Sacramento Police Department
Internal Affairs Division

Compl2019-001

Summary

Allegation: **Conduct Unbecoming**

Complainant: **Anonymous**

Report Prepared by: **Sgt. Ryan Bullard, #3135**

Investigating Office: **Internal Affairs Division**

Accused Employee: **Police Officer Z. Tersteege, #0425**

On 8/9/2019, IAD was notified via email of a "whistleblower" complaint that routed through OPSA (Office of Public Safety and Accountability) from the City Auditor's Office, Jorge Oseguera regarding SPD Ofc. Zachariah Tersteege making racist remarks at a patrol team party at SPD Sgt. [redacted] residence. The complaint did not specify a date of this occurring other than "whistleblower" received the complaint on 7/5/19.

On 8/15/19, IAD interviewed SPD Sgt. [redacted] at IAD. [redacted] stated that he hosted a social gathering at his residence on 6/29/19 in the afternoon for his patrol team (Team 9) following memorial services for fallen SPD Ofc. Tara O'Sullivan. A large number of Team 9 were directly involved or present as assisting officers in the incident of Ofc. O'Sullivan being killed on 6/19/19. Sgt. [redacted] listed a number of attendees at the gathering including Ofc. Tersteege. Sgt. [redacted] advised that after the social gathering had ended later that night, his wife [redacted] brought to his attention that she heard Ofc. Tersteege refer to SPD Chief Hahn as a "nigger" and that Ofc. Tersteege had also made comments about Sgt. [redacted] neighbors that they could not understand English as they were either Asian or Hispanic. Sgt. [redacted] was not present for when these remarks were allegedly made by Ofc. Tersteege and he described Tersteege as being "drunk" during this event. Sgt. [redacted] diagramed and described this occurring in his back yard at an outdoor table where several individuals were present including Ofc. Tersteege. Sgt. [redacted] later spoke to his co-worker Sgt. Jeff Morris about this allegation and it was agreed that Sgt. [redacted] would advise Lieutenant Heinlein of the allegation. Lt. Heinlein advised Sgt. [redacted] to have Peer Support contact Ofc. Tersteege regarding this information.

Following the above interview, Ofc. Tersteege was placed on admin leave that day by A/Captain Lt. Heinlein.

IAD interviewed SPD Ofc. [redacted] at IAD who admitted to being present for the above gathering w/her husband Ofc. [redacted] and initially denied ever having heard anything offensive or racist uttered by Ofc. Tersteege but later admitted during the interview that she heard Ofc. Tersteege say the word "nigger" but could not give a context into how it was said.

IAD interviewed SPD Ofc. [redacted] at IAD. Ofc. [redacted] described sitting at an outdoor table in Sgt. [redacted] backyard w/his wife, Ofc. [redacted] when he heard Ofc. Tersteege say the word "nigger" possibly more than once and that "fucker" was used in the same sentence. [redacted] could not describe a further context of this. [redacted] indicated he told Ofc. Tersteege to be quiet and not say this. [redacted] indicated that following this he and [redacted] decided to leave and go home.

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IAD interviewed SPD Ofc. [redacted]. Ofc. [redacted] indicated he had gone to the above social gathering with his fiancé [redacted] described that Ofc. Tersteege who was also present had gotten progressively more and more intoxicated during the event on "Jameson whiskey" to the point that he described Tersteege as being drunk. [redacted] described that as they were seated at an outdoor table, he heard Ofc. Tersteege refer to SPD Chief Hahn as a "nigger" as well as used this term in reference to the people of Del Paso Heights. [redacted] estimated that Tersteege said the word "nigger" 4-5 times but could not describe a specific quote aside from the above details. [redacted] described Ofc. [redacted] telling Tersteege to not say this and believed that Tersteege's mother who was also present at the table said something to him. [redacted] recalled that Tersteege had mentioned something about one of Sgt. [redacted] neighbors being "Japanese" however could not give any further detail.

IAD also interviewed SPD Officers [redacted], none of whom admitted to hearing Ofc. Tersteege say any racially derogatory remarks as Sgt. [redacted] residence on 6/29/19. Significant others of Officers [redacted], and [redacted] were present for the event on 6/29/19 as well however IAD had negative results in obtaining statements from them for either their refusal to give a statement or just a refusal to correspond in general.

Several of the above officers indicated that they had an intervention headed by [redacted] w/Ofc. Tersteege at the Kinney station following the social event at [redacted] residence where he was confronted with his negative behavior at work and his use of the "n-word" at [redacted] residence. According to officers, Tersteege did not recall saying this when confronted at the time.

IAD interviewed Lt. Heinlein who advised he was advised in person by Sgt. [redacted] that per [redacted] wife, Tersteege referred to Chief Hahn as a "nigger" and referred to [redacted] neighbors in some derogatory way in being Asian. Lt. Heinlein stated he then advised his chain of command, that being A/Captain Lt. Murrietta that same day or the following day of these circumstances in person.

A non-doc statement was obtained by IAD from Lt. Murrietta where he advised that Lt. Heinlein had advised him of Ofc. Tersteege making "racial" or "racist" remarks at [redacted] residence. Lt. Murrietta indicated he then advised Deputy Chief Peletta of this.

On 11/13/19, IAD interviewed [redacted] via phone where she admitted she heard Tersteege say the word "nigger" at her residence on 6/29/19 possibly more than once but she could not give a context as to what it was in reference to.

On 12/19/19, IAD interviewed Ofc. Tersteege who stated he did not recall saying anything racially derogatory at Sgt. [redacted] residence on 6/29/19 and that he self-admittedly was highly intoxicated and had been coping w/Ofc. O'Sullivan's murder by drinking.

SPD's Criminal Intelligence Unit conducted an audit for all of Ofc. Tersteege's body worn camera footage w/negative results for anything said or done by him as being racially derogatory.

CITY OF SACRAMENTO
CALIFORNIA

Office of the City Auditor
Jorge Oseguera, City Auditor

1063.2019

July 22, 2019

Francine,

In March 2012, City Council directed the City Auditor to establish a Whistleblower Hotline Program to allow City employees and members of the public to report potential fraud, waste, and abuse without the fear of retaliation. The program was officially launched in October 2012 with the posting of the City Manager's "Policy: Whistleblower Protection AP-1002" and the City Auditor's "Whistleblower Hotline Procedures."

As specified in the procedures, some complaints reported to the hotline may be referred to departments for their consideration. We have received a complaint related to your department or within your department's function.

Under California Government Code 53087.6 whistleblower complaints are confidential and must be held in confidence, including the identity of the caller disclosing the information and the parties identified by the caller. Further, the code states that calls may be referred to the appropriate government authority for review and possible investigation. In order to continue to protect the confidential nature of this information, please limit the dissemination, distribution, or copying of the information to only those involved in the Department's internal investigation.

We are referring the following complaint to the Office of Public Safety and Accountability. The allegation and any preliminary information we have gathered is shown below:

Allegation:
On July 5, 2019 we received an allegation that Police Department employee Zach Tersteege repeatedly made racist comments about Blacks, Hispanics and other races at a party. The party was at the residence of Sergeant [redacted] In attendance were members of his patrol team and their spouses.

In general, departments can decide if and how to investigate referred complaints. For some allegations, the Office of the City Auditor may request a report back to the City Auditor about how a complaint was investigated and resolved.

This complaint:

X does not require a report back
_ requires a report back within 60 days

HISTORIC CITY HALL – SECOND FLOOR
915 I STREET, SACRAMENTO, CA 95814-2604
PH 916-808-7270 • EMAIL – joseguera@cityofsacramento.org

The Office of the City Auditor may refer complaints to departments for various reasons. Some include:

- Complaints do not fall under the California Government Code definition of "fraud, waste, and abuse."
- Departments may have an expertise or existing role in investigating certain matters.
- Complaints may lack specificity to conduct further investigations, but departments might benefit from learning about the allegation.
- Complaints may be relatively minor, and a full investigation by the Office of the City Auditor may not be warranted due to the Office's limited resources.

Please feel free to contact me with any questions or concerns, or if you would like assistance in reviewing this complaint. Thank you.

Sincerely,

Jorge Oseguera
City Auditor

Sacramento Police Department

Personnel Complaint Form

- DEPARTMENT USE ONLY - IAD CASE NUMBER
Compl2019-001

**You have the right to remain anonymous. Consider providing some information for an investigator to contact you for follow-up questions.*

Complainant:

NAME	DOB	AGE	GENDER	RACE
Whistleblower Hotline				

HOME ADDRESS	CITY	STATE	ZIP

BUSINESS ADDRESS	CITY	STATE	ZIP
Doesn't require report back to			

TELEPHONE NUMBER #1	TELEPHONE NUMBER #2	EMAIL ADDRESS

Involved Employee:

**Provide as much information as possible.*

NAME	RANK	BADGE	GENDER	RACE
Zachariah J. Tersteege	Officer	0425	Male	White

UNIFORM TYPE	VEHICLE DESCRIPTION	VEHICLE NUMBER

Incident Details:

INCIDENT DATE	INCIDENT TIME	LOCATION (ADDRESS OR INTERSECTION)
06/29/19	22:45	[redacted]

SUMMARY OF INCIDENT: *Provide witnesses, locations, address, businesses, available photos and video, etc.*

OPSA2019-0305. (WHISTLEBLOWER HOTLINE) TERSTEEGE. On July 5, 2019, The Whistleblower Hotline received a report that SPD Officer Zach Tersteege repeatedly made racist comments about Blacks, Hispanics and other races at a party held at the residence of Sgt [redacted]. In attendance were members of his patrol team and their spouses. This complaint does not require report back to J. Osegeura, City Auditor.

Allegation: Conduct Unbecoming.

☐ I have attached _____ more pages to this form.

Your Rights:

You have the right to make a complaint against an employee for improper conduct. California law requires this agency to have a procedure to investigate personnel complaint, provide written description of this procedure, and retain complaints for at least five years.

I have read and understand these rights. Signature: _____

DEPARTMENT USE ONLY:		
ACCEPTING EMPLOYEE NAME AND BADGE NUMBER	ACCEPTING SUPERVISOR NAME AND BADGE NUMBER	DATE AND TIME
Sgt. Ryan Bullard #3135	Lt. Harrington #4060	6/29/19 2300

Clear Form Print Form

Sacramento Police Department

Personnel Complaint Disposition Form

- CONFIDENTIAL AND FOR DEPARTMENT USE ONLY -

- DEPARTMENT USE ONLY - IAD CASE NUMBER
Compl2019-001

Internal Investigation Details:

DATE REPORTED	TIME REPORTED	INCIDENT DATE	INCIDENT TIME	REPORT NUMBER
6/29/19	2300	6/29/19	2300	N/A

INCIDENT LOCATION (INTERSECTION OR FULL ADDRESS)	DISTRICT/BEAT	HOW REPORTED	INVESTIGATION TYPE
[redacted]	Other	OPSA	IAD

ASSIGNED DATE	ACTIVE DATE	SUSPENDED DATE	RESUME DATE	FOLLOW-UP DATE	COMPLETED DATE
8/13/19	8/13/19				2/5/20

Involved Employee:

NAME	RANK	BADGE	GENDER	RACE
Zachariah Tersteege	Police Officer	0425	M	W

Allegations:

☑ Conduct Unbecoming	☐ Firearm Discharge	☐ Missing Property	☐ OIS
☐ Discourtesy	☐ Harassment	☐ Neglect of Duty	
☐ Discrimination	☐ Improper Search and Seizure	☐ Profiling	
☐ Dishonesty	☐ Improper Tactics	☐ Service	☐ ICD
☐ Force	☐ Insubordination	☐ Traffic	
☐ False Arrest	☐ Intoxication	☐ Wage Garnishment	

Disposition:

ALLEGATION	FINDING	DISCIPLINE
Conduct Unbecoming	SUSTAINED	TERMINATION

APPROVED BY: [signature] Date: 4/13/20

Skelly or Discipline Settlement:

ALLEGATION	FINDING	DISCIPLINE

APPROVED BY: _____ Date: _____

INVESTIGATOR NAME AND BADGE NUMBER	INVESTIGATOR SUPERVISOR AND BADGE NUMBER	DATE AND TIME
Sgt. Bullard #3135	Lt. Wallace #4004	2/5/20 1500

Clear Form Print Form

SACRAMENTO POLICE DEPARTMENT
Administrative Leave/Confiscation of City Property

Employee: ZACK TERSTEEGE Date: 8-15-19

Address: [redacted]

Personal E-mail: [redacted] Phone: [redacted]

You are being placed on administrative leave with pay, **pending an administrative investigation**. As a result of this, the following orders and procedures shall be adhered to:

- ☑ Pursuant to employment with the Sacramento Police Department, your peace officer powers are hereby suspended until the administrative leave status is rescinded.
- ☑ Do not report for normal duty unless directed to do so.
  For the remainder of the week, your schedule shall be 0800-1700 M-F.
- ☑ Your work schedule shall be Monday through Friday 0800-1700 hours effective 8-19-19.
  You are to be **at home and accessible** by telephone during these hours unless directed otherwise. You are allowed an equivalent lunch hour from 1200-1300 hours to be away from your home.
- ☑ You are directed to call IAD at 0815 hours, Monday through Friday (916-808-2290), including holidays.
  You are to leave a voice mail message if no one answers. If you fail to call, you may not be paid and may be deemed insubordinate.
- ☑ You are directed to stay away from all Department facilities unless given prior approval by an IAD investigator.

COURT – While you are on administrative leave, an IAD investigator will serve you your subpoena(s). You shall respond promptly to receive your subpoena(s) the same day you are notified unless otherwise directed by IAD staff. You shall notify an IAD Investigator immediately if you are unable to respond.

You are directed to appear to all scheduled subpoenas during the time you are on administrative leave. You shall have your subpoena signed by the Court Liaison Unit when you check in and out. Court appearances are not overtime. You shall return your subpoena to an IAD Investigator after your appearance. If you need copies of reports, you shall advise an IAD investigator.

PAY STATEMENTS – Your pay statement shall be mailed to you. Hereafter, **all** eCAPS entries shall be completed by IAD personnel unless otherwise notified. You shall not access nor attempt to access your eCAPS account in any manner.

HOLIDAY/VACATION USAGE - While on adminstrative leave, you may request to take vacation or other leave time. Prior to using any of your leave balances, you shall contact an IAD investigator to ensure that your request is approved and reflected in eCAPS.

CONFLICTS - If an emergency occurs and you are unable to remain at home during the designated hours or any other conflict arises, you shall immediately contact an IAD investigator. If an IAD investigator is not available, you shall leave a telephone voice message for your assigned Investigator, detailing the nature of conflict, the time you leave your home and the time you will arrive back at your home.

"You are hereby ordered not to discuss the circumstances surrounding your administrative investigation with any other Department employee."

****

ABOVE DIRECTIONS GIVEN BY:

B. Hensley #4085 LIEUTENANT 8/15/19

Name, Rank Date

ADMINISTRATIVE LEAVE APPROVED BY:

B. Hensley #4085 8/15/19

Name, Rank Date

EQUIPMENT RECEIVED BY:

L. Arango #5105, DETECTIVE 8-15-19

Name, Rank Date

EMPLOYEE ACKNOWLEDGMENT OF FRONT & BACK:

Z. [illegible] #425 POLICE OFFICER 8-15-19

Name, Rank Date

ADMINISTRATIVE LEAVE RECINDED BY:

Name, Rank Date

EQUIPMENT RETURNED BY:

Name, Rank Date

SPD 334 (REV 9-18)

Copies to: Employee, IAD

INTERVIEW WITH [redacted]
BULLARD=Sgt. Ryan Bullard
[redacted]

BULLARD: November 13, 2019, 1201 hours. Calling [redacted].

[redacted] Hello?

BULLARD: Hi. Can I speak with [redacted]

[redacted] This is her.

BULLARD: Hi [redacted]. This is Sergeant Bullard, Sacramento Police Internal Affairs.

[redacted] Hi. How are you?

