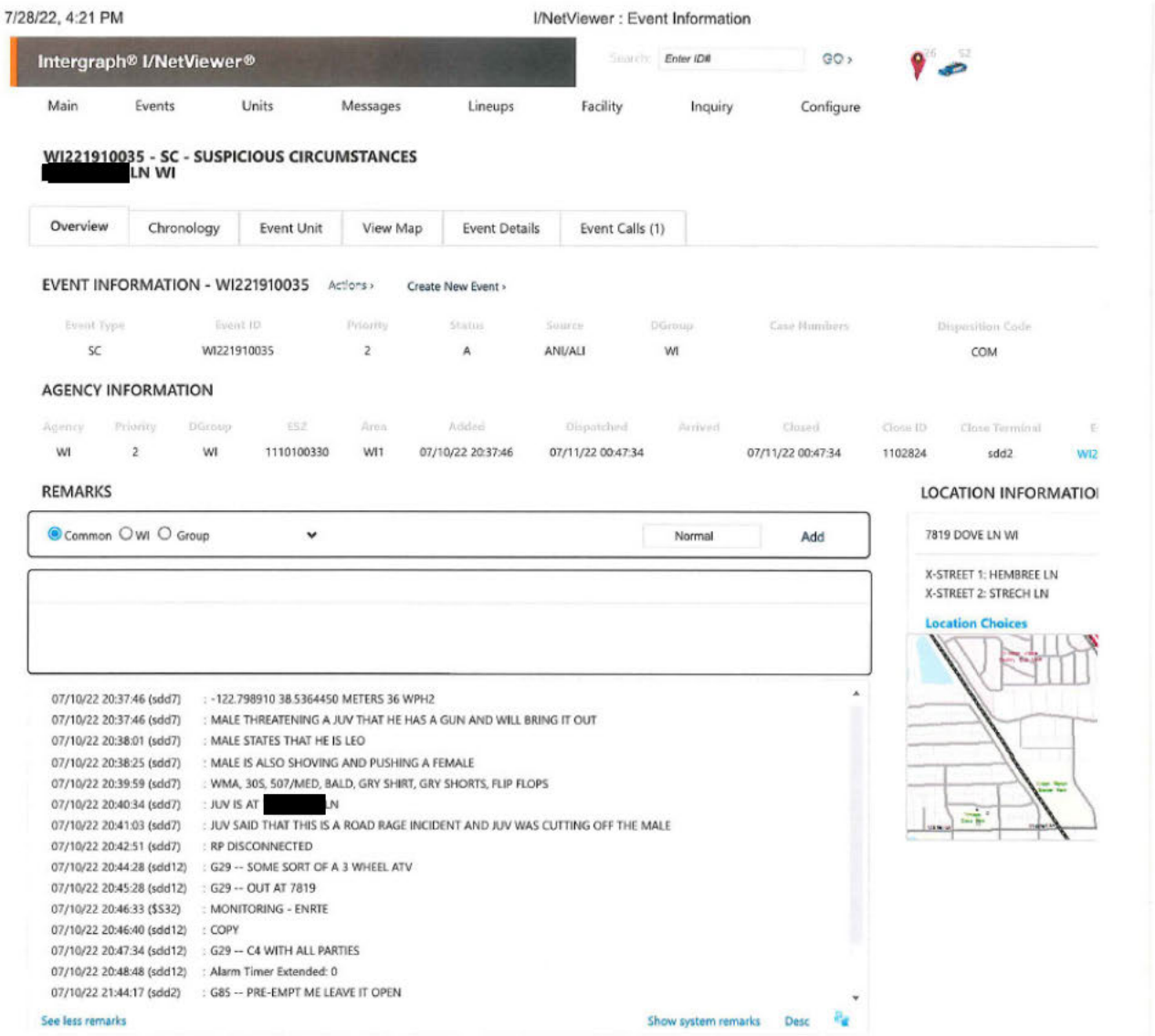
Policy 320.5.9 - Standards of Conduct – Conduct

f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

INVESTIGATION

On July 12, 2022, I was assigned this investigation by Lieutenant Brandon Cutting of the Professional Standards Bureau. Upon being assigned this investigation, I reviewed the call for service related to this incident in NetViewer. Below are the notes from the call:



I also read the Incident/Investigation Report (WPD 220710-002) authored by Deputy Hunter, as well as the supplemental reports authored by Deputy R. Castro, Deputy P. Briggs and Deputy S. Cummings.[2] I have summarized those reports below:

[2] A copy of the Incident/Investigation Report and all supplemental reports can be found in Exhibits.

Summary of Deputy P. Briggs Report:

When Deputy Briggs arrived, he spoke to the witness, identified as [redacted]. [redacted] positively identified Deputy Bhai as being involved and stated he saw Deputy Bhai pushing and making threatening remarks to [redacted], whom he believed was a juvenile.

Deputy Briggs met with Deputy Bhai, who told him while he was driving home with his family in his vehicle, he was involved in a driving incident with [redacted]. He described [redacted] drove his vehicle past Deputy Bhai's vehicle in, what Deputy Bhai believed, was an unsafe manner. Deputy Bhai followed [redacted] all the way to Deputy Bhai's residence. When they arrived, [redacted] parked his vehicle along the curb, across the street from Deputy Bhai's residence and Deputy Bhai parked his vehicle in his driveway. Unbeknownst to Deputy Bhai, [redacted] was on his way to [redacted] Lane, which was next-door to Deputy Bhai's residence.

When Deputy Bhai got out of his vehicle, he confronted [redacted] about his driving and told him to "slow the fuck down." [redacted] was still sitting in his vehicle with his window down when Deputy Bhai first confronted him. Deputy Bhai stated [redacted] responded by "talking shit" and eventually got out of his vehicle to confront Deputy Bhai.

Deputy Bhai and [redacted] engaged in an argument, during which Deputy Bhai claimed: [redacted] pushed him, then started confronting him about being a law enforcement officer and stated something about a gun. Deputy Bhai responded by telling [redacted] he had guns too and Deputy Bhai told his wife to get their children in the house. He was then confronted by a different female, identified as [redacted]. Bhai stated he tried to back away from [redacted] and indicated he was pushing her away from him as he backed away.

As a result of his statements to Deputy Briggs, Deputy Briggs asked Deputy Bhai if he wanted [redacted] arrested for violation of California Penal Code Section 242 – Battery. Deputy Bhai declined any prosecution.

Summary of Deputy S. Cummings Report:

Deputy Cummings spoke to [redacted], who stated he was sitting in his vehicle when Deputy Bhai approached him and the two had a heated exchange of words. During this exchange, [redacted] stated Deputy Bhai threatened to "hurt and/or kill him." As they argued, Deputy Bhai mentioned something about getting a gun.

[redacted] recalled Deputy Bhai's wife attempted to intervene, but Deputy Bhai used his arm to keep her away from the altercation.

[redacted] stated initially he was unaware that Deputy Bhai was a law enforcement officer but learned it as the incident progressed. According to Deputy Cummings report, [redacted] thanked the deputies for responding and he just wanted to "drop" everything.

Summary of Deputy R. Castro's Report:

When Deputy Castro arrived on scene, he initially followed Deputy Briggs as he contacted Deputy Bhai. As Deputy Briggs was interviewing Deputy Bhai, Deputy Castro left and approached Deputy Cummings, who was interviewing [redacted].

While listening to Deputy Cummings' and [redacted] conversation, Deputy Castro had to tell the bystanders at [redacted] Lane to stop interjecting. Deputy Castro heard [redacted] tell Deputy Cummings what had occurred. During his statement, [redacted] stated Deputy Bhai "aggressively" approached him in his vehicle, made comments about being a law enforcement officer and mentioned he had guns.

When Deputy Cummings left [redacted] to speak with Deputy Bhai, Deputy Castro spoke with [redacted] and confirmed [redacted] was not a juvenile.

Deputy Castro continued to speak Spanish to the witnesses and bystanders associated with [redacted] Lane. As he was speaking with them, one of them mentioned Deputy Bhai pushed his wife during the altercation. After clearing the call, Deputy Castro went through the notes in the call, and he saw a note regarding a female being pushed. He was unclear as to which female was pushed because no one claimed to be pushed while deputies were on scene.

Seeing the case needed further information, Deputy Castro went to the Windsor Police Department and called [redacted]. [redacted] told him he was driving on [redacted] Lane after picking his daughter up, when he observed the altercation between Deputy Bhai and [redacted]. [redacted] stopped his vehicle and watched Deputy Bhai "aggressively confront" [redacted]. [redacted] repeatedly told Deputy Castro that Deputy Bhai was the aggressor in the situation. He also heard Deputy Bhai state he was a law enforcement officer, something about having a gun and he heard Deputy Bhai yell at his wife to get back in their house.