BULLARD: Hi. Good. Hey this is a recorded line just FYI. I got your two voice messages just asking for a call back. Obviously on my messages I had indicated what I left for you, what I wanted to talk to you about and I just wanted to know whether or not you're willing to speak to me about that.

[redacted] Yeah. I didn't get a message. I don't think you left a message on my phone.

BULLARD: Okay. Yesterday I left a couple of them trying to get a hold of you and then the ones from earlier were probably from a couple months ago just saying that I needed to - wanted to talk to you about basically an internal investigation I'm doing. [redacted] obviously not in trouble or anything like that but it's basically an investigation about a social gathering at your guys' house I guess and there's an allegation of an officer there making what would be considered some kind of offensive remark or something that could be considered biased or racist or something like that. So that's what I was - wanted to speak to you about if you were willing to.

[redacted] Okay.

BULLARD: With that information of what I was bringing up there, is there anything that you can elaborate on that about that of anything that you may have seen or heard that night? Or-

[redacted] What are you - What are you – what are you I guess asking? Or - What do you want information -

BULLARD: Well no, I understand that there was a - you and [redacted] hosted some kind of social event at you guys' house on –

((Crosstalk))

[redacted] We did. Mm-hmm.

BULLARD: - June 29th. I know that several officers were off duty and came to this.

[redacted] Correct.

BULLARD: There's allegations basically and the information that I've had here that a certain officer there made some comments that were considered either racial or biased or something that was offensive that obviously led to my investigation. So I've just basically been tasked with reaching out to you and whether or not you heard or saw anything about that that you would be willing to elaborate on or anything like that.

[redacted] I can't say exactly what was said because I was, you know, I was hosting at the same time and then there was like kids there and they're getting out of the pool and them I'm setting up TV but I did sit down at the table and hear a couple remarks. I don't know exactly what they were like directed to. I just know they were not appropriate. And then, you know, I kind of told [redacted] that, you know, "I think you're gonna have your hands full" meaning to probably talk to – talk to him. And then but I was, you know, kind of like not really paying that much attention to the whole conversation. So I can't say who it was directed to or directed about. But it was definitely not appropriate.

BULLARD: Can you explain to me why it wasn't appropriate?

[redacted] Just like the language that he was using. And I was kind of making sure I'm like - their kid - that anyone else's kids were not standing there and my kids weren't standing there. So I was kind of paying attention to those things too. And then I did have like - I think it was his in-laws or her in-laws that were sitting directly behind me. And then so I - like they weren't sitting on chairs so I was asking them like do they need chairs. So I don't exactly know like who it was said about or exactly the whole conversation. I just know that like he made some remarks about - some like I guess you would say like racial remarks. But I don't know like exactly who they were addressed about or to who.

BULLARD: Can you specify what those racial remarks were?

[redacted] Like he said like the - like I think he said the N-word and a couple other things. But I don't know like if he was talk – like exactly who or what he was talking about.

BULLARD: Okay. And when you say the N-word, do you mean like N-I-G-G-E-R or something to that -

((Crosstalk))

[redacted] Correct.

BULLARD: - effect? Okay. And you heard this personally yourself?

[redacted] Yeah.

BULLARD: Okay. And which officer in particular did you hear say this?

[redacted] Tersteege.

BULLARD: Okay. Tersteege. Zach Tersteege?

[redacted] Mm-hm.

BULLARD: Okay. But so to clarify, you don't recall or you don't know who he was talking about if anybody. You just heard him use that - that N-word?

[redacted] Yeah. Like they were - like it was just like, you know, like multiple people were having conversations. And then I heard him say it. I heard another officer tell him that, "Hey, knock that off." You know, like, "Don't say that." And then I heard one of them say like that I was there like because I - you know, I was sitting there -

BULLARD: Right.

[redacted] - also. But I wasn't like totally paying attention because I was trying to multitask a little bit because I had –

((Crosstalk))

BULLARD: When you heard - where were you at when you heard it? Were you sitting at the table with Officer Tersteege or were you somewhere else? Can you recall?

[redacted] I don't think he was sitting.

BULLARD: Okay.

[redacted] I think he was standing. Maybe he was sitting. I don't know. Like I was probably sitting and then got up.

BULLARD: Okay. And was this - what part of the house was this in where this was at?

[redacted] This is our backyard.

BULLARD: Okay. And do you know - I mean roughly could you estimate about how far away you were from Officer Tersteege when you heard him say this?

[redacted] Maybe a table's length.

BULLARD: So a table's length like we could do eight feet? ten feet? (unintelligible) –

((Crosstalk))

[redacted] No. I think our table's only like six feet.

BULLARD: Okay.

[redacted] So like I don't know if he was like - I don't think he was sitting. I think he was standing maybe –

((Crosstalk))

BULLARD: Okay.

[redacted] - because like I was sitting next to - I don't remember all the officers' names. I'm sorry. But I've only really met them maybe one time.

BULLARD: Right.

[redacted] So I had I would say a guy on my right. I think the grandparents like right directly behind me. Another guy on my left and then a female, a male, a female and then maybe Tersteege?

BULLARD: So you don't think he was sitting –

((Crosstalk))

[redacted] But I'm -

BULLARD: - and do you think you were sitting at the table at all? Or do you think you were standing at the time?

[redacted] A portion of it I was sitting. I think a portion of it I was probably like I got up from there to like get chairs for like his - to see if his in-laws - I don't know if it's his in-laws or his parents.

BULLARD: Okay.

[redacted] If they wanted some chairs because they were sitting on - we have like a retaining wall for our plants -

BULLARD: Yeah.

[redacted] - and so I was seeing if they wanted that. And then I think I put away a little bit of food. Then I got somebody something to drink. And then I went in and got some dry clothes for - for actually Zach's son.

BULLARD: Okay.

[redacted] And then I was covering some kids that were like falling asleep on the couch watching a movie and some blankets that -

BULLARD: Okay.

[redacted] - so I was kind of in and out. And then [redacted] was out front and then my – trying to think where my kids were - my two kids were watching a movie inside I think with a majority of the kids.

BULLARD: Okay.

[redacted] And changing from being wet.

BULLARD: And as far as you knowing that this is Officer Tersteege that said this, can you tell me or explain to me like your familiarity with him or how you know it was Officer Tersteege that said this? Did - Were you introduced to him in some way? Did he introduce himself as that person or -

[redacted] When they first showed up, everybody was introduced. And then I also met him at the funeral. And then he introduced himself too at my house. I think, you know, he was intoxicated and I think he was having a really hard time and -

BULLARD: Right. How many times have you seen or met or seen Officer Tersteege face to face I guess just knowing your familiarity with him?

[redacted] Just the funeral and then at our house.

BULLARD: So two times then?

[redacted] Yeah.

BULLARD: Okay. You said there was somebody there that told him to stop that or not say that. Is that right?

[redacted] Mm-hm.

BULLARD: Do you know who that was?

[redacted] I want to say maybe his last name is [redacted]

BULLARD: [redacted] Okay.

[redacted] Yeah.

BULLARD: And can you just kind of again recall for me how that happened - like how he said - how that was said to him?

[redacted] I don't know his exact words. But I just know he told him like, "Hey, that's not okay, you know. That's not appropriate. Don't say that" and kind of like just kind of scolded him a little bit like, you kind of would your kid I guess you know? Like -

((Crosstalk))

BULLARD: Right.

[redacted] - kind of - or somebody else, you know? And then - and that was kind of like -

BULLARD: Okay.

[redacted] - like it.

BULLARD: And you said there were other remarks that Officer Tersteege said? I know we talked about the N-word that he had said. Do you know how many times he had said the N-word here during this?

[redacted] No.

BULLARD: More than once?

[redacted] I would say probably more than once.

BULLARD: Okay.

[redacted] But I don't know like how many times or -

BULLARD: Okay. And do you - and again, I may have kind of already asked this but do you know - do you recall what it was in reference to, what he was using the N-word in reference to?

[redacted] I don't. I don't know. Like it was multiple conversations going so I don't know exactly like - I can't say like for certain like who it was about or exactly what it was about.

BULLARD: Okay. And when he said it, did he kind of whisper it? Did he say it in a regular voice? Did he yell it?

[redacted] I wouldn't say he yelled it or whispered. I think it was just like I guess kind of a little bit emotional I guess -

BULLARD: Okay.

[redacted] - kind of talking I guess. Not like - he wasn't like yelling in my backyard or whatever.

BULLARD: Okay.

[redacted] But I think he was definitely emotional.

BULLARD: Okay. And any other remarks at all that Officer Tersteege said that would be considered like it - I mean in your own definition, how would you characterize that term, the N-word of him using that? Is there a way you would categorize that word?

[redacted] Well definitely, you know, like it's not something, you know, that we feel like it's appropriate or it's very derogatory and that type of thing and not appropriate. But yeah. I mean I don't know - I don't really know exactly - I could tell he was very emotional from the time he showed up.

BULLARD: Right.

[redacted] I think he had a lot to drink. I think he was actually probably very intoxicated before he got to my house.

BULLARD: Okay. Do you know about what time you think he got to your house?

[redacted] Oh shoot. So I would say anywhere from - like do I need like - I don't have an exact time type of thing.

BULLARD: No, I mean I know – it's been – it's been a few months since I'm not - If you can't remember an exact time, that's okay. If you could estimate -

((Crosstalk))

[redacted] I would say between 4:30 and 5:30 at the latest.

BULLARD: Okay. And again, I think a few people have told me but the get together over there at yours and [redacted] house what was – what was the whole - what was behind the get together here at you guys' house at the time?

[redacted] I think [redacted] just wanted to be able to have his team come and like get together and just, you know, have a good dinner. We had it catered. And then we gave each of them like a - I would say it's kind of like a dog tag but it's just like the - has a picture of a flag on the front and has a police officer's prayer on the back.

BULLARD: Mm-hmm.

[redacted] And so we gave them that and like a little pin that we ordered. And then it was just like a - just kind of like a social like for the families to get together, the kids to swim at our house and -

BULLARD: Right.

[redacted] - that type of thing.

BULLARD: Okay. Any other remarks that you recall Officer Tersteege saying? Anything else that could be considered derogatory or anything like that?

[redacted] I'm sure, you know, there was other things said but I wasn't directly like paying attention to their conversation the whole time.

BULLARD: Mm-hmm.

[redacted] I was talking to multiple, you know, people because it was the first time I really like actually sat down for five minutes to like actually like have a conversation with any of them. So I can't even tell -

BULLARD: Right.

[redacted] - you like their names because when, you know, when they first got there then we're like serving food and then cleaning up, and then I was doing dessert. And then you know, like making sure they had towels for the pool. You know, when you host you kind of like have the five second conversations and then you - you kind of move on. So I was asking the one - I know the one lady worked with [redacted] before when he worked with [redacted] And I'm like, "Oh, I remember" you know, he worked with [redacted] and then we were talking about that and just like some casual conversation.

BULLARD: Okay. And then you - so my understanding you were saying that you brought this up to [redacted] later? Was it that same night about Officer Tersteege's comments?

[redacted] Yeah. I mean I just told him, you know, I don't know exactly what it was about or what was exactly said but I just said, you know, that he's a handful I think.

BULLARD: Can - and just tell me in your own opinion - I mean you might think it's kind of a stupid question for me to ask you but why - why did you bring it up to [redacted] of what you had heard Officer Tersteege say in your own opinion?

[redacted] Because I didn't think it was appropriate.

BULLARD: And can you tell me why – why in your own opinion why you didn't think it was appropriate?

[redacted] Because I thought the language that he used was not appropriate. I thought that he was a little mentally I would say like - I don't know how to explain it like - I don't know what's the best way to say it but like kind of unstable at the time that I felt like he was emotionally not coping well.

BULLARD: Okay. Do you recall if Officer Tersteege had made any kind of comments or remarks about your guys' neighbors - yours and [redacted] neighbors at all?

[redacted] I don't know exactly what he said. But he said something about our neighbors and then he said something and then someone said, "That's not a language" or something like that.

BULLARD: I'm sorry. How did that go again? I was trying to -

[redacted] I'm not sure exactly what he said. But he said something like - something about them and then somebody goes, "That's not a language." And then I don't know what was -

BULLARD: Okay.

[redacted] - exactly said after that.

BULLARD: Okay. Okay. And as far as your sobriety for the night you, yourself, I mean how would you describe it when this moment happened, this incident happened that you had heard these remarks being made by Officer Tersteege? What - How would you describe your sobriety?

[redacted] Like did I have anything to drink that night?

BULLARD: Yeah. Yeah. I mean anything. Kind of ask that pretty much about everybody just for their own recollection on this.

[redacted] Yeah. I had drinks that night but I wasn't - wouldn't say I, you know, like I was intoxicated. I had a couple White Claws but that was throughout the whole night.

BULLARD: Okay. Okay. Anything else that I haven't asked you about at all that you think I should know at all or anything like that? I always try and ask people that in case I didn't ask a certain thing or not.

[redacted] No. I just think that like he was definitely having a hard time.

BULLARD: Yeah.

[redacted] I think – I think he showed up after he just got like a brand new tattoo or something like that. And I think he was very emotional about that too. And then -

BULLARD: Do you remember if there was anything - any kind of discussion that was leading up to him saying that and using the N-word, if there was any kind of topic of discussion that led into him saying that?

[redacted] I think they were talking about the procession and then we were talking about that Elk Grove did a great job. And then - And then somebody said, "Yeah. Move to Elk Grove now" or something like that. I said, "Yeah, they did a good job." And then I don't know what the other conversations were exactly about but -

BULLARD: Okay. And then somehow it just led into Officer Tersteege using that word?

[redacted] Yeah. Like well it was ongoing for a while like the different conversations. But there was so many, you know, like there was multiple ones going on. And then I don't know exactly how it led into him. I don't know if he was talking about the procession or if he was talking about like what it exactly was all about.

BULLARD: Okay.

[redacted] If it was like the people standing on the side that were doing, you know, like - that he saw along the way in the procession or exactly what it was all about.

BULLARD: Okay. Do you - as far as -

[redacted] And I think he asked about my neighbors because somebody said like to have - like for him to be quieter or something. And then - I don't know. And then - I don't know how that was - and then I said, "Well, you know, it's fine. You know, it's not even, you know, 10 o'clock yet" or whatever it - I said, "It's fine." And then - I don't even really - I wasn't paying totally attention to just him.

BULLARD: Right.

[redacted] So I can't say exactly everything that - that happened there.

BULLARD: Right. No I understand. Is there anybody –

((Crosstalk))

[redacted] I just -

BULLARD: Oh, I'm sorry. Go ahead.

[redacted] I just, you know, heard a couple things and so I just made [redacted] aware of it.

BULLARD: Got you. You had mentioned that Officer [redacted], you believed Officer [redacted] was obviously there to hear –

[redacted] Mm-hmm.

BULLARD: - these comments by Officer Tersteege and that he said something like, "You can't say that." Is there anybody else that you are familiar with or you know the

names of – or anybody else that you believe was there that actually heard what Officer Tersteege had said regarding his use of the N-word?

[redacted] Well I don't know their names. I mean there was quite a few people sitting at the table.

BULLARD: Mm-hmm.

[redacted] So I think it was [redacted] wife maybe sitting there too. I don't even know if Tersteege's wife was sitting there or not.

BULLARD: Okay.

[redacted] Because I remember I went inside to get his son like a t-shirt. And when I came back down, his wife was inside. So I don't know. I don't know if she was already inside the house or if she was outside.

BULLARD: Okay.

[redacted] And then I know they brought like I would say his niece and nephew maybe? And then his - I don't know if it's his in-laws or his parents that came also with them. And I think they were outside by the table because I offered them some chairs. And then I don't remember his name but there was like - and I'm not sure if they were there still or they had already gone. Another officer, him and his girlfriend sitting to maybe my right? And then I think [redacted] was maybe farther down, a couple people farther down. And then another officer and maybe his wife or girlfriend. I don't know if they're married or not but –

BULLARD: Okay.

[redacted] - down at that end.

BULLARD: Okay.

[redacted] And then -

BULLARD: Do you know - do you know about what time everybody eventually started leaving or left – left your guys' house for that?

[redacted] I don't know exactly when everybody left because I left too. I had to go pick up our puppy. We had like gave it to a couple - like a friend to watch while we hosted because she, you know, would yap the whole time. So I went to go grab her really quick. So I left. And I think my son went with me. And we just got the puppy from down the street. So I would say that was probably like 9:30 -

BULLARD: Okay.

[redacted] - when I left to go do that.

BULLARD: Okay.

[redacted] And then I don't think I came back until maybe 10:30.

BULLARD: Okay. Do you know what time -

[redacted] So.

BULLARD: - roughly when Officer Tersteege had left your guys' house?

[redacted] Maybe around - well it wasn't until after I left so probably after I left sometime?

BULLARD: So he had left after you had left and when you had gotten back home he had already left then?

[redacted] Yeah. There was still people there when I like left. Like [redacted] had went out front to like walk a couple people out and I don't know for sure who they are like their names.

BULLARD: Okay.

[redacted] But they - he went and walked them out and then was out there for a little while. And then when he came back, I told him I want to go grab the puppy. And so I left. Well and then I just kind of checked on my kids really quick before I left - the ones that were not mine. And then I left to go get the puppy. So I would say Tersteege was still there because the two - his three kids - well, they're not his. One is his I think and then two are like maybe niece and nephew. They - they were still at the house. And I believe his wife was actually sitting inside maybe.

BULLARD: Right. Right. Okay.

[redacted] So.

BULLARD: Have you spoken to Officer Tersteege at all since this incident at all, you yourself?

[redacted] No.

BULLARD: Okay. [redacted], real quick, what's your date of birth?

[redacted] [redacted].

BULLARD: [redacted]?

[redacted] Mm-hm.

BULLARD: All right. I appreciate your time. Thanks a lot for calling me back and taking the time to discuss this whole thing with me. I understand it's probably not the most comfortable thing for you to talk about at all. But I really appreciate your time at least to talk with me on the phone about it.

[redacted] Okay.

BULLARD: Yeah. If anything else comes to mind or what not, you have my number and feel free to give me a call back. But again, thanks a lot for your time. I appreciate it.

[redacted] Oh you're welcome. Yeah. Yesterday [redacted] so I'm in [redacted].

BULLARD: Oh man.

[redacted] That's why I didn't answer yesterday. [redacted]

BULLARD: Oh, that's not good. And then you got [redacted] recovering obviously too -

((Crosstalk))

BULLARD: - so.

[redacted] Yeah. No. So I'm like oh, I don't want to talk in that.

((Crosstalk))

BULLARD: Well I apologize – I apologize for - yeah. I understand you got a lot of stuff going on with your family. So I really from my end, I apologize on that as far as intruding in any way. And I just appreciate you taking the time to talk to me at least on the phone.

[redacted] Oh, no problem.

BULLARD: All right [redacted] Thanks again.

[redacted] All right.

BULLARD: Okay.

[redacted] Okay. You're welcome. Bye bye.

BULLARD: Bye.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH LT. BRYCE HEINLEIN
BULLARD=Sgt. Ryan Bullard
SHIRAISHI=Sgt. Jeffrey Shiraishi
HEINLEIN=Lt. Bryce Heinlein

SHIRAISHI: The date is October 17th, 2019. The time is 8:46 in the morning. Present in the Internal Affairs Division Office are Bryce Heinlein, Sergeant Ryan Bullard, and myself, Sergeant Jeffrey Shiraishi. I advised you that I would be conducting this interview - that we would be conducting this interview and that you have the right to a representative. I see you have no representative present. Based on what you have been told, do you want to get a representative?

HEINLEIN: No.

SHIRAISHI: The purpose of this investigation is to conduct an interview of Bryce Heinlein who is an employee with the Sacramento Police Department in the capacity of Police Lieutenant. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

HEINLEIN: Yes.

SHIRAISHI: The results of this investigation could lead to disciplinary action up to and including termination of the alleged employee responsible. Do you understand this?

HEINLEIN: Yes.

SHIRAISHI: Based upon the authority vested in me by the Chief of Police I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

HEINLEIN: Yes.

BULLARD: For the record, please state and spell your name.

HEINLEIN: First name is Bryce, B-R-Y-C-E, last is Heinlein, H-E-I-N-L-E-I-N.

BULLARD: Did you graduate from the Sacramento Police Academy?

HEINLEIN: Yes I did.

BULLARD: When did you graduate?

HEINLEIN: In 2000 - June 2000.

BULLARD: Do you have any prior law enforcement experience?

HEINLEIN: Yes.

BULLARD: And what would that be?

HEINLEIN: I worked for El Dorado County Probation for 2 1/2 years.

BULLARD: Okay. When were you promoted to Police Lieutenant?

HEINLEIN: I was promoted two years ago.

BULLARD: Okay. What is your current assignment and shift?

HEINLEIN: Current assignment is Lieutenant of Major Crimes.

BULLARD: And how long have you been in that assignment?

HEINLEIN: Approximately a month and a half.

BULLARD: What was your assignment during June and July of 2019?

HEINLEIN: I was a swing shift Watch Commander for the North Command.

BULLARD: Okay. And can you describe what your duties and responsibilities were during that time?

HEINLEIN: My duties during that time was to supervise the watch, make sure that any critical incidents are responded to, dealt with any personnel issues at the line level and made sure that calls were being handled appropriately by not only officers but sergeants were supervising thoroughly.

BULLARD: Okay. And how long had you been in that assignment prior to the current one that you're in?

HEINLEIN: I was there for just under two years.

BULLARD: Okay. And during that time, who were your direct sergeant subordinates?

HEINLEIN: My direct sergeants - well it's changed but at that time, the time of this incident?

BULLARD: Around June or July 2019, yes.

HEINLEIN: Sergeant [redacted], Sergeant Jeff Morris, Sergeant Jeff Rath, I'm not sure if he was actually a sergeant at that point. No, he wasn't. But there was a vacancy and then Sergeant Chris Shippen.

BULLARD: We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making remarks that could be considered offensive on or around June 29th, 2019. In describing those circumstances I just mentioned, was anything like this brought to your attention?

HEINLEIN: Yes.

BULLARD: Who was it brought to your attention by?

HEINLEIN: Sergeant [redacted] brought it to my attention.

BULLARD: Okay. And you - can you recall for us how, when and where this was brought to your attention?

HEINLEIN: He - it was after Tara's funeral it was brought to my attention. So I don't know the exact date it was brought to my attention but I would say within two weeks of that - of the funeral. [redacted] came into my office before shift and advised me that he had something to talk to me about and that he had had a gathering after the funeral or a week or so after the funeral, had some people over at his house from his team pretty much his whole team had come over. And something had taken place in his backyard when he was not present. And it was relayed to him by his wife. And she filled him in on what was talked about, which she thought was inappropriate and then he felt like it was inappropriate so that's why he told me.

BULLARD: And can you describe the specifics of what Sergeant [redacted] had advised you of what his wife had told him?

HEINLEIN: Yeah just kind of in summary is he had had a barbeque at his house to kind of decompress from the incident of Tara's death and the funeral. And they were in

the backyard, a number of his team members as well as their significant others were out there. Some had been drinking. And during this time [redacted] had gone inside and his wife was out there present. And so I'm kind of relaying this third hard is that his wife told him that Zach had started to make racial comments not only about the chief using derogatory terms regarding the chief's ethnicity as well as some of the neighbors who apparently are Asian. He was using derogatory terms towards the neighbors that were surrounding [redacted] house.

BULLARD: Did Sergeant [redacted] advise you specifically what derogatory terms or comments were used allegedly by Officer Tersteege?

HEINLEIN: He - I know he mentioned something. I don't want to misquote him on what he told me. But it was as far as the chief being black and being -

BULLARD: Is there a phonetic way you want to spell the term? Or -

HEINLEIN: Well I think he called him a nigger.

BULLARD: Okay.

HEINLEIN: But - and then the neighbors he - I don't remember the exact term that he used for the neighbors but it was a derogatory term towards Asians.

BULLARD: Okay. Can you describe - when Sergeant [redacted] advised you of this, can you describe what you advised Sergeant [redacted] to do if anything regarding this allegation against Officer Tersteege?

HEINLEIN: Well during this time, [redacted] had advised me that Officer Tersteege was extremely drunk, had been drinking and he had not been back to work. So once he told me that information, I said, "I'll take it from here." Because I knew Zach was not coming back to work in the immediate time. So I wasn't concerned so much about him being on the streets. At that point I told I would tell, my supervisor, which I in turn told Lieutenant Murrietta who was Acting Captain.

BULLARD: Lieutenant Roman Murrietta?

HEINLEIN: Yes.

BULLARD: Okay. So to clarify, as far as you notifying somebody in your chain of command regarding this allegation against Officer Tersteege, you had notified Acting Captain, Lieutenant Roman Murrietta?

HEINLEIN: Yes.

BULLARD: Okay. Did you discuss this incident at all with Officer Tersteege?

HEINLEIN: No I did not.

BULLARD: Did you question him at all about the incident?

HEINLEIN: No I did not.

BULLARD: Did you take any action regarding this incident at the watch level?

HEINLEIN: No I did not.

BULLARD: Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

HEINLEIN: My relationship with him? Is that what you said?

BULLARD: And or familiarity with him.

HEINLEIN: Oh. Well he's worked - in the time that I've been a Watch Commander, he has worked in the North area the majority of the time. My impression on him is I've had a number of incidents involving pursuits, profanity, incidents where he almost appears out of control at times. [redacted]. So as far as that goes, I've - he's a hard worker. But sometimes he seems to get over his head in a lot of these incidents or doesn't have the patience to clearly think.

BULLARD: Aside from what you mentioned there, were there any other noteworthy incidents or training issues with Officer Tersteege that you were aware of?

HEINLEIN: [redacted]

BULLARD: Okay. Can you estimate about how long you were Officer Tersteege's direct Lieutenant or Watch Commander?

HEINLEIN: I believe he's probably the whole time I've been a Watch Commander so a year and a half, almost two years.

BULLARD: Have you ever observed Officer Tersteege do or say anything that could be considered or interpreted as racist or biased?

HEINLEIN: No, not personally.

BULLARD: Have you ever observed Officer Tersteege to do or say anything that could be considered discriminatory based on someone's race or ethnicity?

HEINLEIN: No.

BULLARD: Have you ever observed Officer Tersteege do anything that could be considered a form of racial profiling?

HEINLEIN: No.

BULLARD: And I wanted to touch real quick on your conversation with Sergeant [redacted]. Do you recall if anything was mentioned by you to Sergeant [redacted] about peer support for Officer Tersteege? As a - as some kind of a remedy or way to respond to what Sergeant [redacted] had advised you about what he had said?

HEINLEIN: I recall at least keeping an eye on him. And I believe we talked about that. It's been, you know, a few months and I know that Zach had a very difficult time with that incident with Tara as far as just his composure. And every time I'd see him, he was, you know, I saw him on a couple different times. He was not working but he would come back and do a debrief or he would be in the station. And I could tell that it kind of - it was weighing on him. So my conversation with [redacted] was that we'd, you know, keep an eye on him. If he needs help, there's obviously things that we can do for him. And I believe we talked about that. But I didn't follow upon that with him because I didn't see Zach for quite some time. He was off work and I think he came back for like a week and then he would leave and then he went to Detectives. So there was a lot there. Once that incident occurred, I didn't see Zach too much, very limited, you know, a couple times because he was either given time to take off or he was placed in Detectives for a short period of time, so.

BULLARD: Can you estimate approximately how long after Sergeant [redacted] had initially told you about this allegation of Officer Tersteege's comments, about how long after that that you had advised Acting Captain Murrietta about it?

HEINLEIN: I would say it was either that day or the next day.

BULLARD: And was that in person or was that on the phone with Lieutenant Murrietta? Do you recall?

HEINLEIN: It was in person.

BULLARD: Okay. Would it have been at the Kinney Station?

HEINLEIN: Yes.

BULLARD: Did Lieutenant Murrietta advise you of anything that he was going to do as a result of that information?

HEINLEIN: No he didn't.

BULLARD: Okay.

SHIRAISHI: Your impression of what - how Sergeant [redacted] before he advised you of Tersteege's conduct, what impression did Sergeant [redacted] give you that he - how he handled Tersteege? I know we talked about he wasn't disciplined or counseled or informally given a memorandum of the meeting between Sergeant [redacted] or Tersteege. What's your impression of what Sergeant [redacted] had done up to that point?

HEINLEIN: You mean with other incidents?

SHIRAISHI: With specifically this incident with - between [redacted] and Tersteege. Did Sergeant [redacted] even tell you he met with him one-on-one? Or counseled him or -

HEINLEIN: Well I know [redacted] was pretty upset about this, about even his wife bringing this information to him. I'm not sure if he had talked to him prior and said, "Hey, what are you doing?" Like, "you can't do that" I don't know - I don't remember what the conversation between those two were. He kind of came to me for advice on what to do.

SHIRAISHI: Okay.

HEINLEIN: I said, "Just leave it for now. And then, you know, we'll go from here."

SHIRAISHI: And then you said that Tersteege [redacted]

HEINLEIN: [redacted]

SHIRAISHI: And I think you already answered it but I just want to be clear. The profanity that you read about or at least witnessed on some of these incidents was not racially motivated against a person's ethnicity, cultural background or anything kind of along the lines of racial profiling. Is that correct?

HEINLEIN: No. I didn't see any of that. It was more like heat of the moment. You know, after a fight he'd say, "Shut the fuck up" or "Get the fuck on the ground." Just, you know, unprofessional conduct more than anything.

BULLARD: Anything else at all regarding this that – any other info? Anything we should know?

HEINLEIN: No. Like I said, I've had very limited interaction with him since Tara's death. You know, maybe a day or two where I've seen him and, you know, give him a hug, you know, at the scene just to kind of comfort him a little bit. I know he's - right or wrong but, you know, he took that incident pretty difficult, so. I'm sure a lot of it has festered from that and so.

SHIRAISHI: Is there anything else relating to this matter that we have not covered that needs to be added, clarified or changed? If so, I am ordering you to provide that information now.

HEINLEIN: No.

SHIRAISHI: After you leave this interview should you remember anything that is different from or in addition to the information you've given today, I am ordering you to contact Sergeant Bullard. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

HEINLEIN: Yes.

SHIRAISHI: Call it 9:05.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

Lieutenant Murrieta,

You have been identified as a witness employee in an Internal Affairs Investigation. The allegation is for Conduct Unbecoming. Please sign the Written Document Non-Waiver and answer the following questions in regard to Compl2019-001. Your answers should be in a memo format or typed on this form. Please be detailed in your answers.

1. How long have you been employed with the Sacramento Police Department?

   20yrs.

2. What is your current rank?

   Lieutenant.

3. When were you promoted to Lieutenant?
   11/2/2013

4. What is your current assignment?
   Exec. Lieutenant of the North Command

5. What was your assignment during June and July of 2019?
   I was acting captain of the North Command.

6. Can you describe what your duties and responsibilities were during that time?
   a. Fostering a working relationship with the community
   b. Perform supervisory, administrative and technical duties in planning, coordinating, assigning and directing the functions of multiple police teams and the station command
   c. Directly supervise Problem Oriented Police (POP) Team, Marijuana Compliance Team, Gang Enforcement Team (GET), and our Neighborhood Crimes Unit (NCU) Detectives
   d. Responsible for directing and supervising the work of sworn and non-sworn personnel either directly or through subordinate supervisors
   e. Work with outside agencies and the community to coordinate police services, response plans, resources and operational issues
   f. Responsible for the overall tone of my teams and the SPD North Command; ensuring that rules, regulations and general orders are followed and that we foster a thriving environment for all
   g. Manage and provide leadership to the command, assign and supervise patrol activities, problem solve as situations arise in the community, manage incidents or situations of a complex or sensitive nature, address issues of discipline or morale within a command, liaison with command staff and outside agencies to coordinate response plans and address operations issues

7. Who were your direct subordinates (Lieutenants and/or Sergeants) at that time?
   As acting captain, my direct subordinates were all the lieutenants and sergeants assigned to the North Command to include: Lt. Chan, Lt. Heinlein, Lt. Hanson, Sgt. [redacted] Sgt. Hansen, Sgt. Rinehart, Sgt. Villegas, Sgt. Quinn, and Sgt. Jeff Morris.