When specifically asked, [redacted] told Deputy Castro he witnessed a woman wearing a red tank top attempt to separate Deputy Bhai from [redacted]. When she did this, [redacted] said Deputy Bhai pushed her out of the way.

Based on Deputy Castro's observations while on scene, he determined the female Martinez saw Deputy Bhai push was [redacted], not Deputy Bhai's wife. At that point, Deputy Castro believed he ruled out the possibility of any domestic violence involving Deputy Bhai.

[redacted] told Deputy Castro his daughter may have video recorded a portion of the altercation between Deputy Bhai and [redacted].

Deputy Castro determined he needed to report the circumstances of this case to a supervisor. Due to a high priority, emergency call elsewhere in the county, Deputy Castro was unable to speak with a supervisor for approximately four hours.

Once he spoke with a supervisor, he was directed to recontact [redacted], to determine if Deputy Bhai violated law by making criminal threats. Deputy Castro was unsuccessful in recontacting [redacted], due to the fact all the phone numbers Deputy Castro had for [redacted] were either not working or no longer associated with him.

Summary of Deputy M. Hunter's Report:

On July 11, 2022, Deputy Hunter was assigned to conduct follow-up investigation regarding this incident. He drove to [redacted] Lane and met with [redacted]. [redacted] told him he was not at the residence during the altercation, but his sister, [redacted], called him and told him the neighbor (Deputy Bhai) was in an argument with one of [redacted]' friends. During the argument, [redacted] heard Deputy Bhai threaten to kill [redacted].

[redacted] told Deputy Hunter his sister [redacted] and his daughter [redacted] were at the residence and witnessed the altercation but said both [redacted] and [redacted] were at work.

Deputy Hunter then spoke with [redacted], who told him there was some sort of road rage incident between Deputy Bhai and [redacted]. The two coincidentally drove to the same location, at which time Deputy Bhai got out of his vehicle and approached [redacted]. [redacted] stated Deputy Bhai was screaming and cursing at [redacted] and he called [redacted] a "fagot." [redacted] admitted she had been drinking the night prior and did not remember much else. Deputy Hunter asked [redacted] if she recalled Deputy Bhai threatening to kill [redacted]. She stated she did not.

Deputy Hunter drove to [redacted] work and spoke with her. She stated she was in her bedroom when she heard both vehicles arrive in front of her residence. She saw Deputy Bhai "aggressively approach" [redacted], who was still in his vehicle.

[redacted] said she went to the front yard and watched as Deputy Bhai yelled and cursed at [redacted]. [redacted] told Deputy Hunter she heard Deputy Bhai yell "I'm going to fucking kill you" and then stated he was going to get his gun.

[redacted] observed Deputy Bhai's wife, who was initially in the car, get out and attempt to intervene; however, Deputy Bhai physically pushed her, causing her to trip and almost fall.

After completing his interview with [redacted], Deputy Hunter contacted his supervisor and apprised him of the information.

Based on the circumstances surrounding the incident and Deputy Hunter's follow-up investigation, the Santa Rosa Police Department was contacted. A detective from their Domestic Violence Sexual Assault unit was requested to conduct an investigation into the allegation of domestic violence between Deputy Bhai and his wife. Santa Rosa Police DVSA Detective J. Page was assigned to the investigation.

On July 12, 2022, Lt. Brandon Cutting, Sgt. Anthony Diehm and I drove to Deputy Bhai's residence. Lt. Cutting remained inside his vehicle while Sgt. Diehm and I contacted Deputy Bhai. I served Deputy Bhai with an Internal Affairs Investigation Notice and I formally notified him he was being placed on Administrative Leave. When I asked Deputy Bhai to turn over his department issued ID and handgun, he immediately provided me with is Sheriff's Office ID/Proxy card. He then stated he needed to go get his handgun and he walked to the back of the house. When he returned moments later, he provided me with his loaded handgun.

When I returned to Lt. Cutting's vehicle, I began rendering the handgun safe. I started by removing the magazine. Once the magazine was removed, I locked the slide back and secured the round being ejected from the chamber. When I looked at the ejected round, I observed the round was not a department issued duty round, rather it was a training round. I notified Lt. Cutting and Sgt. Diehm of my findings.

At the time I was rendering Deputy Bhai's handgun safe, Lt. Cutting told me while Sgt. Diehm and I were inside Deputy Bhai's residence, he observed Deputy Bhai, who was holding a child in his left arm, walk through a side gate adjacent to his garage, and down the driveway. Deputy Bhai went to the passenger side of his vehicle and opened the rear passenger door. He reached into the rear passenger area and emerged holding his handgun in his right hand. After getting his handgun from his vehicle, Deputy Bhai returned to the side of his garage and presumably returned inside the residence. Lt. Cutting told me it appeared Deputy Bhai retrieved his handgun from the rear floorboard of his vehicle. Based on Lt. Cutting's observations, it was clear to him Deputy Bhai did not spend enough time in the rear passenger area of the vehicle to unlock a safe, or other locked container, before retrieving his handgun.

On July 13, 2022, I received a thumb drive from Lt. Sean Jones, who retrieved the device from the Santa Rosa Police Department. Through their investigation, they received cell phone video from the incident, which they offered to share. I reviewed the recorded video saved on the thumb drive, which consisted of two videos.[3] Below is a summary of those two recorded videos:

The first video appeared to have been recorded from inside a residence, through a screened window. The video was approximately 1:20 (mm:ss) long. Due to being recorded through a window screen, the image was blurry. Within the first second of the video, I saw there were two individuals standing in the middle of the street. Deputy Bhai was identified as wearing a grey shirt and shorts and [redacted] was identified as wearing a dark colored shirt and blue jeans.

[3] A digital copy of these two videos can be found in Exhibits

At the 00:02 (mm:ss) mark, [redacted] was heard saying "Shut the fuck up and go inside your house." [redacted] was pointing his left arm over the individual in shorts' right shoulder. Deputy Bhai used his left hand to smack [redacted]'s hand away and can be heard saying "Get the fuck outta here dude." [redacted] reacted, however due to the quality of the video, it is unclear what his reaction entailed.

After the exchange described above, Deputy Bhai walked away. A female in the background can be heard saying "stop" and an unknown male can be heard saying "chill, chill, chill".

Deputy Bhai reapproached [redacted]. Due to background noise, their verbal exchange is not audible. At approximately 00:27 (mm:ss), [redacted] said "you don't know who you're fuckin' with." Deputy Bhai responded, "you're a little bitch, just like everybody else…[unintelligible] …you ain't shit."

During the exchange, the people recording the incident identified Deputy Bhai as "a cop."

At approximately 00:41 (mm:ss), Deputy Bhai said, "Hey, the only reason why you're fucking ain't fuckin' snoring right now in the street, is because my little fuckin' kids are in the car."

Deputy Bhai and [redacted] proceed to argue about the driving incident that precipitated the confrontation in the street.

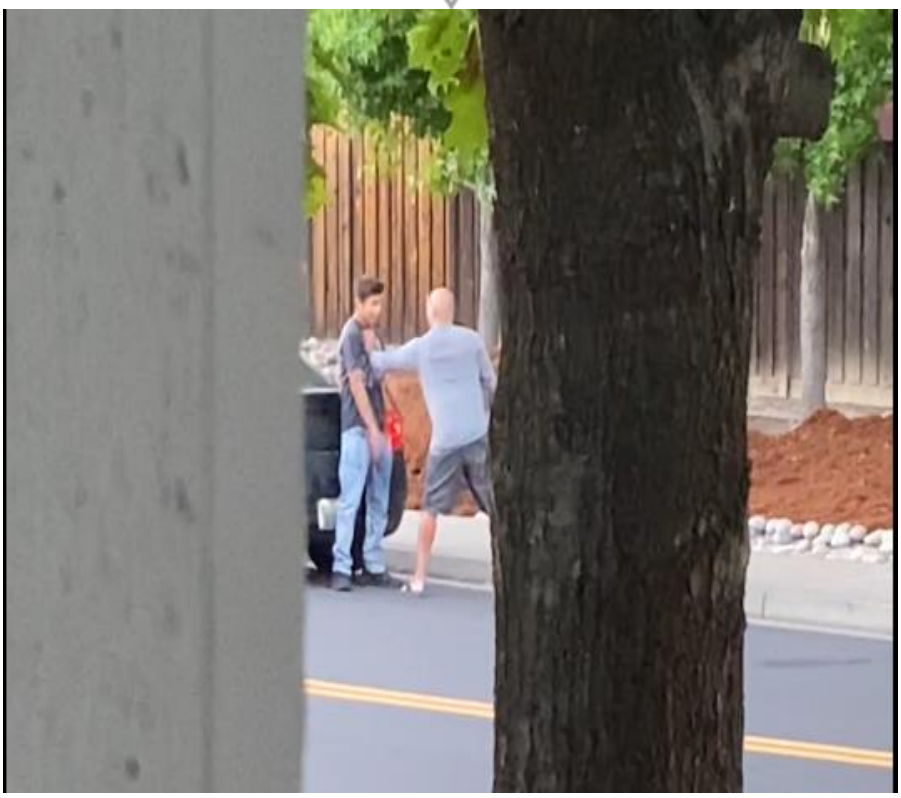
At approximately 1:07 (mm:ss), Deputy Bhai yelled "I will see you when I'm not with my fuckin' kids and I will fuck you up dude…".