8. Who was your supervisor or superior during that time?
   Deputy Chief Peletta.

9. Have you ever been Ofc. Zachariah Tersteege's direct supervisor or Lieutenant?
    a. If "yes", for how long and when?
    I may have been his lieutenant when I was swing shift watch commander at the North Command in 2017, but I'm not sure.
    For the first few months of 2018 I was the acting captain of the North Command and I know I was part of his chain of command.
    In June of 2019, I was the acting captain again and I was part of his direct chain of command.

10. Did Lieutenant Bryce Heinlein bring anything to your attention regarding SPD Officer Zachariah Tersteege saying remarks that would be considered offensive or inappropriate while at a social gathering at SPD Sergeant [redacted] residence?

    Yes. Lt. Heinlein advised me that Ofc. Tersteege made some "racial" remarks while at this event.

11. When were you made aware?
    I believe this may have been a week or two after Ofc. O'Sullivan's murder (6/19/19).

12. Where were you at when you were made aware?
    a. Were you advised of this in person?
    I was at the North Command and I was advised in person.

13. What were you specifically told regarding Ofc. Tersteege's remarks?

    Lt. Heinlein stated that he had talked to [redacted] who related that Ofc. Tersteege had made some "racial" or "racist" remarks while at [redacted] residence.

14. How would you categorize that/those remarks?
    a. Would you categorize it as a racist or biased remark?

    Yes. I was told Ofc. Tersteege's words were "racial" or "racist."

15. Did you notify anyone in your chain of command regarding this allegation against Ofc. Tersteege?
    Yes. I notified Deputy Chief Peletta.

16. Did you discuss this incident w/Ofc. Tersteege? Did you question him regarding the incident?
    No, I did not.

17. Did you take any action regarding this incident at the watch level? If so, would you consider that action taken to have been disciplinary in nature?
    No, I did not.

18. Have you ever observed Ofc. Tersteege do or say anything that could be considered or interpreted as racist or biased?
    No.

19. Have you ever observed Ofc. Tersteege do or say anything that could be considered discriminatory based on someone's race or ethnicity?
    No.

20. Have you ever observed Ofc. Tersteege do anything that could be considered a form of racial profiling?
    No.

21. Is there any other information that you believe would be important to this investigation? Please explain.
    On 6/19/19 Ofc. Tersteege was one of the officers at the scene when Ofc. O'Sullivan was murdered. He exchanged gunfire with the suspect and was intimately involved in this traumatic event.
    In the days and weeks following Ofc. O'Sullivan's murder I had numerous conversations with Deputy Chief Peletta and Peer Support regarding Ofc. Tersteege's mental health. I was very concerned about his welfare as Ofc. Tersteege appeared to be deteriorating mentally. Through Peer Support and Deputy Chief Peletta, we worked to connect Ofc. Tersteege with [redacted] and assignments that would accommodate him.

WRITTEN DOCUMENT
NON-WAIVER

I, **Sergeant Jeff Morris**, have been ordered by **Sgt. Ryan Bullard #3135**, by authority of the Chief of Police, to make reports, letters or memos, and/or answer questions concerning an investigation in the matter of Internal Affairs Division case **Compl2019-001**, alleging **Conduct Unbecoming**.

I understand if I do not fully comply with the order and/or if I am not truthful in my writings, I may be disciplined for insubordination for refusing to obey a direct order of a Superior. I have been advised such discipline may include suspension or termination from my employment with the City of Sacramento. I also understand I have the right to consult with a representative of my choice before complying with this order.

In view of the possible loss of employment, I have no alternative but to abide by the order and will obey said order. However, by making said reports, letters, memos or by answering questions, I do not waive my constitutional rights to remain silent under the 5th and 14th Amendments to the United States Constitution, under the protection of the California Constitution, and the protection afforded me under case law.

If in the event the reports, letters, or memos I prepare, or answers I give are subsequently sought to be disclosed in any Court proceedings, it is my expressed intention to invoke any privileges which may exist under the law to resist such disclosure.

Dated: 8/29/19 at 1532 hours.

#3023

Employee

Representative

(REV 10/08/15)

Sergeant Jeff Morris,

You have been identified as a witness employee in an Internal Affairs Investigation. The allegation is for Conduct Unbecoming. Please sign the Written Document Non-Waiver and answer the following questions in regard to Compl2019-001. Your answers should be in a memo format or typed on this form. Please be detailed in your answers.

1. How long have you been employed with the Sacramento Police Department?

   Over 21 years.

2. What is your current assignment?
   Patrol Sergeant in District 1, swing shift, with SSM off.

3. What is your current rank?
   Sergeant.

4. How long have you worked in that assignment?
   I have been a Sergeant for over 7 years. This is my 3rd year working District 1, swings.

5. What are your scheduled work days and hours?
   I work swing shift with a base work schedule of 1330-2330 hours, with SSM off.

6. Who is your current supervisor?
   Lt. Bryce Heinlein

7. Have you ever been Ofc. Zachariah Tersteege's direct supervisor?
   a. If "yes", for how long and when?
      I supervised Officer Tersteege prior to him becoming a police officer when he was assigned to Investigations in either 2015 or 2016. I don't recall the length of time, but it was probably approx. 3 months. He was light duty after sustaining an injury which caused his graduation from the police academy to be delayed. I also supervised Officer Tersteege for approx. 8 months in 2018 when he worked on my patrol team. He left during a "mid year" sign-up and worked in District 2 for the remainder of 2018.

8. Were you made aware of SPD Officer Zachariah Tersteege saying remarks that would be considered offensive or inappropriate while at a social gathering at SPD Sergeant [redacted] residence?
   Yes.

9. Who made you aware of this?
   [redacted]

10. When were you made aware?
    I believe the date was July 2, 2019. I'm not 100% sure re: the exact date, but I believe this is the correct date. It was a few days after a BBQ that had been hosted at the [redacted] residence.

11. Where were you at when you were made aware?
    I was in a patrol car with Sgt. [redacted]. We were driving to Kinney. When Sgt. [redacted] began to tell me what had occurred, I told him to wait until we got back to the station to talk about it. We ended up speaking about what had occurred in the back parking lot of the Kinney Police Facility.

12. What were you specifically told regarding Ofc. Tersteege's remarks?
    Sgt. [redacted] told me that he had hosted a BBQ at his home for his team as a team get together as his team had been on the call where Officer Tara O'sullivan was murdered. He told me that Officer Tersteege was drunk. I believe Sgt. [redacted] told me that he was in front of his house at one point for some reason while attendees of the BBQ, including Officer Tersteege, were in the backyard of his house. At some point, he was advised that Officer Tersteege had made inappropriate comments. I believe his wife is the one that told him but I don't know if she told him about this during the BBQ or afterwards. Sgt. [redacted] advised that he was told that Officer Tersteege had been using the term "nigger." Sgt. [redacted] told me that he was told that Officer Tersteege was speaking negatively about African Americans at one point, but then began speaking negatively about Chief Hahn. I'm not 100% sure if he was speaking about African Americans in general when he was using this term, but Sgt. [redacted] said that Officer Tersteege had been using the term "nigger" when he was speaking about Chief Hahn. Officer Tersteege was upset because he did not think Chief Hahn had been supportive after the murder of Officer O'Sullivan. Sgt. [redacted] told me that someone said something to Officer Tersteege re: being quiet because of the neighbors and Officer Tersteege made a comment about them not being able to understand what he was saying because they don't speak English referencing them being either Hispanic or Asian. I don't recall if Sgt. [redacted] indicated Officer Tersteege used any derogatory terms when speaking about the race of the neighbors

13. How would you categorize that/those remarks?
    a. Would you categorize it as a racist or biased remark?
       I would absolutely categorize the term as racist.

14. To clarify; did you personally hear Ofc. Tersteege make these remarks?
    No. I was not at the BBQ.

15. What did you advise or tell this individual(s) after they had informed you of these alleged remarks said by Ofc. Tersteege?
    I told Sgt. [redacted] that this needed to be reported immediately. I told him that the comments made by Officer Tersteege were completely inappropriate and that him being drunk was not an excuse for what was said. I told Sgt. [redacted] that this should not be something that he handled on his own and told him he needed to notify our direct supervisor, Lt. Heinlein. I also told Sgt. [redacted] that this could reflect very negatively against him and could reflect very negatively for SPD if he did not report what had occurred.

16. Is there any other information that you believe would be important to this investigation? Please explain.
    Not that I can think of at this time.

INTERVIEW WITH OFC. [redacted]
SHIRAISHI=Sgt. Jeffrey Shiraishi
BULLARD=Sgt. Ryan Bullard
BOYD=Mick Boyd
[redacted]

SHIRAISHI: The date is August 28th, 2019 and the time is 1440 hours. Present in the Internal Affairs Division Office are [redacted], SPOA Representative Mick Boyd, Sergeant Ryan Bullard, and myself, Sergeant Jeffrey Shiraishi. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes.

SHIRAISHI: The results of the investigation could lead to disciplinary action up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes.

SHIRAISHI: Based upon the authority vested in me by the chief of police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

[redacted] Yes.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes.

BULLARD: When did you graduate?

[redacted] Twenty fifteen.

BULLARD: Two thousand fifteen?

[redacted] Yes.

BULLARD: Do you have any prior law enforcement experience?

[redacted] No.

BULLARD: What is your current assignment and shift?

[redacted] North Patrol, swing shift but I'm on a TDY with North POP.

BULLARD: Okay. And your normal assignment when you're not TDY to POP is - can you describe that? You said North Patrol. Is there a team number to that?

[redacted] Oh, team 9.

BULLARD: Okay. And how long have you been in that assignment, the Patrol one in particular?

[redacted] For this one since January.

BULLARD: Of 2019?

[redacted] Yes.

BULLARD: Okay. Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] We've been on the same team since January of this year, 2019. I've worked before that with him occasionally when he would work overtime on my previous teams. So this year I've gotten to know him pretty well and I'm close with him, friends.

BULLARD: Okay. So how long would you estimate that you have worked with Officer Tersteege?

[redacted] Eight – eight months now.

BULLARD: Total?

[redacted] Yes.

BULLARD: Okay.

[redacted] Eight or nine months.

BULLARD: Okay. Can you explain the team dynamics of Team 9, your patrol team? Are there certain officers on that team that would be considered close or best friends? And are there certain officers on the team that may have issues with each other, that don't get along or anything like that? Can you describe some of that?

[redacted] I don't think any officers don't get along with each other. I think all of us on the team are pretty close. I know [redacted] and [redacted] are like best friends. But we're all – we're all pretty close and we all get along for the most part.

BULLARD: Okay and you said you were friends with Officer Tersteege?

[redacted] Yeah.

BULLARD: As far as what level of friends? There's best friends, there's good friends, there's just -

[redacted] So, we're - we don't hang out necessarily outside of work like just me and him. But we've done team events together and we talk on the phone and text and stuff and we check up on each other especially with all the other events that have happened. I would just say, you know normal work friends.

BULLARD: Okay. We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29th, 2019. We have reason to believe that you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] Yes.

BULLARD: Okay. Can you elaborate or tell us about this incident and that allegation?

[redacted]: I wasn't there when the actual incident happened but I'm familiar with what happened. And I guess Zach had made racial slurs about certain people.

BULLARD: Okay. Is there anything further you want to elaborate about that as far as the gathering or where this happened at?

[redacted] It was at a team gathering get together at Sergeant [redacted] house just for all of us to hang out and I guess relax after the shooting. And we had our significant others there. And I think one of the guys brought their kid. And there was alcohol involved and just food and alcohol and we're all hanging out at the pool.

BULLARD: Okay. Did Sergeant [redacted] host a social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes.

BULLARD: And did you go with somebody to this event?

[redacted] My girlfriend at the time. We're no longer together.

BULLARD: And her name is?

[redacted] [redacted]

BULLARD: And then how do I spell the first name?

[redacted] [redacted]

BULLARD: And the last name?

[redacted] [redacted]

BULLARD: Thank you. Approximately what time did you arrive?

[redacted] I'm not sure, maybe 6:00 pm? I really don't - not sure.

BULLARD: Okay. Do you know about what time the event began at Sergeant [redacted] residence?

[redacted] Probably about that time, 6:00 pm.

BULLARD: Okay.

[redacted] I don't really remember.

BULLARD: Did Officer Tersteege attend the event?

[redacted] Yes.

BULLARD: And approximately what time did Officer Tersteege arrive?

[redacted] Shortly after I did. So around 6:30 maybe? If I arrived at 6:00.

BULLARD: Okay. And what was the occasion for or what prompted this gathering at Sergeant [redacted] residence?

[redacted] Just for the team to hang out and relax after the shooting.

BULLARD: When you say the shooting, can you just clarify for the record what that is?

[redacted] Tara O'Sullivan's shooting on Redwood Avenue.

BULLARD: Okay. And would you define the event as a party or a work-related social gathering?

[redacted] Hmm.

BULLARD: Or something different?

[redacted] Well it was work-related but it was I guess kind of a – a party. Not really a party. Just a dinner with drinks at - in his backyard.

BULLARD: And was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: Can you please recall for us everyone who attended this event to the best of your memory?

[redacted] Yeah I'll - Okay. So [redacted] and his girlfriend or fiancée, and then [redacted], his wife and their child, [redacted], I - I don't think he brought his wife, [redacted] and his wife, [redacted] I don't think he brought his family, Sergeant [redacted] obviously and his wife, Zach - Zach Tersteege and his wife, and then me and my girlfriend. I think that was everybody. Basically the entirety of Team 9 and our significant others.

BULLARD: Okay. So there – there was nobody from Team 9 that did not attend that you can recall. Is that correct?

[redacted] Yeah. I believe everybody from Team 9 was there.

BULLARD: Okay. Did you consume any alcoholic beverages during this event?

[redacted] Yes.

BULLARD: And what did you consume and how much?

[redacted] Three beers.

BULLARD: Was that it?

[redacted] Yeah.

BULLARD: And as far as three beers, what size are we talking three beers?

[redacted] Like a normal can of Bud Light.

BULLARD: So like a 12 ounce?

[redacted] Yeah, I think 12 ounces.

BULLARD: Okay. And how would you describe your sobriety level during this event?

[redacted] Mostly sober because I drank those real slow. So it was mostly sober.

BULLARD: Okay. What was Officer Tersteege's demeanor during the event?

[redacted] I guess he was happy for the most part and then as it progressed - the night progressed, he just started getting more and more drunk and was just laughing and joking around most of the time. There was a couple of serious moments when the team would talk about the shooting. Obviously those weren't happy moments and we all would be a little bit more serious but most of the time he was just, you know, normal, happy Zach.

BULLARD: Okay. Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] Yes.

BULLARD: And what were you aware of and how much did Officer Tersteege consume?

[redacted] I think he drank beer and whiskey. I don't know how much.

BULLARD: And based on your recollection, what would you consider Officer Tersteege's sobriety level?

[redacted] Drunk.

BULLARD: Drunk?

[redacted] Towards the end of the night.

BULLARD: Towards the -

[redacted] Towards when I left at the end.

BULLARD: Okay. When Officer Tersteege first arrived, what was his sobriety level?

[redacted] I believe he was sober when he first got there.

BULLARD: How would you describe the other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] Mostly just buzzed for the most part. Like not hammered drunk and not completely sober.

BULLARD: Okay. Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] I did not witness it, no.

BULLARD: Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered or interpreted biased or racist?

[redacted] I did not, no.

BULLARD: You said that you did not. Is there somebody that you're aware of that did?

[redacted] I had - so I had heard that he had made racial - that he had made racial slurs but I had left prior to that happening. So whoever was still there would be the ones who have heard it I think.

BULLARD: Okay. Were any comments made by Officer Tersteege about Sergeant [redacted] neighbors during this social event?

[redacted] Not that I'm aware of.

BULLARD: Any comments by Officer Tersteege about Sergeant's [redacted] - [redacted] res - or neighbors as to their ethnicity or not being able to speak English, anything like that?

[redacted] Not that I'm aware of.

BULLARD: Okay. Approximately what time did you leave?

[redacted] Maybe 9 o'clock, 9:00 pm. I - I don't remember.

BULLARD: Okay. And I have a blank piece of paper here. When you left - would you mind drawing a diagram for me of where the majority of people were during this event when you had left?

[redacted] Yeah. So I guess this would be the house, Sergeant's house. There's a little alley here that goes to the backyard. He's got this pool, some chairs and stuff here and then he's got a patio table over here with more chairs and this is kind of where we all were the - at the patio table.

BULLARD: Okay. Can you label on there where you recall people sitting or standing near this patio table or certain parts of this area?

[redacted] [redacted] and Zach, [redacted], me and I don't remember where the other guys were. Scattered around here somewhere.

BULLARD: Okay.

[redacted] And then I think - when - I don't remember if when I left everybody had congregated over here because the majority of the women - the significant others were hanging out over at this other - where these chairs are underneath - like next to the house. I don't remember if they were all over here by the time I left or not.

BULLARD: And these chairs that you're motioning towards, these are the ones that kind of look like a capital L.

[redacted] Yeah.

BULLARD: All right. Okay. So these are where the people are that you recall where they were at - at the table. And this is essentially Sergeant [redacted] backyard I assume that you've drawn a diagram of?

[redacted] Yeah.

BULLARD: Okay. And this is where you're saying that you recall at least these three individuals, so Officer [redacted] Officer Tersteege labeled as Zach and Officer [redacted] here that you've labeled on the patio. You recall those three people being at that table in those positions at the time that you left. Is that correct?

[redacted] Yes.

BULLARD: Okay. And there's no - to clarify, is there any –

((Crosstalk))

[redacted] And I know [redacted] and [redacted] were here also. I just don't remember where.

BULLARD: When you say [redacted] and [redacted], you mean [redacted] and [redacted]?

[redacted] Yeah. And then [redacted] too. I just don't remember where they were.

BULLARD: At the table - the patio table that you're -

[redacted] Yeah.

BULLARD: - labeled here.

[redacted] Somewhere in there - sitting with us.

BULLARD: Is there anybody else specifically that you can remember as to a position where they were at when you left?

[redacted] [redacted], [redacted] wife, was at one point sitting with [redacted]

BULLARD: Okay. Can you mark on here where -

[redacted] Yeah.

BULLARD: - you remember that being?

[redacted] Oh, somewhere next to him.

BULLARD: Okay. Anybody else?

[redacted] Not that I can remember.

BULLARD: Okay. So you had indicated that you were made aware that Officer Tersteege had made some kind of racial slurs. Is that correct?

[redacted] Yeah.

BULLARD: Who were you made aware of that by?

[redacted] I don't know when or who specifically I heard it from. But it was - I had heard prior to Zach being put on admin leave. I don't remember when exactly because I had some military stuff going on that I was gone for like two weeks. And I had the arrest control tactics instructor course I was at for two weeks. So I'd been away from the team for pretty much a whole month. Been away from the - Kinney, the North Police Department or Station. I was gone from there for like a whole month. So, I was never talking to these guys in person about it. But I think over the ph – over the phone with one of the guys just in conversation that got brought up. I don't remember how it was from or exactly when. But it was at some point during those - that month that I was gone.

BULLARD: Which would have been when?

[redacted] Let's see. Can I pull out my phone for dates?

BULLARD: Absolutely. We estimated that this event happened on June 29th, 2019, right?

((Crosstalk))

BOYD: (Unintelligible)

[redacted] Uh say that again.

BULLARD: So we're estimating that this - this event at Sergeant [redacted] house was on June 29, 2019. Right?

[redacted] Yes. So it would have been pretty much the whole month of July.

BULLARD: That you were on military leave?

[redacted] And the ACT instructor course pretty much through the whole month of July.

BULLARD: Okay. And you said that you had a phone conversation with one of the guys about this?

[redacted] I'm guessing. I don't - because I wasn't there, I'm assuming it was done over the phone when I was made aware of it. And then when Zach got placed on the admin leave, obviously the group of us other - like the rest of the team were,

"Whoa why did he get placed on admin leave?" And that got brought up as being one of the potential things that could have placed him on it.

BULLARD: Okay. So I – I want to make it clear that you're saying that when you were made aware over the phone by one of the guys that you don't recall specifically who you spoke to that –

((Crosstalk))

[redacted] Yes.

BULLARD: - told you that Officer Tersteege used a racial slur?

[redacted] Correct.

BULLARD: Was it more than one officer that told you?

[redacted] Oh, I don't know.

BULLARD: What specifically as far as a racial slur were you told?

[redacted] Just the n-word.

BULLARD: Okay. The n-word and are we saying phonetically Nora-Ida-George-George-Edward-Robert?

[redacted] Yes.

BULLARD: That's what you're referring to?

[redacted] Yes.

BULLARD: Okay. In what context was this word allegedly used by Officer Tersteege that you were told?

[redacted] That when he was drunk he said it about the Chief.

BULLARD: The Chief. So as far as the Chief of Police?

[redacted] Yes.

BULLARD: Sacramento Police Chief Hahn?

[redacted] Yes.

BULLARD: Okay. And you don't recall which officer told you this?

[redacted] No.

BULLARD: Okay. Is there an encompassing group of officers that this could be that you spoke to that told you this?

[redacted] It's probably either [redacted], [redacted] or [redacted]. Because I was talking to those three a lot when I was gone just, you know, checking in and stuff. We'd all been talking regularly. That's probably why I don't know which one of those three probably said it. It – it could have been freakin' [redacted] or [redacted] because I talked to them occasionally too. I just – I don't remember which one specifically told me.

BULLARD: Okay. Was there more than one phone conversation that you had with your co-workers about this remark made by –

((Crosstalk))

[redacted] Not -

BULLARD: Officer Tersteege?

[redacted] - not that I remember. Like – like I said before, it wasn't - it was just like a comment. It wasn't like we were s – we were talking about that incident. It just got brought up in the conversation.

BULLARD: On the phone?

[redacted] Yeah. It could have been – it - my best guess was it was [redacted] because I guess they had had a team intervention kind of thing with Zach and that's something you might be asking me about in a little bit. So I was talking to [redacted] about it a little bit and I wasn't there because I was gone with the military. So I wasn't a part of it. So he was filling me in on a lot of this stuff and that might have been - might have been during that time when I was told about it over the phone. If that makes sense.

BULLARD: Okay. Do you recall around what time of day that would have been on the phone when you were told this?

[redacted] No.

BULLARD: Day or night?

[redacted] Oh, maybe in the evening.

BULLARD: Okay. Beginning of July, later in July, middle of July?

[redacted] I th - Probably closer to the middle of July because I remember when [redacted] told me about the intervention, I was in [redacted] So around the middle - middle of July I think.

BULLARD: Okay. And regarding what you were told over the phone by - it sounds like you're making a safe assumption that you believe it was [redacted] that advised you of this on the phone. Is that correct?

((Crosstalk))

[redacted] Yeah I - I think it was. I don't know for sure if it was.

BULLARD: Okay. Prior to that conversation that you had, had you been made aware by anybody else about Officer Tersteege using a racial slur?

[redacted] Not that I can remember.

BULLARD: Okay. So to clarify, you referred to this intervention that Officer [redacted] had told you about that occurred with Officer Tersteege. Correct?

[redacted] Yes.

BULLARD: And you're saying that you were not part of that?

[redacted]: Correct.

BULLARD: Do you know any reason why somebody would say that you were present and you were part of that intervention meeting with Officer Tersteege?

[redacted] Nope because I was in - outside of [redacted] with the Army when it happened.

BULLARD: Okay. Have you talked with Officer Tersteege in some manner about these alleged remarks and that's since the gathering at Sergeant [redacted] house.

[redacted] I tried to when he got placed on admin leave. But he told me that he couldn't talk about anything because he was ordered not to, so we didn't talk about it.

BULLARD: Okay. And when did you try and talk with Officer Tersteege about that?

[redacted] Probably like a day or two after he was placed on leave.

BULLARD: Okay. And was this over the phone?

[redacted] Yes.

BULLARD: And approximately what time of day it was?

[redacted] I have no idea. Noon'ish?

BULLARD: Did you reach out to Officer Tersteege or did he reach out to you about - at this time?

[redacted] I don't remember. We had been texting back and forth really ever since Tara's shooting we've been talking back - because I was his partner that day. So we're pretty close after that. So we've just been texting back and forth constantly checking in on each other. So I don't know who texted who at that point.

BULLARD: So this was a communication in text then? It was not a – a phone conversation?

[redacted] Text or – or call, excuse me.

BULLARD: Okay. What can you specifically tell me as to what was said between you and Officer Tersteege? You said it was a day or two after he was placed on admin leave and you had asked him about this racial slur. Is that correct?

[redacted] Oh no. I did not ask him about the racial slur.

BULLARD: Oh I'm sorry. Okay. Correct that. Okay.

[redacted] I was talking to him about the incident and why he was placed on admin leave.

BULLARD: Okay.

[redacted] And he told me that he couldn't talk about it.

BULLARD: Okay. Nothing - was anything else discussed between you and him?

((Crosstalk))

[redacted] I didn't bring up - I didn't bring up anything regarding the racial slur because I didn't officially like put it all together that he was placed on that until - I guess it was kind of after. I don't know.

BULLARD: Have you discussed these allegations about Officer Tersteege making what would be considered racial slurs or remarks with any other co-workers?

[redacted] Yes.

BULLARD: And who would that be?

[redacted]

BULLARD: Just those three?

[redacted] Might have also talked to [redacted].

BULLARD: Of those four people that you named there, were you under the impression that any of those thr - four actually heard these racial slurs or remarks made by Officer Tersteege?

[redacted] Not that I'm aware of. When I talked to [redacted] - I remember talking to [redacted] about it over the phone like the day or two after Zach was placed on it. And that's when - that's kind of when I started putting it together. Because [redacted] had brought it up saying that that might be the reason why he was placed on admin leave was because of the racial slurs. So probably over the phone with [redacted]

BULLARD: Okay.

[redacted] I'm sorry. What was your question?

BULLARD: My question was of those four people that you named, Officer [redacted], [redacted], [redacted] and [redacted], were you under the impression that any of those four officers that you've spoken to about this since that they actually heard these remarks made by Officer Tersteege - these racial slurs?

[redacted] Oh, no. I don't know who - who heard it because I don't know who was there after I left.

BULLARD: Have you discussed this incident about Officer Tersteege's remarks with any superiors of yours?

[redacted] Not about the remarks, no. When I think the night of Zach being placed on admin leave, Sergeant [redacted] gave me a call to tell me he was being placed on admin leave but obviously didn't tell me exactly why. I don't even know if he knew then.

BULLARD: Okay.

[redacted] But that was the only – the only talk about it with a superior.

BULLARD: And aside from these allegations that we've discussed here, have you ever observed or heard anything else said or done by Officer Tersteege that would be considered racist or biased in nature?

[redacted] No.

BULLARD: Have you ever observed any actions by Officer Tersteege that could be considered a form of racial profiling or racial discrimination?

[redacted] No.

BULLARD: Have you ever heard Officer Tersteege say the n-word, phonetically spelled Nora-Ida-George-George-Edward-Robert?

[redacted] No.

BULLARD: Is there any particular individual that attended this gathering at Sergeant [redacted] residence that you think we should talk to that would have a better first-hand account of these comments allegedly made by Officer Tersteege?

[redacted] No.

BULLARD: And do you think - you mentioned this female [redacted] that came with you. Do you think she would be willing to speak with us about this incident if we needed to?

[redacted] Maybe.

BULLARD: Okay. Would you be willing to provide a phone number for her?

[redacted] I would prefer not because I don't want her involved with this being she's my ex-girlfriend and she wasn't there when it happened. So I'd prefer not.

BULLARD: Okay. Do you know any reason why the people that we've spoken to have said that you were present and heard Officer Tersteege make these remarks that would be considered racist or biased at Sergeant [redacted] residence?

[redacted] I don't – I don't know why.

BULLARD: Do you have any personal issues with anybody who attended this gathering that would include you in that way?

[redacted] No.

SHIRAISHI: So you have a – a smartphone and you referred to it I think to look at like a calendar. Is that correct?

[redacted] Yes.

SHIRAISHI: Can you refer back to that calendar and give me the dates you were on your two week military leave?

[redacted] Yes.

SHIRAISHI: And then your two week ACB or ACT class please.

[redacted] Hold on. The ACT class started on June the 29th and went to - and then immediately following that, I went straight into annual training for the Army until the 23rd. And then had -

BULLARD: Of July?

[redacted] Of July. And then had a two day course - training course for being an FTO.

SHIRAISHI: Okay. So when - so you started the ACT on the 29th.

[redacted] Of June.

SHIRAISHI: And it was four ten hour shifts per two weeks - for two weeks?

[redacted] Yes. For 80 hours.

SHIRAISHI: Eighty hours.

[redacted] And that went str - straight into annual training.

SHIRAISHI: When did you leave for annual training if you recall? Was it like on a Sunday or a Saturday? Or -

[redacted] I left for annual training on the Tuesday night after the conclusion of the ACT course. The class was a Saturday, Sunday, Monday, Tuesday.

SHIRAISHI: Okay. And then you returned – and were you in [redacted] the entire time?

[redacted] For annual training, yes.

SHIRAISHI: Yes. Okay. And you returned on the 23rd of July?

[redacted] Yes. I didn't return back to Kinney until the 30th - to work until the 30th.

SHIRAISHI: July 30th.

[redacted] Which is a Tuesday.

SHIRAISHI: Tuesday. The two day FTO course, was that -

[redacted] That was on the 25th and 26th. And that was at the Sheriff's Department Union Building on Bercut.

SHIRAISHI: And then Sergeant Bullard mentioned an intervention that the team took on for Zach when you were gone. Is that correct?

[redacted] Yes.

SHIRAISHI: Are you aware if this is the only intervention or were you ever part of any other sort of activity to reach out to him - to Zach after the shooting?

[redacted] So we've been on like – since - since then we went on like a group camping trip that was, not a camping - the fishing trip that was put on by a third party non-profit organization. We've done that together. I don't - I wouldn't classify it anything as an intervention but that's the only like group thing we've done.

SHIRAISHI: Do you remember when that was?

[redacted] I might be able to figure it out.

BOYD: Do you have a month? Was it before Tara's shooting?

[redacted] It was - No it was after Tara's shooting and after Sergeant's thing, after the barbeque on the 29th. All right - maybe - I don't have it in my calendar. I don't remember the exact date.

SHIRAISHI: Was it the en – the entire team that went?

[redacted] No. It was – God what date was that? No. So it was just the group of us who were directly involved in the shooting. So me and Zach, [redacted] and [redacted],

Sergeant [redacted] and [redacted]. All of us went up to Red Bluff and just had a fishing trip with these other retired cops and -

SHIRAISHI: Sorry. You, Zach -

[redacted] Me, Zach -

SHIRAISHI: [redacted]

[redacted] [redacted] and [redacted], [redacted] and [redacted]

SHIRAISHI: Retired officers? Law enforcement officers with our agency? or was - you said it was non-profit so -

[redacted] I don't remember what agency they were from not with SAC PD.

SHIRAISHI: Okay.

[redacted] But it's the Not OK Project - Project. It's a non-profit organization that after, you know, critical events like that, they'll take officers out and do little fishing trips or getaways just to hang out.

SHIRAISHI: Okay.

[redacted] So that's what they did for us. They put us up in a hotel and -

SHIRAISHI: Oh.