Soon after that statement is heard, the person recording moved away from the window and the recording stopped.

The second video was only 00:16 (mm:ss) long, was recorded from outside a residence and was much clearer. I was able to clearly identify Deputy Bhai was wearing a gray shirt and shorts, and [redacted] was wearing the dark shirt and blue jeans.

At approximately 00:02 (mm:ss), [redacted] pointed at Deputy Bhai and yelled toward the houses "Hey, calm your son, calm your husband down, [unintelligible] we don't want no problems [unintelligible]."

Deputy Bhai approached [redacted], who was standing at the back of a black vehicle, and the two appear to have a verbal exchange which cannot be heard. Deputy Bhai pointed toward [redacted]'s feet, and then, at approximately 00:11 (mm:ss), used his left hand to shove [redacted] on the right side of his chest (refer to the still image of the video below):



The force from the shove caused [redacted] to move backwards, into the vehicle. [redacted] instantly regained his balance, took a fighting stance, with his hands up near his face, and he began to approach Deputy Bhai. Deputy Bhai backed away and an unknown male stepped between the two to separate them. The video stopped recording shortly after.

On July 26, 2022, I received Santa Rosa Police Detective J. Page's Incident / Investigation Report,[4] which I summarized below:

Detective Page interviewed Daniel Martinez, who told him the following information. He was driving with his daughter and as they turned onto [redacted] Lane in Windsor, he saw three males standing outside of a black vehicle. Martinez identified Deputy Bhai as the bald male, wearing gray colored clothing. He also identified Deputy Bhai as the aggressor in the altercation. He observed as Deputy Bhai was yelling and challenging [redacted]. Deputy Bhai would yell at [redacted], walk toward his residence, then turn around and continue to challenge and scream at [redacted]

According to Martinez, this occurred for a few minutes. At one point a female from [redacted] Lane approached Deputy Bhai and [redacted], stepped between them and pushed them away from each other. [redacted] stated Deputy Bhai was angered and pushed the female "more than once."

[4] A digital copy of SRPD Detective Page's report can be found in Exhibits.

One of the pushes almost caused the female to fall to the ground. At that point, [redacted] called the police.

[redacted] told Detective Page the only physical contact he witnessed was Deputy Bhai pushing the female who emerged from [redacted] Lane. He confirmed he did not see Deputy Bhai push his wife.

Detective Page then spoke with Deputy Bhai's wife, identified as [redacted]. [redacted] told him [redacted] was driving his vehicle when he cut Deputy Bhai off, almost causing a collision. They followed [redacted] as they continued to their residence and observed as he parked across the street.

Daniel stated when Deputy Bhai got out of his vehicle, he told [redacted] "You're driving like an asshole, you need to be careful." [redacted] responded and told Deputy Bhai he "had something" for him. According to [redacted], Deputy Bhai took that as a threat. Deputy Bhai told [redacted] to get the kids and get in the house.

The argument between Deputy Bhai and [redacted] continued. Deputy Bhai was identified as a police officer by a resident from [redacted] Lane. When [redacted] heard this, he stated, "Yea and now we know where you live."

At that point, a female emerged from [redacted] Lane and got between Deputy Bhai and [redacted]. She got in Deputy Bhai's face and began yelling at him. [redacted] said the female "pushed up against" Deputy Bhai, who responded by pushing her backwards, away from him.

[redacted] described [redacted] and the residents from [redacted] Lane as the aggressors and she stated [redacted] made veiled threats to Deputy Bhai and his family and alluded to having a weapon or something "for" him. [redacted] admitted Deputy Bhai should have backed away from the situation, but she believed he was only trying to protect her and their children by not backing down.

[redacted] confirmed she and Deputy Bhai have never had any domestic violence between them.

Detective Page also spoke with [redacted] about the incident. She told him Deputy Bhai appeared angry at [redacted] over [redacted] driving and the two were arguing. She watched as [redacted] attempted to pull Deputy Bhai away from the situation, however Deputy Bhai wouldn't allow her to. He shrugged [redacted] off of him, causing her to stumble backwards.

[redacted] described the physical contact between Deputy Bhai and [redacted] as, Deputy Bhai trying to stop [redacted] from pulling him away from [redacted]. During the altercation, [redacted] heard Deputy Bhai tell [redacted] he would "kill" him. She also said [redacted] did not appear to be the aggressor.

[redacted] told Detective Page she had a video of the incident, which she sent to him. Detective Page reviewed the two videos and summarized them in his report. I determined the two videos [redacted] sent to Detective Page were the same two videos I received from Lt. Jones.

At the conclusion of his investigation, Detective Page determined there was no probable cause to believe any domestic violence occurred between Deputy Bhai and his wife; therefore, the case was closed.

On July 26, 2022, I scheduled an interview with [redacted]. We planned to meet at Crooks Coffee in Santa Rosa on 7/28/2022, at approximately 1300 hours.

On July 20, 26, and 27, 2022, I reviewed the associated body worn camera footage related to this event. None of the BWC footage captured any of the altercation between Deputy Bhai and [redacted]. After reviewing the BWC footage, I identified Deputy P. Briggs as the deputy who contacted Deputy Bhai and interviewed him regarding this incident. Below is a summary of Deputy P. Briggs' BWC footage.[5]

When Deputy P. Briggs arrived, he immediately contacted [redacted]. [redacted] stated he saw a male push and make threatening remarks to a juvenile male. Some of the remarks made by the male involved having a gun. He identified Deputy Bhai as "the bald guy" and pointed him out to Deputy P. Briggs.

As Deputy P. Briggs spoke with [redacted], Deputies Vega, Castro and Cummings all arrived on scene. Deputy P. Briggs, along with Deputy Vega and Deputy Castro, approached Deputy Bhai near Deputy Bhai's garage.

Deputy Bhai explained he was involved in a driving incident where [redacted] almost "clips" him while passing him near the Shell gas station. Deputy Bhai stated he followed [redacted] onto [redacted] Lane, where [redacted] parked across the street from Deputy Bhai's residence. Deputy Bhai parked in his driveway, got out of his vehicle and told [redacted], "hey dude, why don't you fucking slow the fuck down." [redacted] began "talking shit", got out of his vehicle, and was trying to size him up. Deputy Bhai confirmed he did not recognize [redacted].

Deputy P. Briggs confronted Deputy Bhai about making statements about having a gun. Deputy Bhai stated [redacted] began calling him out about being law enforcement and having guns. In response to [redacted] statements, Deputy Bhai told him he had guns too.

Deputy Bhai continued to tell Deputy P. Briggs that [redacted] repeatedly pushed him throughout the incident. He also stated a female [later identified as [redacted] got into his face and pushed him as well. Deputy Bhai demonstrated he used his arm to move [redacted] away from him.

Deputy Bhai told Deputy P. Briggs that [redacted] made a statement about knowing where he lived now, which Deputy Bhai took as a threat.

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[5] A digital copy of Deputy P. Briggs' BWC footage can be found in Exhibits.

Approximately 5:31 (mm:ss) into Deputy P. Briggs' BWC footage, he asked Deputy Bhai "who pushed who first?" Deputy Bhai replied, "I didn't never even put hands on that guy, he was shoving me." Deputy P. Briggs repeated that [redacted] was shoving Deputy Bhai, which Deputy Bhai confirmed. Deputy Bhai stated he was not worried about it and did not want anything done.

Deputy Cummings approached Deputy P. Briggs and Deputy Bhai. Deputy P. Briggs advised Deputy Cummings he had established [redacted] had battered Deputy Bhai, but Deputy Bhai did not want to press charges.