[redacted] - we all just went fishing the next day.

SHIRAISHI: So was that overnight thing?

[redacted] Yeah.

SHIRAISHI: And so this was some time during your ACT training? Or was it -

[redacted] No.

SHIRAISHI: - in between? or - was it after your military leave?

[redacted] I cannot - I think it was after my military leave.

SHIRAISHI: Okay.

[redacted] I can't - I don't – I don't have it in my calendar, so I don't (unintelligible).

((Crosstalk))

SHIRAISHI: You str – strongly believe it was after your military annual training.

[redacted] Yes.

SHIRAISHI: Okay. And before Zach was placed under administrative leave.

[redacted] Yes.

SHIRAISHI: Immediately after the shooting say within a week or so - so in between the time of the barbeque, how would you describe Zach's demeanor, his personality?

[redacted] In between the time of the shooting and the time of the barbeque?

SHIRAISHI: Correct. Right – right in the middle between those two times - periods.

[redacted] Mostly okay. Probably like - just like the rest of us, a little stressed out with the fricking – the funeral and the press release and all the things we've been having to go to regarding the incident and the walkthroughs with it. Probably all a little stressed out I would say.

SHIRAISHI: Could you recall a time where he was outwardly frustrated or angry or disgruntled with any part of the process?

[redacted] Yeah. Him and all of us were pretty disgruntled with the Chief.

SHIRAISHI: Specifically?

[redacted] His lack of showing support towards us immediately following the shooting. It took another - it took a Captain to walk over to the Chief and say, "Hey, you never even so much as emailed these guys to say I'll talk to you soon or anything" to get the Chief to finally say, "Oh yeah, I guess I'll – I'll sit down with them and talk to them" like two weeks after the shooting. So we're all a little frustrated and - with his lack of support. But that is the only thing that - that's for the group of us, me included. That's the only thing that we're probably disgruntled about through the whole process.

SHIRAISHI: And – and when you mention a Captain went to the Chief, is this secondhand information, hearsay, something you assumed? Or did you -

[redacted] No. So when we were in the atrium for I think the press conference that Tara's family showed up to do, [redacted] walked over and talked to Captain Joy and told Captain Joy about how disgruntled we were and then Captain Joy went up and talked to the Chief and then shortly after, the Chief pulled up – pulled us up into his office or the – the fish tank or whatever that big room is called and then the Chief talked to us there. So this is all first person for me.

SHIRAISHI: Okay. And then after - after meeting and - with the Chief, what was kind of the temperature of the teams? Cooled off a little bit? Or continued -

[redacted] It didn't help.

SHIRAISHI: Didn't help?

[redacted] No. Because his demeanor through the whole thing like he just slouched in his chair and, you know, just did this oh whatever kind of thing. Didn't - He didn't have the attitude to display a leader that we were happy with like him supporting us I guess how I could say. We weren't – I - I didn't feel supported by him at all during the whole thing - the whole time. And I know that's what Zach felt too because we had talked about it.

SHIRAISHI: And did this topic ever come up at the – at the barbeque at Sergeant [redacted] house?

[redacted] I'm sure it - it did, yeah.

SHIRAISHI: Okay.

[redacted] It did.

BULLARD: Did it ever come up by Officer Tersteege?

[redacted] During the night it got brought up a couple times.

BULLARD: By who?

[redacted] By all of us. We all - we were all talking about it.

BULLARD: Would that include Officer Tersteege?

[redacted] Yeah. Yeah.

BULLARD: Okay. Was any other topic discussed along the same vein at Sergeant [redacted] residence?

[redacted] I can't – I can't remember any other specific topics.

BULLARD: When it was talked about at Sergeant [redacted] residence, was it talked about in a positive manner? Was it talked about in a negative manner? Was there yelling?

((Crosstalk))

[redacted] Just this -

BULLARD: was there low voices? How was it discussed?

[redacted] Pretty much exactly how I was talking to it with you guys, for when I – when I was there.

SHIRAISHI: Did you participate in the walkthrough of the scene?

[redacted] No.

SHIRAISHI: When you arrived at Sergeant [redacted] house, do you recall –

((Crosstalk))

[redacted] Actually time out. The second walkthrough when they went inside the house? Because there was two walkthroughs.

BULLARD: Was there a walkthrough the day that you went to Sergeant [redacted] residence (unintelligible)

[redacted] Yeah. I didn't go to that one.

SHIRAISHI: So when you arrived at Sergeant [redacted] house, do you recall if you were the first ones there, kind of in the middle of everybody or who was there when you arrived if you remember?

[redacted] [redacted] was there. [redacted] I think was there. And maybe [redacted] was already there? I think. I think that's it.

SHIRAISHI: And you estimate that time around 1800 hours that day.

[redacted] Yeah.

SHIRAISHI: And -

[redacted] I - I'm kind of guessing but probably around that time.

SHIRAISHI: Okay. And when you left, had somebody or a group of people left before you?

[redacted] I think [redacted] was the first person to actually get up and leave and then we all followed him - or maybe [redacted] – [redacted] - [redacted] or [redacted] were probably the first two that got up to leave and that kind of got me and [redacted] up to leave right about the same time.

SHIRAISHI: So like five minutes? ten minutes? or like they were getting to their cars as you were getting to your car to take off?

[redacted] Like they were getting to their car when I was getting to my car.

SHIRAISHI: So you would consider yourself toward the first wave of folks to take off?

[redacted] Yes. Absolutely.

SHIRAISHI: So it was [redacted], [redacted], you and - I'm sorry, who was the fourth party?

[redacted] I think [redacted].

SHIRAISHI: Okay.

[redacted] Because I know [redacted]. I don't think came with his wife or kids. So he went to go home with them. This is me trying to refresh my memory.

SHIRAISHI: That's fine.

[redacted] And then [redacted] had his like one-year-old daughter there too so they had to take off early. And then (unintelligible) [redacted] leave - I think him and I just – just left with the rest of the group then. Sounds about right.

SHIRAISHI: And when you - at least in my notes when you indicated who was there, [redacted] was left off that list. Was he alone or did he come with somebody?

[redacted] He was with - he was with his wife.

BULLARD: I think you just forgot to mention his name initially on the list of people.

SHIRAISHI: Okay.

[redacted] Oh, oops. Okay.

BULLARD: That okay.

SHIRAISHI: And when you left, do you remember where you parked? Because I understand –

((Crosstalk))

[redacted] Yeah.

SHIRAISHI: - the house is on a [redacted]. Do you remember where you parked?

[redacted] Yeah I do. So I don't remember - I don't remember the directions but the same side of the street of his house before his house like in front of his neighbor's house.

SHIRAISHI: Okay. Do you recall where anyone else was parked like where [redacted]?

[redacted] No.

SHIRAISHI: Okay. Do you remember if when you departed if Sergeant [redacted] was out front of his house?

[redacted] No.

SHIRAISHI: He didn't walk you out, his wife didn't walk you out, nothing like that?

[redacted] Not that I recall.

SHIRAISHI: Okay.

BULLARD: Real quick. I wanted to retouch again on how you became aware of Officer Tersteege using the n-word that we referred to. So you think it was over the phone?

[redacted] Mm-hm.

BULLARD: And could you definitively say who advised you of that?

[redacted] No. I'm – I'm guessing that it was [redacted] because I'm in - I mean we're all in constant contact with each other. We're all talking to each other pretty regularly.

BULLARD: Right.

[redacted] So it's kind of difficult for me to remember exactly who told me what on what day.

BULLARD: Okay.

BOYD: Was this - the discussion – was this like a continual discussion or it was mentioned and then you just -

[redacted] Mentioned and just -

BOYD: So not the biggest deal in the world (unintelligible)?

[redacted] Exactly.

SHIRAISHI: I understand that there was some gifts that Sergeant [redacted] wife gave out.

[redacted] Mm-hm.

SHIRAISHI: Do you recall what they were or – or can you kind of explain that?

[redacted] Yeah. So one I'm wearing right now is a pin, a – a memorial pin for Tara. One of those like paratrooper cord bracelets, the thin blue line colors, and like military dog tag, a thick one that had like the police office - officer's prayer on it. I think that's it.

SHIRAISHI: And where – where did this take place that it was kind of presented or passed out?

[redacted] Just in the backyard to the group of us, just like a – oh we got these for you kind of thing.

SHIRAISHI: Around the table, underneath the awning?

[redacted] I guess kind of both maybe.

SHIRAISHI: Okay. There - It wasn't like a ceremony or anything kind of formal or no speeches or anything like that?

[redacted] No. Not that I recall.

SHIRAISHI: And was this before you left, right as you got there, as everyone got there, do you remember about what time your three hour stay there that it took place?

[redacted] Maybe around the middle?

SHIRAISHI: Okay. Was it before or after the food arrived?

[redacted] I don't know.

BULLARD: How long have you known Officer Tersteege?

[redacted] I've only act - I've known him - I've known who he is for maybe two – two years now? maybe three. And that's only because he had worked backfill on my team in the past. So I knew who he was. But I've only actually worked with him and got to know him this year.

BULLARD: And you had estimated approximately around eight months or so that you -

[redacted] Yeah. Since January.

BULLARD: - worked around him?

[redacted] Yeah.

BULLARD: Okay. Mick anything? Do you have anything else that you want to add at all? or –

[redacted] No.

SHIRAISHI: Is there anything else relating to this matter that we have not covered that needs to be added, clarified or changed? If so, I am ordering you to provide that information now.

[redacted] Nope.

SHIRAISHI: After you leave this interview should you remember anything that is different from or in addition to the information that you have given today, I am ordering you to contact Sergeant Bullard. I am also ordering you to not discuss this matter with any other department employee. Do you understand these orders?

[redacted] Yes. When can we talk about it? When the investigation is complete? or never ever?

BOYD: That's a good question. How does that - how does that -

BULLARD: I'd say the safe way for right now? Is just treat it like you never ever can talk about it for right now.

[redacted] Okay.

BULLARD: I don't have a time - I don't – I don't have a timeframe for you really. I mean to keep yourself out of trouble with anything like that, I would just not discuss it. I know that in past talks with other people - other people are wondering hey, what do I say if somebody asks me about it. I can't talk about it. That's - It's as simple as that.

[redacted] Okay.

BULLARD: All right?

SHIRAISHI: All right. We'll call it 1525 hours.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
[redacted]=Sgt. [redacted]
BULLARD=Sgt. Ryan Bullard
BOYD=Ofc. Mick Boyd
[redacted]Ofc. [redacted]

[redacted]: The date is August 23rd, 2019. The time is 12:05. Present in the Internal Affairs Division Office is [redacted], his representative, Mick Boyd, Sergeant Ryan Bullard and myself, Sergeant [redacted]. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes, sir.

[redacted] The result of this investigation could lead to discipline up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes, sir.

[redacted]: Based upon the authority invested in me by the Chief of Police I am ordering you to cooperate with this investigation. This means that you must be truthful in all your statements and answer all questions fully and honestly. Also you are ordered to provide at this time any - I'm sorry - all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered lack of cooperation that could subject you to discipline up to and including termination for insubordination. Do you understand this?

[redacted] Yes, sir.

BULLARD: For the record please state and spell your name.

[redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes, sir.

BULLARD: When did you graduate?

[redacted] December, 2015.

BULLARD: And do you have any prior law enforcement experience?

[redacted] No.

BULLARD: What's your current assignment and shift?

[redacted] Sector 2 Senior, Swings Team. Team 9.

BULLARD: Okay. How long have you been in your current assignment?

[redacted] Since January.

BULLARD: Of 2019?

[redacted] Correct.

BULLARD: Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] We're on the same patrol team.

BULLARD: Anything else outside of that?

[redacted] No.

BULLARD: Okay. And how long have you worked with Officer Tersteege?

[redacted] We've been on the same team since January. When I was - I was Graves back in - I was two Graves back in 2017 and he was on the Sector 1 side and I was on 2 side, so sometimes you know, we'd get crossed, we'd handled calls together but we haven't - we've been on the same team since January.

BULLARD: So how long would you estimate whether by months or years that you have worked around Officer Tersteege?

[redacted] Two years.

BULLARD: We are here to conduct an administrative interview with you, regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege, where there is an allegation of him making inappropriate or offensive remarks on or around June 29th, 2019. We

have reason to believe that you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] Yeah.

BULLARD: Can you elaborate or tell us about this incident and that allegation?

[redacted] So you know it was after the shooting and Sergeant [redacted] wanted to do a - a team get together, get everybody together away from, you know, just the craziness. So we went there. I think I showed up maybe around 5:00 or 6:00. I don't remember exactly when. And, you know, the whole team showed up, kids, families. My old lady wasn't there because she was in Mexico, but I think everybody else's wife or girlfriend or whoever was there. And then, you know, we ate some barbecue. Zach showed up, he was one of the later ones to show up, had - I think his wife was there, I think his kids, and then his parents showed up. And he was drinking whiskey, you know he got - he got pretty drunk, and then, you know, it got dark. We were all out in the backyard - well not all of us, because maybe it started maybe five or six of us out in the backyard. And you know, we were just talking. And then Zach starts kind of venting, and it's - it's, like, drunk talk, you know? But he's was talking, you know, it - it started off, you know, "You know - you know, the - unless you, you know, you've been shot at before, and blah, blah, blah, and I'd go, you know, anywhere with you guys and blah, blah" and I was like, "All right, all right, all right, Zach," you know. And then he just kind of kept on with his drunk talk. And we were, "All right, all right," and it was - I don't know ten, 15 minutes of that and then I had to leave or, you know, I wanted to leave just because Sergeant [redacted] house is in Elk Grove. It was maybe - maybe 9:00, 9:00'ish? It was dark out. 9:00 or 10:00 - I don't know, some- somewhere around that time. And I live in [redacted] and it's - you know, little bit of a drive and I was like, "Like, fuck, man, I just want to kind of go home now,". So I rolled out. I left with - like, someone else was leaving at the same time I left and I was just like, "Uh, yeah, you know,". So and so, I think it might have been [redacted] because he had [redacted] with him, he was like, "All right, well we're going to leave," and I was just like, "Yeah, I'm going to leave too." You know, said goodbyes and everything and then I left. And then I didn't hear about all Zach said until we - I think we went back to work that Tuesday, that was our first day back. And we were in the gym and I think it was [redacted] approached me and like the first words out of his mouth like, "You picked a good time to leave." And I was like, "Well what's up?" And he's like, "Zach just, you know, just went off the rails." And I was like, "All right." So I didn't actually hear anything Zach said, like, racist or, you know, I heard about him dropping n-bombs and all that. I didn't hear him say it himself. I didn't hear - I didn't hear him say it. I just know that he was pretty drunk and he was just kind of running his mouth. And then I was - that's why I was looking at my phone, because I - I - I recall at some point, like,

getting, like, a text message like, "Hey, sorry guys, like, you know, I was - I was real drunk last night," or something like that. So I was just trying to look and see if I could find that - that text from him.

BULLARD: Okay. Anything else?

[redacted] No, that's about it.

BULLARD: Okay. Did Sergeant [redacted] host this social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes, he did.

BULLARD: And did you go to this event with anybody?

[redacted] No.

BULLARD: Okay. Went solo?

[redacted] Yeah.

((Crosstalk))

[redacted] I said my - my wife was out of town.

BULLARD: Okay. And you said earlier that you think you arrived around 5:00 or 6:00, is that correct?

[redacted] I think. I might have to - like, I'd have to - to look like, what - what time we all met, but it was - it was daylight. I want to say it was, like, 5:00 or 6:00 something like that.

BULLARD: In the afternoon?

[redacted] Yeah.

BULLARD: So 17 to 1800 hours -

[redacted] Yeah.

BULLARD: - approximately - roughly? Okay.

[redacted] Yeah.

BULLARD: And Officer Tersteege attended this event?

[redacted] Yeah.

BULLARD: And can you estimate about what time Officer Tersteege arrived?

[redacted] He was like one of the last to show up, so maybe like an hour after I got there? So maybe 7:00, 7:30, something like that?

BULLARD: Okay. And again can you just kind of elaborate what the occasion was or what prompted the gathering at Sergeant [redacted] residence?

[redacted] Yeah. Well we had the Redwood shooting and, you know, the team had - the team had been - you know, we'd had - so they took us off of work, so we had the shooting, right? And then we had the what was it - the next Monday we had to go to the - the stress debrief. Tuesday was the press conference. Wednesday was like we had the funeral prep, so - because, you know, the - the family had asked us, like, "Hey, you guys mind taking O'Sullivan from the - from the thing and loading her into the hearse?" And so we wanted to fucking practice, because we wanted it to be good, you know? So we had that Wednesday, and then Thursday was the funeral and that was just the team. Then you've got the guys who actually it - you know, who actually shot and they had to do, you know statements and all that shit. So Sergeant [redacted] was basically like, "Can we just -" you know, he just wanted to organize something, like, let's just get together, like, eat meat, have a few beers and just, like, get the families together. You know, they can - they can kind of meet each other and just, like, take a few hours and just, like, chill, you know? So that was - that was what the intent behind it was.

BULLARD: Okay. Would you define this event as more of a work-related social gathering as opposed to a party? Or -

[redacted] Like, if you're saying, like, party, like, "Yeah, we're going to get, you know, blasted," I mean there was like kids there, you know, like, little kids, and just, you know, just to get – a get together, not a - I wouldn't say, like, a party, but just, you know, a get together.

BULLARD: Was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: Okay. And you - can you please recall for us everyone who attended this event to the best of your memory?

[redacted] All right so I was there, [redacted] and his fiancé, [redacted], I'm not sure her last name, [redacted], and his wife, [redacted] and their daughter, [redacted]

BULLARD: Can you take that off the table for me? Sorry.

[redacted] Let's see. Zach was there, I think his wife was there and I -

BULLARD: Officer Tersteege?

[redacted] Yeah, yes, Ter - Tersteege, uh

BULLARD: His wife you said also?

[redacted] I think, yeah. And then he brought a - a couple kids, I'm assuming they're his kids, I've never really met them, and then his mom and dad were there. I was there, [redacted] and his wife was there.

BULLARD: Officer [redacted]

[redacted] Officer [redacted] Yeah [redacted] and his wife. I can't recall her name. And then [redacted], [redacted], [redacted] and his girlfriend at the time, [redacted] I always got her name – [redacted] I don't know, something like that. I always fucked her name up, you know. Sergeant [redacted] and his wife and his daughters. I think that's everyone. I think that's everyone. Yeah, I think that's everyone.

BULLARD: Okay. Did you consume any alcoholic beverages at this event?

[redacted] Yeah.

BULLARD: And what did you drink and how much?

[redacted] I had two 12-ounce beers. I knew, like I was gonna have to drive home to [redacted] so I didn't want to - I didn't want to get drunk, you know.

BULLARD: That was just - was that it?

[redacted] Yeah.

BULLARD: And how would you describe your sobriety level during this event?

[redacted] Like, sober. Like I said I needed - I knew I needed to drive home, so, like, when I first showed up, I had a beer, had something to eat. I think I had a beer

maybe an hour later and that it was like, "All right, I'm going to drive home, I can't you know like - you know, I've got - I can't get drunk on this," so.

BULLARD: How would - or what was Officer Tersteege's demeanor during this event?

[redacted] I don't know he was - like, when he - when he showed up just like all of us - you know, a lot - you know, we were all - lots of hugs and everything when everybody fir- - showed up. Friendly. Just kind of normal Zach that - you know, kind of friendly. He's - he's kind of a - a - I don't want to say, like, I don't want to say high-strung but like very energetic I guess. Like a – like a very short attention span, so kind of flighty, you know? So he's kind of - you know, he's kind of like that, but he wasn't - he wasn't angry, didn't appear upset you know, just, you know, friendly, just.

BULLARD: Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] Oh yeah.

BULLARD: And what did Officer Tersteege drink that you're aware of and how much?

[redacted] He was drinking whiskey, some type of whiskey that he had brought. Something called, like - I can't remember the name - I - I always think of it like, 612 or something, but it's - it's a – it's a whiskey with some numbers in it. I'm not sure what exactly it was. But I didn't see how much he was drinking. I think he had, like, a - like, a red solo cup of it and he was just drinking out of that. I'm not sure how much he had.

BULLARD: And based on your recollection would you consider Officer Tersteege to have been sober or intoxicated during this event?

[redacted] Intoxicated.

BULLARD: And to what level?

[redacted] Fairly intoxicated. He was - he was starting to slur his speech you know, and he was just doing that - that kind of drunk droning on and on, that verbal diarrhea. So he - like, he - he was pretty - he was pretty intoxicated.

BULLARD: When Officer Tersteege first arrived how was his intoxication level, if at all?

[redacted] I don't think he was drunk at all.

BULLARD: Okay.

[redacted] Yeah.

BULLARD: So did it progressively be - did he progressively become more intoxicated as the event went on?

[redacted] Yeah, that was my perception.

BULLARD: Okay. How would you describe the other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] You know, people were drinking, people were - you know, having beers, having whiskey. Nothing - nobody was doing anything stupid. Mainly everybody was just sitting around drinking, you know?

BULLARD: Did you witness or hear anything said or done at this event by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] I didn't. No.

BULLARD: Okay. And I'll reiterate the question in another way; Did you witness or hear anything said or done at this event by Officer Tersteege that would be considered or interpreted as biased or racist?

[redacted] No.

BULLARD: And you described that you had left - can you again tell me what prompted you to leave the event?

[redacted] I had a long commute. I had to get back home to [redacted] and you know everybody was just kind of sitting around and everything, talking. And I want to say it was - it was either [redacted] or [redacted] I can't remember who, but someone was, like, "Well we're gonna - we're gonna to start getting re - start getting ready to go," and I just bas- basically took that as, all right, you know, the party's kind of winding down, "I'm gonna - I'm gonna bounce too, guys," so said my goodbyes and – and rolled out.

BULLARD: And what time would you estimate that you left?

[redacted] I'm gonna say around 9:00.

BULLARD: Around 2100 hours?

[redacted] Yeah, 2100. I'm going to say around then, maybe plus or minus 30 minutes maybe.

BULLARD: Okay. I have a blank piece of paper here.

[redacted] Sure.

BULLARD: Would you mind drawing a diagram for me of the area at Sergeant [redacted] residence where you last saw Officer Tersteege?

[redacted] Sure. So there's Sergeant's house, there's a fence, like this. There's a pool right here, and then like a picnic table with an umbrella. There's, like an overhang right here, so -

BULLARD: This dotted line you're making there?

[redacted] Yeah, this dotted line. So we had a table here with food. There was like, some - some coolers over here and then we had you know, just basically picnic chairs, you know, stuff like that kind of sitting around here. I remember - because, you know, some people - some people were kind of hanging out, you know, like [redacted] had taken [redacted] he was swimming in the pool a while. You know Sergeant [redacted] family they were inside, you know and so a lot of us had been - I remember [redacted], [redacted] kind of sitting around here. I was sitting right about here.

BULLARD: Can you - can you - where - where you're marking these people or whatever, yourself -

[redacted] Yeah.

BULLARD: - you can either do that or just do initials whatever you think is going to be easiest.

[redacted] I remember [redacted] being kind of somewhere around here.

BULLARD: Okay.

[redacted] [redacted] somewhere being around here. And I mean, like, people, you know, you know how it is, people get up, go hit - you know, go to the bathroom or something, come down, sit somewhere else, but generally I - you know, I remember people sitting around here. [redacted] I think was sitting right around here, [redacted] - let's see [redacted] would have been right around here. I think [redacted] was sitting right around here. And then Zach was on the other side kind

of opposite from me. And then I think, you know, as the night kind of went on I think he - I remember him kind of coming more to this side of the table.

BULLARD: So closer towards the pool?

[redacted] Yeah, yeah.

BULLARD: Okay.

[redacted] And then - yeah, I think I - and then - and then I left.

BULLARD: When -

[redacted] So

BULLARD: - you left where you've marked Officer Tersteege here is that - is that where you last remember him sitting when you left?

[redacted] He might have - he might have been more towards this corner.

BULLARD: So towards the pool like you were indicating?

[redacted] Yeah. Yeah, he might have been more towards that side.

BULLARD: And the other people that you've labeled on here is this where you recall them sitting when you left?

[redacted] I think - yeah, they - no, there might have been one or two like, that - that changed or something. Like might - like, [redacted] might have been sitting next to [redacted] or something like that. But gen- - like, this area generally I think.

BULLARD: And so to be clear all the people that you've labeled at this table by name here, those are the people that you recall being at that table when you left?

[redacted] That's - that's what I recall. And - and there - like, there was probably more, just be - you know, I - because I just - I don't remember, like where they're - where wives and - and girlfriends were sitting. [redacted] might have been out there too, [redacted], but I'm not - I'm not - I don't remember where he was sitting. But everybody - you know, everybody was kind of heavy on - on this side of the table. I think -

BULLARD: On the side that's closer to Sergeant [redacted] house?

[redacted] On the house side, yeah, everybody - everybody was kind of heavier on this side just because I think it's closer to the food, closer to -

BULLARD: Okay.

[redacted] - you know bathroom and all that stuff.

BULLARD: And I wanted to touch back on what you said that Officer Tersteege was talking about just prior to you leaving. You said he was talking about the shooting. Can you reiterate for me again what the dialogue was that Officer Tersteege was having - having, what he was talking about just prior to you leaving?

[redacted] I don't remember specifics, because - and I think I - I just - I just remember thinking, like, you know, I've - I've heard all this before, because, you know, obviously, we've – we've been talking about the shooting nonstop. And then I had heard all this before, and then once, like, you started hearing him slur his words and it's just, like, this is just - it's - it's - he's just spewing out, like, there's nothing, you know, "Whatever, all right, whatever, all right, pal, okay, all right." You know? "Okay, all right." So I don't remember anything specific. But you - you know, just going around those same themes, like you know, you - you guys who, you know, you guys were shooting - I'd - I'd go through anything with you guys and that was fucking crazy," and blah, blah, blah and just off gassing about that. And then he'd you know, he'd - he'd talk, "Oh you know I can't - you know, I woke up and I thought I was back in that corner and - and, you know," blah, blah, "And I thought I was gonna die out there," you know kind of going through that, and I was like, "Okay, all right." Yeah, just kind of - just - and - and this is all stuff that he'd - he'd said before. He was kind of saying the same thing over and over again.

BULLARD: So how long was he going on like this and talking about this would you estimate?

[redacted] 20 - 20, 30 minutes maybe. Well total - total we were probably out there talking around there for maybe 30, 45 minutes. And it started, you know, everybody just kind of talking and everybody, you know, just, you know, chewing the fat. But then slowly Zach started more and more monopolizing the - the conversation and he just wanted to keep on talking about the shooting and all that stuff. And nobody wanted to be like, "All right, we get it Zach." Because, you know, the guy's grieving, if that's how he's gonna do it, that's how he's gonna do it. So nobody wanted to be like, "Okay," you know. But, yeah, he just - he was maybe talking - once he started kind of getting on his soapbox maybe ten minutes, something like that.

BULLARD: And what tone of voice is Officer Tersteege talking with when he's talking about this?

[redacted] He's not yelling. Almo- almost just basically like how we're talking right now. Yeah, he's not - he's not yelling, he's not - he's not pissed off, he's not angry, he's just saying stuff, just talking.

BULLARD: And so you said he wasn't angry or anything like that. Was there any kind of confrontation or argument at all behind - or between Officer Tersteege and anybody else that was present at all?

[redacted] Not that I remember, no.

BULLARD: Do you recall if Officer Tersteege made any kind of comments about Sergeant [redacted] neighbors?

[redacted] No, no. I - I personally didn't hear anything like that, but I heard about it afterward.

BULLARD: Okay. So we'll kind of fast forward here.

[redacted] Cool.

BULLARD: So tell me about - you had - you said you had heard about it, when - when would this have approximately been?

[redacted] So they gave us that week off and then we went back to work Tuesday and we went and worked out in the - the gym at Kinney, and I think it was [redacted], I think I saw him first in the gym, you know, "Hey, how you doing?"

BULLARD: When you - can you - can you associate that with a last name too when you say that?

[redacted] [redacted] I think I saw him in the gym and [redacted] basically he said like, the first words out of his mouth were - were, "You picked a good time to leave." And I was like, "Well what happened?" And he was just – he was like, "Zach went, like, off the rails." Then he told me, like, he had said – said some, you know, dropped some n-bombs. I think [redacted] I think he showed up at the gym too and I think I talked to him about it then too, or he was - he was saying the same thing. He - you know, he started saying something to Sergeant [redacted] neighbors, and that's when they - they basically sa - they - they told him, "Look, man, like, this is Sergeant [redacted] neighborhood, like, this is his neighbors, he lives here like what are you doing?" But like I said I - I wasn't there for all that. I heard all that secondhand.

BULLARD: So what specifically did Officer [redacted] tell you about what Officer Tersteege had said? You had said that he had - he told you, "You picked a good time to leave and Zach went off the rails," and he said something about n-bombs. What specifically did he tell you that Officer Tersteege said?

[redacted] He told - like, what I remember was Zach had, you know, he started getting loud. Said, like, said nigger a few times. I can't remember if he was talking about anybody specific, but then they had said something about he had said it loud enough that the - the neighbors could possibly hear it, or he had directed it towards the neighbors. And - and I don't know if - if they had actually, like, confronted him about it at that point, or if they were like thinking, like, man, we probably, you know, like, he needs to cool off. I don't know, like I said I wasn't there for that. This is all secondhand that I heard from - from [redacted] and [redacted]

BULLARD: Okay. And to reiterate the term that you just referred to phonetically, Nora Ida George George Edward Robert is that correct?

[redacted] Yeah, that's what they had told me.

BULLARD: And is that the same thing as when you say n-bomb?

[redacted] Yeah.

BULLARD: - is what that means?

[redacted] Correct.

BULLARD: Okay. Did Officer [redacted] who was also in the gym you described, did he give you any other specifics as to what Officer Tersteege had said?

[redacted] Because I was riding with [redacted] after that and he might have? But I don't - I don't recall the specifics, because it - you know, it might have even - he said this and that, I was like, "That's fucking crazy," you know? But I don't recall specifics.

BULLARD: Give me a second here. Have you discussed this incident regarding Officer Tersteege's remarks with any other co-workers?

[redacted] I mean it's - it's kind of common knowledge on the team. So I think - you know, everybody on the team kind of knows about it, um -

((Crosstalk))

BULLARD: Can - can you tell me why? Like explain why.

[redacted] Just based - just, you know, everybody kind saying like - like, "Zach's kind of, you know, he - he fucking did this." And I was like, "Holy shit." There was a - I don't know we were just - we were getting real concerned about Zach, you know. Because, you know, he went through the shooting and everything and we were just kind of getting - he's - his - his behavior was getting kind of eccentric and kind of weird, and we were getting kind of concerned about him.

BULLARD: Okay. Was there ever a moment where you had any kind of private meeting with Officer Tersteege and spoke to him about his behavior or his remarks that were allegedly made?