Deputy Cummings confirmed Deputy Bhai followed [redacted] onto [redacted] Lane and Deputy Bhai established [redacted] was likely going to visit Deputy Bhai's neighbors, whom he has had issues with.

Deputy Cummings told Deputy Bhai, since he didn't want to press charges, he was going to resolve this issue with Deputy Bhai's neighbors as much as possible, since they were in fact neighbors.

Deputy Bhai told Deputy Cummings it was the way [redacted] was driving and him challenging Deputy Bhai after being confronted that made Deputy Bhai think, "who the hell do you think you are, you little 18-year-old, with your fake diamond earrings, like no, I ain't doing that."

Deputy Bhai confirmed he had never seen [redacted] or [redacted] vehicle prior to this incident.

On July 28, 2022, at approximately 1300 hours, Sgt. Diehm and I went to Crooks Coffee. At approximately 1330 hours, after [redacted] had not arrived, I tried calling his cell phone. There was no answer, so I left a voicemail. At approximately 1340 hours, [redacted] still had not arrived, so Sgt. Diehm and I left. When I returned to my office, I found I had a missed call from [redacted] on my desk line, telling me he was not going to make our meeting.

On July 28, 2022, I called both [redacted] and [redacted] to schedule their interviews. Both [redacted] and [redacted] agreed to meet with me on August 1, 2022, at 1600 hours and 1700 hours, respectively.

On August 1, 2022, Sgt. Diehm and I conducted a recorded interview with [redacted].[6] The interview took place in the living room of the [redacted] residence. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] was in her bedroom, which was in the front of the residence and faced [redacted] Lane. She watched the black car park on [redacted] Lane, then she saw her neighbor [Deputy Bhai] drive behind the black car and park in his driveway. Moments after the vehicles parked, she heard arguing, screaming and yelling. She recalled seeing Deputy Bhai approach the guy driving the black car, whom she identified as [redacted]] and she heard Deputy Bhai start yelling at [redacted]. [redacted]

[6] A digital copy of [redacted] interview can be found in Exhibits.

was not able to hear specifically what Deputy Bhai was yelling until she went out to the front of the house. When she got to the front of her house, she heard Deputy Bhai threaten [redacted]. Specifically, she remembered Deputy Bhai yell, "I'll fuck you up" and "I'll fucking kill you". She confirmed the altercation between Deputy Bhai and [redacted] took place in the middle of the street in front of her house.

[redacted] told me her little sister recorded some of the altercation on two cell phone videos. One video was recorded from inside [redacted] room and second was recorded from near the front door of the residence. [redacted] identified the longer video as being recorded from inside her bedroom because the window screen obstructed the camera's view. Later in the interview she identified the clearer of the two videos as being recorded from the front of the residence, which captured Deputy Bhai push [redacted].

When I asked [redacted] about Deputy Bhai saying something about a gun, she told me she couldn't remember the exact words, but she recalled during the time Deputy Bhai threatened [redacted], he mentioned something about a gun and possibly shooting him. [redacted] confirmed Deputy Bhai was the first person to mention anything about a gun and she never heard [redacted] mention anything about a gun or about retaliating with a gun.

I asked [redacted] if she ever heard [redacted] say anything toward Deputy Bhai. She recalled [redacted] trying not to get involved. [redacted] told Deputy Bhai he knew Deputy Bhai was a cop and just because Deputy Bhai was a cop, it was not okay for him to use that as an excuse to act the way he was acting. She did not recall [redacted] saying anything threatening toward Deputy Bhai.

I asked [redacted] if she saw either Deputy Bhai or [redacted] push the other. She told me she saw Deputy Bhai trying to take a picture of [redacted] license plate and that is when he pushed [redacted] on the chest. She also told me Deputy Bhai pushed his wife during the incident. She elaborated by saying it appeared Deputy Bhai was trying to get his wife away because she was trying to stop him, but he kept pushing her away and told her to go with their kids. [redacted] also told me [redacted] tried to defend [redacted]. [redacted] was uncertain who pushed who first, but she remembered Deputy Bhai pushing [redacted].

When I asked [redacted] if [redacted] ever placed his hands on Deputy Bhai, she told me she did not recall ever seeing him do so. She recalled [redacted] pointing, and Deputy Bhai smacking [redacted] arm and she remembered [redacted] trying to defend himself by taking a fighting stance and putting his fists near his face.

[redacted] told me there was approximately a ten-minute lapse in time from when Deputy Bhai and [redacted] began arguing, to the time [redacted] little sister began recording the altercation. Even though the recording didn't begin until well after the onset of the argument, [redacted] stated the video provided a pretty good snapshot of how the entire altercation went. She identified Deputy Bhai as the primary aggressor during this altercation, based on Deputy Bhai's aggressive actions. She told me Deputy Bhai's wife even told Deputy Bhai to come inside, but Deputy Bhai was insistent on arguing with [redacted].

On August 1, 2022, Sgt. Diehm and I conducted a recorded interview with [redacted].[7] This interview also took place in the living room of the [redacted] residence. Below is a summary of that interview, which I have reorganized for clarity.

[redacted] was in the kitchen when [redacted] told her about the altercation occurring in the front yard. [redacted] went outside and saw her neighbor (Deputy Bhai), saying "bad words" to the other guy ([redacted]). When asked, [redacted] was not willing to repeat the bad words Deputy Bhai was saying to [redacted]. She recalled only hearing Deputy Bhai saying bad words to [redacted]l. She stated she repeatedly told [redacted] to calm down, don't say anything and/or that the police were coming.

[redacted] walked into the street tried to separate Deputy Bhai from [redacted], but Deputy Bhai kept "attacking" [redacted] Deputy Bhai left to go speak with his wife, but quickly returned to continue talking to [redacted]. [redacted] also said she heard Deputy Bhai yell at his wife during the incident.

[redacted] told me she was aware her brother and sister-in-law had issues with Deputy Bhai and his family, but she didn't. She said she only spoke to Deputy Bhai's wife on occasion, and the content was of neighborly pleasantries like "hi" and "bye".

During the incident, [redacted] said she observed Deputy Bhai try to kick [redacted], but she was not able to elaborate much further. She did not recall seeing either Deputy Bhai or [redacted] actually make physical contact with each other. Upon further questioning, [redacted] stated Deputy Bhai tried to push [redacted] during the incident, but she never saw him actually do so.

I told [redacted] I had seen the video footage her niece had recorded, and I asked her about the timeline regarding those incidents. [redacted] told me those recordings were made before she went outside and she confirmed she never saw either Deputy Bhai or [redacted] push, strike or otherwise physically contact the other.

Based on the way Deputy Bhai acted, [redacted] identified Deputy Bhai as the primary aggressor during this situation. She described [redacted] as angry and scared but was decisive in saying Deputy Bhai was aggressive.

When I asked [redacted] if she had anything else to add, she told me she doesn't feel comfortable having her kids or her nephew play outside because Deputy Bhai makes her feel uncomfortable in her home because of the way he is.

On 8/3/2022, I conducted a phone interview with [redacted], which was recorded.[8] Below is a summary of that interview, which I have reorganized for clarity.

[7] A digital copy of [redacted] interview can be found in Exhibits.
[8] A digital copy of [redacted] interview can be found in Exhibits.

[redacted] told me she invited an acquaintance [[redacted]] to come visit her where she was living, which was in the garage at [redacted] Lane. She was inside her room when [redacted] arrived in front of the residence. When [redacted] arrived, he messaged [redacted] and asked her to come outside.

When [redacted] got outside, she saw the neighbor [Deputy Bhai] approach [redacted] vehicle and yell at [redacted]. She remembered Deputy Bhai accusing [redacted] of almost hitting him while they were driving.

[redacted] told me [redacted] had never been to the residence before and to her knowledge, neither Deputy Bhai nor [redacted] knew each other.

[redacted] recalled asking Deputy Bhai why he was acting the way he was, and she pointed out the fact his wife and children were still in the car. According to [redacted], Deputy Bhai responded by calling her a "slut" and saying things that were inappropriate and rude. [redacted] wasn't completely sure exactly what else Deputy Bhai said, but she confirmed he was being very rude to both her and [redacted].

During the time she was outside, [redacted] told me that she did not remember seeing Deputy Bhai or [redacted] put their hands on each other, nor did she did not recall Deputy Bhai pushing, shoving or striking her.

[redacted] told me she was trying to separate the two because she doesn't like it when people "make a big fuss." She told me she tried calming Deputy Bhai down more than she was trying to calm [redacted] down.

When I asked [redacted] if [redacted] was ever insulting or rude toward Deputy Bhai, she replied "maybe." She elaborated by stating everyone was yelling at each other and [redacted] told Deputy Bhai to "shut up". To her best recollection, she recalled Deputy Bhai was the only person who called [redacted] and her names during this incident.

Based on her observations, [redacted] identified Deputy Bhai as the primary aggressor. She told him to go inside, and she reiterated the fact that Deputy Bhai's wife and children were outside. She recalled her and [redacted] began to walk away from Deputy Bhai, but Deputy Bhai continued to yell at [redacted].

Eventually, [redacted] and [redacted] walked away from Deputy Bhai, which was what ultimately ended the altercation.

As a result of this incident, [redacted] blocked [redacted] on Instagram and the [redacted] asked her to move out the day after.

On August 15, 2022, Lt. Brandon Cutting and I conducted a recorded interview with Deputy Bhai.[9] Present during this interview was Deputy Bhai's legal representative, Justin Buffington, from RLS Law Firm. This interview occurred at the Sheriff's Main Office, in conference room 2G. Below is a summary of that interview, which I have reorganized for clarity.

Deputy Bhai had been a peace officer since 2015. He started with the Novato Police Department, where he worked patrol, was on the Honor Guard and was an FTO before lateralling to the Sheriff's Office in November 2021. His assignment at the time of this incident was in Court Security.

On July 10, 2022, at approximately 1930 hours, Deputy Bhai recalled driving his family home after a day of swimming. As he turned onto Hembree Lane, from Shiloh Road, near the Shell gas station, he heard a black Infinity sedan revving its engine behind him. Deputy Bhai was driving in the number one lane and the black sedan was following him. He observed as the black sedan changed to the number two lane, passed him on the right, and then changed lanes again, back into the number one lane, cutting Deputy Bhai off. Deputy Bhai stated the black car came within inches of his vehicle as it cut him off, before speeding ahead. Deputy Bhai confirmed the black vehicle did not contact his vehicle and no one inside his vehicle was hurt.

Once the vehicle sped ahead of Deputy Bhai, he and his wife spoke about the near miss, and he admitted to being upset about it because his kids were in the car. Deputy Bhai's wife told him to let it go, which he agreed to do. They continued driving north on Hembree Lane, toward their residence, which was on [redacted] Lane.

When Deputy Bhai saw the black vehicle turn onto [redacted] Lane, he believed the black sedan was going to his neighbor's house, because they have had "a lot of issues" with their neighbors. As Deputy Bhai turned onto [redacted] Lane, he observed the black sedan park on [redacted] Lane, across from his residence. As Deputy Bhai parked in his driveway, he thought to himself "surprise, surprise, look what house he's going to."

Once Deputy Bhai parked, he got out of his vehicle and saw the driver of the black sedan [[redacted]] was still sitting in the driver's seat. He observed the window of the black sedan was down and he could see [redacted] but did not recognize him. Deputy Bhai told [redacted] something to the effect of, he was driving like an "idiot", and he almost took him and his family out due to his driving. Deputy Bhai explained he wasn't sure what he was looking to accomplish when he confronted [redacted]. It was "possible" he was searching for an apology, but at the very least he wanted to bring it to [redacted] attention that he was paying attention as he drove in Deputy Bhai's neighborhood, to prevent another incident.

Deputy Bhai described [redacted] responded by saying, "pull up nigga" or something to that effect, as he got out of his vehicle. Deputy Bhai, who was at the base of his driveway, asked [redacted]

[9] A digital copy of Deputy Bhai's interview can be found in Exhibits.

what he was going to do, to which [redacted] replied, "I got something for you", and started to go back into his vehicle.

Deputy Bhai told me his mindset when [redacted] said "I got something for you" was, he was going to get a weapon and I'm standing next to my car with my wife and kids. At that point, Deputy Bhai crossed the street and approached [redacted] so he could see what [redacted] was retrieving from his vehicle.

Instead of retrieving anything from the vehicle, [redacted] got back into the vehicle, started it, and began to back up two to three feet. Deputy Bhai maintained a "position of advantage" while [redacted] backed his vehicle up. Once [redacted] stopped, he jumped out of the vehicle, shoved Deputy Bhai, and put his hands up as if to challenge Deputy Bhai to fight. [redacted] told Deputy Bhai something to the effect of "you don't know who you're messing with", to which Deputy Bhai replied, "you don't know who I am" and "don't touch me." [redacted] continued to get in Deputy Bhai's "space" so Deputy Bhai would put his hands out telling him to get back. Deputy Bhai stated [redacted] continued to encroach his space and continually shoved him.

Deputy Bhai recalled a vehicle pulled up and one of the occupants got out and tried to separate [redacted] and Deputy Bhai. Deputy's Bhai's wife also tried to separate him from [redacted]. As Deputy Bhai's wife and the unknown male tried to separate the two, [redacted] told Deputy Bhai he knew where he lived. This caused Deputy Bhai to "elevate" again. He noticed his wife was between him and [redacted], so he told her get their kids and go inside. As he told her this, he used his arm to sort of usher her along. He explained he did so because he did not want his wife between him and [redacted] in case the altercation became physical. [redacted] called Deputy Bhai out for moving his wife along, and began saying things like, "you put your hands on your wife, you probably beat the shit out of your wife too, you wife beater." Deputy Bhai continued to exchange words with [redacted] as a result of his comments.

When I asked Deputy Bhai if any other female got involved in the altercation, he told me the female who illegally lived in the garage of his neighbor's house [redacted] came running out and got in his face as he was trying to get [redacted] license plate. He claimed [redacted] pushed him and yelled at him about not being able to do whatever he wanted just because he was law enforcement. Once [redacted] identified Deputy Bhai as law enforcement, [redacted] began telling Deputy Bhai he hated law enforcement, and "why don't you go get your gun, you gonna go get your gun?" Deputy Bhai replied he was not going to get his gun, indicated he had more than one gun and he told [redacted] not to threaten his family or his house. [redacted] continued to get in Deputy Bhai's face and was pushing him. He stated he was retreating as she was pushing him and telling her to stop.

Deputy Bhai's wife began yelling at [redacted] to stop, which drew [redacted]' attention away from Deputy Bhai. [redacted] began going after Deputy Bhai's wife, but Deputy Bhai prevented her from reaching her by "stiff arming" her. At that point, an unknown person from the neighbor's house stopped [redacted] from continuing to approach Deputy Bhai and his wife. Deputy Bhai stated a male associated with the neighbor's house, identified as "[redacted]" began yelling at him, telling him

he couldn't tell people where to park. Deputy Bhai had brief words with [redacted] before going inside with his wife and kids.

While he and his wife were discussing what had just happened, he saw patrol cars arrive in front of his residence. He went out to his garage and waited to be contacted.

When I asked Deputy Bhai if he ever threatened to shoot [redacted], he told me: "Not to my recollection, no. Not in, not at that moment. It might have been something insinuated, if he came to my house and harmed my family or something like that, but it was no direct like I'm going to come shoot you or anything like that, no." Deputy Bhai did not recall telling [redacted] he was going to kill him.

When I asked Deputy Bhai if he ever threatened [redacted]. He stated he told [redacted] he was lucky because he [Deputy Bhai] was in a position where he couldn't do anything or else [redacted] would have been lying on the ground. Deputy Bhai stated it took a lot of restraint to not do anything, because [redacted] was in his face, had pushed him and made threats. Deputy Bhai claimed [redacted] was well within his "bubble", in a fighting stance, and he didn't do anything. Deputy Bhai stated, "at most I did this" and he used his arms to demonstrate he pushed away. He told me he did not "swing" during the very heated moment. I clarified with Deputy Bhai his statement was he never swung at [redacted]. He replied, "No….no I, I did, with a…like this with one arm out, but I never swung a punch at him, I never like forcefully, as my recollection like shoved him or anything like that." Deputy Bhai claimed if he ever touched [redacted], it was with one extended arm, which he demonstrated as pushing [redacted] away from him. Deputy Bhai explained he would have used his arm to push [redacted] away because [redacted] had already pushed him, took a fighting stance and he was in Deputy Bhai's space.

Deputy Bhai admitted his wife and the unknown male, who he believed to be [redacted] friend, were the only two individuals who attempted to deescalate the situation. Deputy Bhai stated the unknown male never verbalized anything but was physically trying to separate them. His wife was trying to calm both Deputy Bhai and [redacted] down, but she was focused on calming Deputy Bhai down more by telling him to go inside. Deputy Bhai admitted he was so elevated, had tunnel vision, and could not recall exactly what she was saying.

When I asked Deputy Bhai what kept him engaged with [redacted]. He told me he approached [redacted] after [redacted] said he had something for him. He explained he was not going to be a "sitting duck" in his driveway with his wife and kids in the car. When [redacted] got out of the vehicle and pushed Deputy Bhai, he regretted saying anything to him in the first place. He acknowledged he could have just shut his mouth and the whole thing could have been avoided. He explained when [redacted] pushed him, challenged him to a fight and made threats, he was defending his position and wasn't going to back down, retreat or show a sign of weakness. He admitted he had no excuse, but he had no intentions to assault [redacted]. Deputy Bhai admitted he was baited into staying engaged when [redacted] threatened about knowing where Deputy Bhai lived. There were several things he regretted during this incident and admitted he should have just listened to his wife and gone into the house.

I asked Deputy Bhai if he remembered [redacted] trying to deescalate the situation. He admitted [redacted] did tell him to listen to his wife but would then call him "a little bitch." Deputy Bhai told me [redacted] statements were insulting and challenging in a passive way, as opposed to deescalating. Deputy Bhai estimated the entire incident lasted approximately three to five minutes, based on his estimation and recollection.

I told Deputy Bhai portions of the incident were recorded and I had reviewed those recordings. I told him in one of the videos I could see [redacted] pointing over Deputy Bhai's shoulder and [redacted] was heard saying something to the effect of go back inside. Deputy Bhai did not recall that portion of the incident. I explained further that suddenly, he smacked [redacted] hand away. Deputy Bhai stated he still did not recall that portion of the incident, but stated it was likely he did that. He claimed because [redacted] had already pushed him and took a fighting stance, if [redacted] hand was anywhere near his face, he would not doubt having done that.

I told Deputy Bhai on the video he was heard telling [redacted] he was lucky to not be snoring in the street. I asked him what he meant. He told me if he said that, he would have meant he would have knocked [redacted] out. He claimed his thought process was, because of what he did for a living, he could not just get in a fight, so he meant [redacted] was lucky he didn't knock him out because [redacted] was putting his hands on him and was threatening him and his family. He told me he said this to [redacted] because he wanted [redacted] to know if he continued to challenge and threaten him, he intended to knock him out.

I confronted Deputy Bhai about the statement he made to [redacted] about seeing [redacted] at a time when Deputy Bhai didn't have his kids around and that Deputy Bhai would "fuck him up". Deputy Bhai did not remember making that statement, but stated he believed it. When I asked Deputy Bhai if that statement could reasonably be taken as a threat, he told me he believed so. He continued and said he likely said that in a response to a threat [redacted] directed at him. He described it as returning a threat with a threat.

I described the second video, which took place behind [redacted] vehicle. Deputy Bhai recalled it was probably the point during the incident where he was trying to get [redacted] license plate, after he had threatened the house. I continued to tell Deputy Bhai the video showed him suddenly shoving [redacted] against the vehicle. Deputy Bhai told me he did not recall that. I confronted Deputy Bhai about his previous statement to me, when he stated if he pushed [redacted], it was in defense because [redacted] was approaching him. Deputy Bhai continued my statement by saying, "or he was in my space, right, so was he…." I told Deputy Bhai that [redacted] was backed against his vehicle and had nowhere to go. Deputy Bhai still claimed he did not recall pushing [redacted] but stated if [redacted] was anywhere within three feet of him, or moving at him, it's likely he could have done so.

I asked Deputy Bhai about his statement to the deputies. He recalled telling Deputy P. Briggs what happened, and he gave Deputy P. Briggs some background information about the issues he had with his neighbors. I specifically asked Deputy Bhai about when Deputy P. Briggs asked

him about who put their hands on the other first and Deputy Bhai responded to Deputy P. Briggs, he never put his hands on [redacted]. Deputy Bhai told me he did not recall making that statement to Deputy P. Briggs. He told me, if he told Deputy P. Briggs, he never put his hands on [redacted], he "didn't mean it in the context like that, um, 'cause obviously, I, I could've swore I admitted to him that I was pushing them away." Deputy Bhai started saying he believed he told Deputy P. Briggs he used his hand to push the female away. I told Deputy Bhai he did make that statement, but I was questioning specifically about him telling Deputy P. Briggs he never put his hands on [redacted]. Deputy Bhai stated he did not recall Deputy P. Briggs asking a question that direct. I confirmed Deputy P. Briggs did ask the question, I told Deputy Bhai his response was he never touched [redacted], and I told Deputy Bhai his statement during this interview was contradicting, because he told me he did in fact push [redacted] during the incident. Deputy Bhai replied he did not recall making that statement to Deputy P. Briggs, rather he thought he told Deputy P. Briggs he pushed [redacted] away. I asked Deputy Bhai if he had an explanation for the discrepancy between his statements. Deputy Bhai offered, "maybe it was the fact that 'cause I had, I was telling him, I was still like I said up here, that how much restraint it took me not to hit that guy and stuff like that, so maybe in my context it was putting hands on him like, in a striking manner, I think, and that would be my guess that I was, ref.., you know, I, I interpreted it as, as striking, like punching him, something like that you know, like an assaultive, well I guess anything's considered assaultive, but, you know, punching the guy to, with intent to injure him I guess, would be my best explanation for that, but I, like I said, I was up here, so I, I don't really recall specifics of my exact statement to him."

Deputy Bhai told me the day after this incident he notified Sgt. McKinnon about his law enforcement contact during this incident. He said he wanted to be transparent about it and he didn't want the administration to be blindsided by it. Based on Deputy Bhai's account, Sgt. McKinnon told Deputy Bhai it didn't sound like he needed to notify his supervisor. Deputy Bhai stated he was on probation, and he wanted them to hear it from him, so they knew he was being transparent. Deputy Bhai stated he told Sgt. McKinnon the way he recalled the incident was the way he was describing it during this interview. He stated he was not proud of his actions, he regretted some of his actions and he did not want to be deceitful. Hours after speaking with Sgt. McKinnon, he saw Sgt. Quartarolo, at which time he notified Sgt. Quartarolo of the incident. Sgt. Quartarolo told him if anyone needed statements from him, they would contact him. Deputy Bhai asked Sgt. Quartarolo to pass the information up the chain. Sgt. Quartarolo told Deputy Bhai to write a memo to himself, so he could recall the specifics of the incident if he were questioned later.

I directed Deputy Bhai's attention to July 12, 2022, when Sgt. Diehm and I came to his residence to serve him with his investigation notice and notice of administrative leave paperwork. I asked him if he recalled me asking him for his department ID card and his department issued handgun, which he did. I confirmed he recalled telling me he needed to go get his handgun from the back of the house, after he provided me with his ID card. I asked him where he went to go get his handgun. He explained his handgun was in a white cabinet inside his garage, which was where he went to retrieve his handgun. I asked him if he went to his vehicle. He told me he did, in order to grab his duty belt because all his other gear was on his duty belt. He explained he went

to his vehicle, grabbed his duty belt, went into his garage, left his duty belt in the garage, grabbed his handgun from the cabinet and then went back into the house to give it to me. I asked him if the white cabinet was a safe. He told me there was a small safe in it. I asked him if his gun was in the safe. He told me it was not. He explained normally he put it in the safe, but he had his kid, so he just put it in the cabinet and not in the safe. I confirmed with him his statement was he did not leave his handgun, unsecured, in the back passenger area of his vehicle. When I clarified his steps from the house to the car, to the cabinet and back into the house, he responded, "yeah, I believe so, yeah." When I asked him if he believed so, or if the steps we discussed did in-fact happen, he stated, "I'm fairly certain I put my duty belt on the motorcycle lift."

I advised Deputy Bhai when I cleared his handgun, I found the round in the chamber was a training round. I asked him if there was any reason why he had a training round loaded into the chamber of his duty weapon. He told me there was not. I asked him if he knew there was a training round in the chamber of his duty weapon. He told me he was not aware. I asked him if it was common for him to carry a training round in the chamber of his duty weapon. He told me absolutely not. He told me he had attended range training a week and a half prior and normally he was very particular about his firearms. He had no excuse other than he had not cleaned his firearm since the training and was not aware of the condition of his firearm.

Lt. Cutting asked Deputy Bhai some clarifying questions about the incident itself and any history of Deputy Bhai having any prior incidents like this with any of his neighbors. Deputy Bhai stated he had never had an incident escalate like this did.

Lt. Cutting also asked Deputy Bhai if he recalled seeing a black Tahoe parked in front of his house on the day Sgt. Diehm and I contacted him at his house. Deputy Bhai stated he did not recall seeing that vehicle in front of his residence. He stated when we contacted him, we woke him up from a nap with his kids and he was still groggy at that time.

Deputy Bhai's attorney did not have any follow up questions; therefore, I concluded the interview.

During the course of my investigation, I repeatedly attempted to contact [redacted] in order to schedule an interview. Unfortunately, he did not return my attempts to contact him. The table below depicts my attempts to contact [redacted]:

Date	**Time**	**Result**
July 20, 2022	1503	No answer on [redacted] cell phone. I left him a message asking him to call me.
July 25, 2022	1628	No answer on [redacted] cell phone. I left him a message asking him to call me.
July 25, 2022	1730	Lt. Cutting attempted to contact [redacted] at his last known address in Calistoga. He was advised by the apartment manager [redacted] and his family no longer lived there. The apartment manager provided Lt Cutting with [redacted] mother's phone number.

July 26, 2022	1050	I called [redacted] mother, identified as [redacted]. I spoke with her and [redacted] father, [redacted]. They confirmed I had the correct phone number for [redacted], I explained my reasoning for trying to contact him and I asked them if they would tell him to call me. They told me they would. They also provided me with their new address.
July 27, 2022	1650	No answer on [redacted] cell phone. I left him a message asking him to call me.
July 28, 2022	1705	No answer on [redacted] cell phone. I left him a message asking him to call me.
July 28, 2022	1745	I drove to [redacted] residence in an attempt to contact him. He was not home. I left my business card with his sister and asked her to give it to him and to have him call me.

As a result, I was unable to get [redacted] statement.

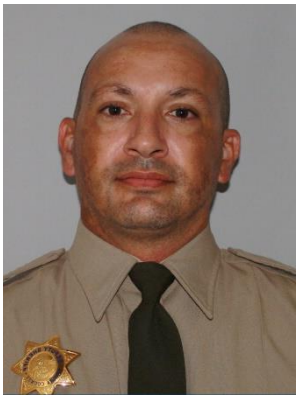
Throughout this investigation, I also continually attempted to contact [redacted], in order to schedule an interview. He initially agreed to meet for an interview, however he failed to show up. Since then, he has not returned any of my phone calls. The table below depicts my attempts to contact [redacted]:

Date	**Time**	**Result**
July 28, 2022	1300	[redacted] failed to show for a prescheduled meeting at Crooks Coffee in Santa Rosa.
July 28, 2022	1330	No answer on [redacted] cell phone. I left a message asking him to call me.
Aug. 3, 2022	0937	No answer on [redacted] cell phone. I left a message asking him to call me.
Aug. 15, 2022	1126	No answer on [redacted] cell phone. I left a message asking him to call me.

As a result, I was unable to get [redacted] statement, nor was I able to confirm his daughter video recorded the incident.

SONOMA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS INVESTIGATION
22-IA-0008

CONCLUSIONS AND FINDINGS



DEPUTY MARLON BHAI

Date of Hire: November 16, 2021

Last Two Evaluations: None (Probationary Employee)

The purpose of this investigation was to determine if Deputy Bhai's conduct during an off-duty incident in front of his house was in violation of law, Sheriff's Office policy and/or department regulations.

As a result of this investigation, I learned the following information: On July 10, 2022, Deputy Bhai was driving his family home from a day of swimming. While he was making a turn onto Hembree Lane, from Shiloh Road, [redacted] drove his vehicle around Deputy Bhai's vehicle and passed him on the right. After passing Deputy Bhai, [redacted] quickly drove back into Deputy Bhai's lane almost causing a collision between his and Deputy Bhai's vehicle. [redacted] continued on Hembree Lane, as did Deputy Bhai. Deputy Bhai was irritated at [redacted] driving, but he continued driving to his residence at [redacted] Lane.

As Deputy Bhai approached the intersection of Hembree Lane and [redacted] Lane, he observed [redacted] vehicle turn onto [redacted] Lane. Even though Deputy Bhai did not recognize [redacted] vehicle and had never seen it before, when he saw the vehicle turn onto [redacted] Lane, Deputy Bhai believed it was going to his neighbor's house, located at [redacted] Lane. This was significant to Deputy Bhai because there was a long-standing dispute between him and his neighbors.

When Deputy Bhai turned onto [redacted] Lane, he saw [redacted] park his vehicle on [redacted] Lane, across from Deputy Bhai's residence. At that point, Deputy Bhai became certain [redacted] was associated with his neighbor's residence. After Deputy Bhai parked in his driveway, he got out and saw [redacted] window was rolled down and [redacted] was still sitting in the driver's seat. He did not recognize [redacted]; but decided to confront [redacted] regarding his poor driving.

[redacted] responded and the two became involved in a verbal confrontation in the middle of [redacted] Lane. The altercation became physical when Deputy Bhai smacked [redacted] hand, while [redacted] was pointing and telling Deputy Bhai to go back into his house. The altercation became physical a second time when Deputy Bhai shoved [redacted] at the back of [redacted] vehicle.

During the confrontation, there was a mention of guns, which prompted a witness to call the Police. Deputies from the Windsor Police Department arrived and determined there were no

guns involved and no actual threats were made. Deputy Bhai claimed [redacted] pushed him during the altercation, but he declined to press charges.

After clearing the scene, Deputy Castro recontacted the reporting party to determine if Deputy Bhai was involved in a domestic violence incident with his wife during this altercation. After speaking with the reporting party, Deputy Castro apprised a supervisor of the incident.

The following day, after more follow-up investigation by the Windsor Police Department, a DVSA detective from the Santa Rosa Police Department was requested to conduct an investigation. After the investigation, it was determined there was no probable cause to indicate domestic violence occurred.

On July 12, 2022, when I served Deputy Bhai with his Internal Affairs Notice and Administrative Leave Notice, I asked for his department issued firearm. Deputy Bhai walked to the back of his house, out of my sight. Lt. Cutting, who was sitting in his vehicle in front of Deputy Bhai's residence, saw Deputy Bhai walk out his side gate, to the back passenger door of his personal vehicle. He opened the door, reached into the back floorboard area and emerged with his handgun.

When I rendered Deputy Bhai's firearm safe, I found the round in Deputy Bhai's chamber was a training round, not the department approved round authorized for duty use.

Regarding the fact Deputy Bhai was carrying his department-issued handgun in a condition out of policy. A portion of the policy listed below read: "*The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition*."

On July 12, 2022, after confiscating Deputy Bhai's handgun, I personally made it safe. When I extracted the round from the chamber, I observed the round was a Speer training round, not a Hornady Critical Duty round. The difference between the rounds was immediately obvious because the training round was loaded in a brass casing and the bullet was encased in a copper-colored material. The Hornady Critical Duty round was loaded in a nickel casing and the FlexLock® bullet had a red insert in the tip of it.

During his interview Deputy Bhai stated he did not know his handgun was loaded with a training round in the chamber. He told me he was usually particular about his firearms but stated he had not cleaned his firearm after attending a training, approximately one and a half weeks before I confiscated it. He stated he had no excuse.

I determined Deputy Bhai was unaware of the condition of his handgun, as it was not loaded with approved duty ammunition, and had been so for approximately one and a half weeks. For these reasons, Deputy Bhai was in violation of Sheriff's Office policy; therefore, the finding should be **sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Lexipol Policy 306.5.1 – Firearms – Inspection and Storage

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Finding: SUSTAINED

Regarding Deputy Bhai storing his department-issued handgun in his vehicle, a portion of the policy read: "*When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code §16850; Penal Code §25140; Penal Code §25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code §25140).*"

On July 12, 2022, Sgt. Diehm and I responded to Deputy Bhai's residence in order to serve him with his Internal Affairs Investigation notice and his Administrative Leave notice. Lt. Cutting drove Sgt. Diehm and I to the residence; however, he remained in his vehicle.

While Sgt. Diehm and I were inside Deputy Bhai's residence, Lt. Cutting observed Deputy Bhai walk out of a side gate and onto his driveway. Deputy Bhai, who was holding one of his children in his left arm, approached the back passenger door of his personal vehicle. He opened the door and reached toward the rear floorboard. Lt. Cutting watched as Deputy Bhai emerged from the back floorboard area of vehicle holding his handgun in his right hand. Deputy Bhai closed his car door, walked up the driveway and back through the side gate.

When Sgt. Diehm and I returned to Lt. Cutting's vehicle, Lt. Cutting apprised me of his observations. He told me, based on the amount of time Deputy Bhai spent leaning into the vehicle, which he estimated to be seconds, while holding a child, there was no way Deputy Bhai's handgun was secured in the back floorboard area of his vehicle.

During his interview, Deputy Bhai stated he went to his vehicle to grab his duty belt. When I asked Lt. Cutting if he possibly saw Deputy Bhai remove his duty belt from the vehicle and not his handgun, Lt. Cutting said absolutely not; he was certain Deputy Bhai retrieved his handgun from the back floorboard area of the vehicle.

Based on a preponderance of the evidence, Deputy Bhai left his department-issued handgun, unsecured, in the back passenger area of his personal vehicle. His vehicle was an SUV, which did not have a trunk; therefore, his handgun should have been secured inside a lockable container affixed to the vehicle or in a locked container hidden from plain view. By leaving his handgun unsecured in the back passenger area of his vehicle, Deputy Bhai violated this policy; therefore, the finding should be **sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Lexipol Policy 306.5.4 – Firearms – Storage in Vehicles
When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code §16850; Penal Code §25140; Penal Code §25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code §25140).

Finding: SUSTAINED

Regarding Deputy Bhai's conduct rising to the level of violating the law, this investigation revealed two separate instances where Deputy Bhai violated the law. The first being a violation

of California State Penal Code Section 242, which stated: *"Any willful and unlawful use of force on the person of another."*

During the altercation with [redacted], Deputy Bhai willfully smacked [redacted] hand away, as [redacted] pointed over Deputy Bhai's shoulder. After reviewing the video footage of this incident, I determined [redacted] was not challenging Deputy Bhai to fight, and he made no aggressive or threatening movement toward Deputy Bhai. Rather, [redacted] was merely standing in front of Deputy Bhai, pointing over his shoulder, telling him to go inside his house.

Later during the altercation, Deputy Bhai shoved [redacted]. During his interview, Deputy Bhai stated if he shoved [redacted], it was because [redacted] was in his space. After reviewing the video footage of that portion of the altercation, I saw [redacted] was already backed against his parked vehicle. Deputy Bhai continued to approach [redacted] until he was within arms distance from [redacted]. [redacted] did not appear to be challenging Deputy Bhai to fight, and he did not make any aggressive or threatening movement toward Deputy Bhai. He again, was merely standing there arguing with Deputy Bhai, when Deputy Bhai suddenly shoved [redacted] in the upper chest.

The two videos showed Deputy Bhai willfully and unlawfully used force on [redacted]. Even though [redacted] did not express any interest in prosecution for the battery, it does not negate the fact Deputy Bhai's actions fulfilled the elements of the crime.

The second instance was the fact Deputy Bhai violated California Penal Code Section 25140(a), which stated: *"Except as otherwise provided in subdivision (b), a person shall, when leaving a handgun in an unattended vehicle, lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, lock the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or lock the handgun in a locked toolbox or utility box."* Subdivision (b) stated: "*A peace officer, when leaving a handgun in an unattended vehicle not equipped with a trunk, may, if unable to otherwise comply with subdivision (a), lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, keylock, combination lock, or other similar locking device."*

When Deputy Bhai was asked to relinquish his department-issued handgun as a result of being placed on Administrative Leave, he went to the back passenger door of his personal vehicle. While at the back passenger area of his vehicle, Deputy Bhai was holding his child in one arm and spent very little time in the back passenger area of his car. Lieutenant Cutting witnessed Deputy Bhai emerge from the back passenger area of his vehicle holding his handgun.

The preponderance of the evidence in this matter showed Deputy Bhai retrieved his handgun from the back passenger area of his vehicle. Based on Lt. Cuttings observations, Deputy Bhai did not spend enough time at the back of the vehicle to unlock any safe or any locked container. Storing his handgun, in an unsecured manner, in the back passenger area of his vehicle was a violation of State law; therefore, the finding should be **sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Lexipol Policy 320.5.1 Standards of Conduct – Laws, Rules and Orders

c. Violation of federal, state, local or administrative laws, rules or regulations.

Finding: SUSTAINED

Regarding the validity of a portion of Deputy Bhai's statement to Deputy P. Briggs on the night of the incident. During Deputy P. Briggs' investigation, he asked Deputy Bhai "who pushed who first?" In Deputy P. Briggs' BWC footage, Deputy Bhai replied, "I didn't even never put hands on that guy, he was shoving me."

During his interview, Deputy Bhai told me he did not recall making that statement to Deputy P. Briggs. He explained if he made a statement to that effect, he meant he never punched or struck [redacted]. He also claimed he did not remember smacking [redacted] hand and stated if he ever shoved [redacted], it was in defense because [redacted] was encroaching his space.

This investigation revealed two videos which contradict Deputy Bhai's statement to Deputy P. Briggs, that he never put his hands on [redacted]. The video evidence showed Deputy Bhai put his hands on [redacted] at least twice, once when he smacked [redacted] hand away as [redacted] was pointing and a second time when he shoved [redacted] behind [redacted] vehicle.

These two videos show Deputy Bhai did in fact put his hands on [redacted], which directly contradict his statement to Deputy P. Briggs.

Furthermore, as stated earlier in this investigation, Lt. Cutting witnessed Deputy Bhai retrieve his handgun from the back passenger area of his personal vehicle. During his interview, in which Lt. Cutting was present, Deputy Bhai stated he did not leave his firearm unsecured in back of his vehicle, rather he retrieved his duty belt from the back passenger area of his vehicle. After Deputy Bhai's interview I spoke with Lt. Cutting who confirmed he did in fact observe Deputy

Bhai retrieve his handgun, not his duty belt, from his vehicle. Lt. Cutting was certain of his observations and confirmed Deputy Bhai's statement was false.

A preponderance of the evidence in this case showed Deputy Bhai not only provided a false statement to Deputy P. Briggs, who was a person of authority as an investigator during the initial incident investigation; but Deputy Bhai also provided a false statement to me, an appointee of the Sheriff and the person of authority conducting this administrative investigation. The finding for this allegation should be **sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Lexipol Policy 320.5.8 – Standards of Conduct – Performance

c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person of authority, in connection with any investigation or in the reporting of any office related business.

Finding: SUSTAINED

Regarding Deputy Bhai's conduct during the altercation with [redacted], the preponderance of the evidence suggests Deputy Bhai initiated this altercation by confronting [redacted] about his driving.

In his statement to Deputy P. Briggs, Deputy Bhai indicated he cursed at [redacted] while telling him to slow down. During SRPD Detective Page's investigation, Deputy Bhai's wife stated Deputy Bhai told [redacted] he was driving like an "asshole" when he confronted [redacted]. During Deputy Bhai's IA interview, he stated he told [redacted] he was driving like an "idiot."

After reviewing the recorded video of the incident, which only lasted approximately 1:20 (mm:ss), I determined Deputy Bhai made the following statements:

- "Get the fuck outta here dude."
- "You're a little bitch, just like everybody else …[unintelligible]…you ain't shit."
- "Hey, the only reason why you're fucking ain't fuckin' snoring right now in the street, is because my little fuckin' kids are in the car."

- "I will see you…shut the fuck up…I will see you, when I'm not with my fucking kids, and I will fuck you up dude, I promise you."

This investigation determined Deputy Bhai violated California Penal Code Section 242 by smacking [redacted] hand and then shoving his, as well as Penal Code Section 25140(a) by leaving his department issued handgun unsecured in the back passenger area of his personal vehicle.

During the initial investigation, Deputy Bhai provided a false statement to Deputy P. Briggs when he stated he never put his hands on [redacted].

During his IA interview, Deputy Bhai again provided a false statement when he said he retrieved his department-issued firearm from a cabinet from inside his garage. In reality, Lt. Cutting witnessed Deputy Bhai retrieve his handgun from the back passenger area of his personal vehicle.

Deputy Bhai's conduct during this incident, especially as a known, off-duty law enforcement officer, undoubtedly brought discredit upon not only the Sheriff's Office, but to the law enforcement profession in its entirety.

For the reasons stated above, this investigation determined Deputy Bhai was discourteous and disrespectful to [redacted], who was a member of the public. Furthermore, his conduct throughout the incident and the subsequent administrative investigation was criminal, dishonest and disgraceful, all of which adversely affect his relationship with the Sheriff's Office. Therefore, the finding should be **sustained**.

RULES AND REGULATIONS REGARDING CONDUCT

5.0 PROCEDURES

B. DUTIES, CONDUCT, AND RESPONSIBILITY

3. Obey Policies and Procedures: Members shall obey and carry out all lawful Sheriff's Office policies, procedures, and other order whether written or oral. Specifically:

Lexipol Policy 320.5.9 - Standards of Conduct – Conduct

g. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.

i. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.

Finding: SUSTAINED