[redacted] We the - the team, like, the team basically decided, like, we need to - we need to talk to him. And so we basically had, like, a team meeting, like, a team sit down with him after roll call. And I don't remember what day that was, but - and it wasn't necessarily about the remarks he made that night, it was - it was a total package, you know. Because just - Zach had - it was just - we'd show up to - it - it was getting to where, like, we would show up to work and be like, "All right, what's - what's the next chapter in the Zach saga?" You know? He – he - he was getting all these tattoos. He wanted to get these tattoos. And he got, like, a - like, a tattoo on his forearm right there. And it was like, "All right, so, you know, are you gonna wear long-sleeves now at work from now on? Is that - is that kind of your thing?" He's like, "No, I'm gonna wear short-sleeves, like, fuck them I'm - you know, I'm gonna wear short - this is my therapy, this is what I do, like - like fuck - fuck them, I'm doing my - my thing, like, you know." "Like, what - why are you, like poking the bear like that? What - what gives?" You know? There was that, he went to - to NCU which Zach on patrol he likes to dig. In fact sometimes you could say he likes to make something out of nothing, but he likes to dig. Like, he's not one of those cops who just kind of kisses stuff off, he likes to dig, he likes to develop cases. So, you know, after the - the shooting they put him over at NCU with [redacted], which is like, all right, that's - that's pretty - use this opportunity now, you get to do - like, some detective shit, like, it's what you like to do. Well he's having personality problems with people over there. "Oh they wanted me to go to lunch with them and I don't want to go eat with them," and - and he had words with someone over there. It's like, "What, like, what are you doing?" And then, you know, "I don't like this guy, I'm gonna leave this station." And then, you know, "I'm gonna go work peer support," and then - and then suddenly it's like, "All right, I'm - I'm coming back to patrol." Like, "What?" Like, "What?" You know? Some of the guys on the team - I guess he had talked to them, they were concerned about his drinking. They said, like, his - his drinking had kind of skyrocketed. And so there was just all of - all of this and our - our perspective,

my perspective was - like, I, you know, I come from the military, I come from, you know, the whole chain of command. Like, you solve shit at the lowest level. So before sergeants and lieutenants and everybody else has to get involved, like, we're a fucking team, like, we've got - we've got - I think we've got the best patrol team in the department. We've definitely got the tightest patrol team in the department. Like, most of the guys on my team we came through the Academy together, like, we're gonna – we're gonna take care of each other before, you know, anybody else has to. So me, [redacted], [redacted] I think was there and [redacted], [redacted], [redacted], [redacted] and - and me, we were basically like, "Let's see if we can get a time to get everybody together and just, you know, I don't want to say have an intervention, but see if we can talk to Zach and - and - and figure out what's going on, have him, like, see the light, you know? So we did that I want to say it was either, like, a Tuesday or a Wednesday, maybe a Wednesday, like, right after roll call. Because Zach would come in for roll call and we're just like, "Hey, real quick, like, you know, we just want to make sure you're all right, we're - we're worried." And so, you know, Zach sat down there and - and we basically just kind of laid everything out. And Zach, you know, he was - he was defensive about it. It's - you know, every, you know we, "Hey, we're - well what's up with this?" "Oh that's nothing, you know, that's, like, I don't get what everybody - I'm fine." He kept on saying that, "I'm fine. I don't get why everybody's so, you know, so worried about that. So concerned about that". We're like, "Well you've got the entire team here telling you we're worried. Like if it's just one or two guys, all right, maybe they're, you know, maybe they're - they're seeing something that ain't there. But the entire team is worried about you, like, we're here for you," you know - trying to be supportive of the guy. "No, I'm fine, I'm fine." And he's kind of - we just laid it out there, like, "Look, man, the bottom line is we're worried, we're concerned, you know like, talk to us. Let us know if you need something but we're just - this - this pattern that you've kind of set up the last few weeks we just don't want," I think we might have said - I think I might have said it to him, "I don't want that shit hitting that house and fucking getting two cops off the street." you know? And then, you know we talked to him for - it was maybe 20 minutes or so, 20, 25 minutes and then he left. I think he was kind of pissed off a little bit, a little upset that, you know, the whole team talked to him, but, you know, it was what it was. And then we went to work. I think because I think [redacted] mentioned talking to him a day or two afterwards and Zach didn't want to talk to me. Because I think Zach kind of - because I was, like, the - the primary guy kind of talking to him, confronting him a little bit about it. So I think he was kind of pissed off at me, whatever. And then - but he said he was - he was gonna stop drinking. He said he - he - he'd stop drinking. And then a week or two later he came back to patrol and honestly, like he was starting to kind of come back, like, and he was, like, his old self, you know, he was - he was making progress, you know. Like, the - the

eccentricity, like, the spiral had kind of stopped and he was slowly, like, he was - he was getting normalized again, you know? So - and then this happened, so.

BULLARD: Okay, where was this meeting that you had with Officer Tersteege? You said it was after roll call, is that correct?

[redacted] Yeah Kinney -

((Crosstalk))

BULLARD: You est - You estimated it being on a Wednesday possibly?

[redacted] I think so, yeah.

BULLARD: And where - go ahead, where was it at?

[redacted] It was the Kinney roll call room.

BULLARD: Okay. And this would have been after swing shift roll call? After -

((Crosstalk))

[redacted] Correct.

BULLARD: - 1430?

[redacted] Yeah, so 1500, 1510, something like that.

BULLARD: And who was all present at this meeting aside from you and Officer Tersteege?

[redacted] [redacted], [redacted] -

BULLARD: And can you use last names as well?

((Crosstalk))

[redacted] I'm so – [redacted], [redacted], I think [redacted] was there, [redacted] might have been there. I don't think [redacted] was there. I - no, [redacted] definitely wasn't there, because I told - I remember telling him - because I guess Zach had had words with [redacted] wife [redacted] at one point. And I remember telling Zach like, "You've got to make that right with [redacted]. You know, [redacted] pissed off, apparently he told his - he told [redacted] who was working NCU also. He told her like, "Fuck off," or something. And we were like, "Like, what's up with that? Like, why are you telling - telling her to fuck off?" And he was like, "It was

like a joke, you know, just, oh just fuck off." So like, "Well she didn't take it that way and [redacted] pissed off that you're - you're talking to his old lady like that, so you gotta make that right with [redacted] So [redacted] wasn't there so I think it was - so [redacted], [redacted], me and I want to say [redacted] and [redacted]

BULLARD: And how long did you guys have this conversation with Officer Tersteege? How long was this meeting?

[redacted] 15, 20 minutes, something about that way.

BULLARD: And you said that Officer Tersteege was initially pretty defensive about it, that he was fine and that you felt that - how did you say that you - that he appeared when he left the meeting?

[redacted] He was - he was - he was kind of upset. He was - he was defensive through the whole thing. He was upset, you know, like you know, we shook hands, hugged, you know, ev- everybody, you know tried to part, you know, on good terms and everything. We just wanted to know - we're not trying to call him out, we're just trying to let him know like, "Hey, man, like, we're seeing this, we're concerned, we're worried, we don't want you to get, you know, this." So basically kind of like a reality check. And, you know, he - he was upset that the - I guess he was - he appeared upset that the team had - had, you know, checked him like that, so.

BULLARD: Was anything specifically said to him during this meeting about his alleged use of this - of the n-word or n-bomb as you described it?

[redacted] I don't think we said anything specific about that, but I think we brought up, you know, like, "What happened at the party?" You know so it was –

((Crosstalk))

BULLARD: What was - can you describe Officer Tersteege's response to that about the party?

[redacted] I'd say his - I don't remember exactly what he said, but it was kind of the same thing - that same, like, dismissive, like, "That was no big deal. What, I was drunk, I just, you know, said whatever, it's not that big a deal." You know, same - same he was with - with everything that we brought up.

BULLARD: Did Officer Tersteege ever make any remarks to you or response to you about his attitude or his behavior at the party, that he just didn't remember any of it?

[redacted] He might have - he might have said that. He - he - he - I know - I remember him saying, like "I was drunk," you know so he might have said, "I don't remember it." I don't recall exactly the - the words that he used.

BULLARD: All right. Have you discussed this incident regarding Officer Tersteege's alleged remarks with any superiors of yours?

[redacted] No. No.

BULLARD: Okay. Have you discussed this incident regarding the alleged remarks with Officer Tersteege at any other time aside from what we've already discussed since the incident?

[redacted] No.

BULLARD: Aside from this incident we've discussed, have you ever observed or heard anything else said or done by Officer Tersteege that would be considered racist or biased or similar in nature to the remarks that he's allegedly made?

[redacted] No.

BULLARD: Have you ever observed any actions by Officer Tersteege that would be considered a form of racial profiling or racial discrimination?

[redacted] No.

BULLARD: Have you ever heard Officer Tersteege say the n-word, aside from this incident that we've discussed that was obviously witnessed by somebody else?

[redacted] No.

BULLARD: Okay. Is there a particular individual or individuals that attended this gathering at Sergeant [redacted] residence that you think we should talk to next, that would have firsthand accounts of these alleged comments made by Officer Tersteege?

[redacted] [redacted], [redacted], [redacted], [redacted] and [redacted] maybe were - were there still. [redacted] might have left but maybe [redacted]. I mean, you know, you can talk to them, but, yeah, basically everybody was there.

BULLARD: Okay. Who can you definitively say was still at Sergeant [redacted] residence when you left?

[redacted] For sure [redacted], [redacted], [redacted], [redacted]. [redacted] and [redacted] I'm not sure on. I think - I think they left around the same time I did.

BULLARD: Okay. And did anybody leave before you that you can recall?

[redacted] I don't think so.

BULLARD: You don't think so?

[redacted] No, I don't think so.

BULLARD: [redacted]?

[redacted] No.

BULLARD: Mick?

BOYD: No, sir.

BULLARD: Do you have anything to add regarding this investigation or what we've talked about here?

[redacted] No, sir.

[redacted] Is there anything else related to this matter that we have not covered that needs to be added, clarified or changed, if so, I'm ordering you to provide that information right now.

[redacted] No, sir.

[redacted]: After you leave the interview should you remember anything that is different from or in addition to the information you've given today, I am ordering you to contact Sergeant Bullard immediately. I am also ordering you to not discuss this matter with any other department employee. Do you understand these orders?

[redacted] Yes, sir.

[redacted]: Concluding the interview at 12:45.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
BULLARD=Sgt. Ryan Bullard
[redacted]=Sgt. [redacted]
[redacted]=Ofc. [redacted]
BOYD=Ofc. Mick Boyd

[redacted]: There we go. The date is August 21st, 2019. The time is 1435. Present in the Internal Affairs Division Office is [redacted], his representative, Mick Boyd, Sergeant Ryan Bullard, and myself, Sergeant [redacted]. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of Police Officer. This is an administrative investigation on the charges against Zach Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes sir.

[redacted]: Okay. The results of the investigation could lead to discipline up to and including termination of the employees allegedly responsible. Do you understand this?

[redacted] Yes sir.

[redacted]: Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to discipline up to and including termination for insubordination. Do you understand this?

[redacted] Yes sir.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes sir.

BULLARD: And when did you graduate?

[redacted] Fifteen BR2, December 2015.

BULLARD: Do you have any prior law enforcement experience?

[redacted] Negative.

BULLARD: What is your current assignment and shift?

[redacted] North patrol on Team 9, two swings, full weekends.

BULLARD: District 2 swings?

[redacted] Yes sir.

BULLARD: Okay. How long have you been in your current assignment?

[redacted] Since January.

BULLARD: Of this year?

[redacted] Yes sir.

BULLARD: Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] We are currently teammates on Team 9. And he's a buddy at work.

BULLARD: Anything else besides that aside - friends outside of work? or any personal relationship with him or is it just professional?

[redacted] Just friends at work.

BULLARD: Do you both work on the same patrol team?

[redacted] Yes.

BULLARD: And how long have you worked with Officer Tersteege?

[redacted] About eight months.

BULLARD: We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29th, 2019. We

have reason to believe that you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] Yes sir.

BULLARD: Okay. Can you elaborate or tell us about this incident and that allegation?

[redacted] So that night I was there. Zach had been drinking. My wife and I, my daughter we left around 9 o'clock or 2100 hours. When I left, he was intoxicated but he wasn't over - overly intoxicated. I wasn't there when he was dropping the – the slurs that he was utilizing. We had left prior because my daughter, she had to go to bed. And we had to take her home.

BULLARD: Okay. Did Sergeant [redacted] host this social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes sir.

BULLARD: And did you go - you said that you went with your wife and daughter?

[redacted] Yes sir. And then Officer [redacted] and his fiancé, they rode with us initially to the – to Sergeant's house.

BULLARD: Okay. Your wife's name is?

[redacted] [redacted]

BULLARD: And same last -

[redacted] [redacted] Same last name.

BULLARD: Same last name as yours? And then your daughter you said?

[redacted] Yes.

BULLARD: And how old is your daughter?

[redacted] She just turned a year and a half.

BULLARD: And then Officer [redacted] and you said his wife or significant other?

[redacted] Fiancé.

BULLARD: Fiancé? And then what is Officer [redacted] fiancé's name?

[redacted] [redacted]

BULLARD: Okay. Last name at all?

[redacted] [redacted] I don't know how to spell it.

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: And [redacted], would that be [redacted], [redacted], [redacted] [redacted]? To the best of your knowledge?

[redacted] [redacted]

BULLARD: And approximately what time did you arrive?

[redacted] Around 1700 or 1800 hours.

BULLARD: And did Officer Tersteege attend this event?

[redacted] Yes.

BULLARD: Okay. And can you describe what was the occasion for or what prompted the gathering?

[redacted] It was a team gathering pretty much for team building after Tara's incident.

BULLARD: Okay. And when you say Tara, do you mean Officer O'Sullivan?

[redacted] Yes sir I do.

BULLARD: Okay. And would you define the event as a party? or a work related social gathering?

[redacted] Work related social gathering. It was all the guys from Team 9.

BULLARD: Okay. Was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: And are you able to please recall for us everyone who attended this event to the best of your memory?

[redacted] Me, my wife, my daughter obviously, [redacted], his fiancé, [redacted] and his wife, [redacted], [redacted]. I don't remember if his girlfriend was there at the time. Tersteege, his wife, his son, I think it was his parents. [redacted] - [redacted], [redacted] and [redacted], it's his wife. I don't remember if [redacted] was there or not.

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: And that would be [redacted]

[redacted] Correct.

BULLARD: You're not sure if he was there or not though?

((Crosstalk))

[redacted] I don't - I don't remember if he was or not.

BULLARD: Okay.

[redacted] Who the hell else am I missing?

BOYD: Sergeant [redacted]

[redacted] Sergeant [redacted] and his wife.

BULLARD: Okay.

[redacted] I think his daughter and son were there as well. And I believe he had a family friend over. I don't recall her name. Is there anyone else on my team? - (unintelligible) [redacted], (unintelligible), [redacted], [redacted] [redacted], [redacted]. Did I get 'em all?

BULLARD: You tell me.

[redacted] Me.

BULLARD: So it would be [redacted], his wife, Officer [redacted], you weren't sure if he came with anybody or not, Officer Tersteege, Tersteege's wife, son and parents –

((Crosstalk))

[redacted] Yes.

BULLARD: - Officer [redacted], Officer [redacted], Officer [redacted], Sergeant [redacted] and his wife, Officer – or Sergeant [redacted] son and daughter and then possibly a family friend of Sergeant [redacted] as well as Officer [redacted], his fiancé, you, your wife and your - your daughter.

[redacted] Yes.

BULLARD: Nobody else that you can think of?

[redacted] No.

BULLARD: Okay. Sergeant [redacted] son and daughter, do you recall approximately how old they are?

[redacted] Teenagers.

BULLARD: Okay.

[redacted] Early teens I think.

BULLARD: Okay. Did you consume any alcoholic beverages during this event?

[redacted] I had a beer.

BULLARD: One beer?

[redacted] Yes.

BULLARD: Approximately 12 ounce? or anything (unintelligible) –

((Crosstalk))

[redacted] It was a bottle - yes, 12 ounce – 12 ounce beer.

BULLARD: And that was the entirety?

[redacted] Yeah.

BULLARD: Of when you were there? Can you - and how would you describe your sobriety level during the event?

[redacted] To me it didn't feel like the beer did anything. My wife and I were – we were playing parent the entire time so we were – we were watching our – my – our daughter. So I – I felt sober.

BULLARD: What was Officer Tersteege's demeanor during this event?

[redacted] For the time that I was there, he was in pretty good spirits. He had just gotten a – a new tattoo. So we talked to him - I talked to him briefly about his tattoo. But like I said, I didn't have much interaction with him because I was parenting my daughter. I was in the pool with her and what not. But he seemed like he was in decent spirits for the most part. But he did look like he was starting to climb in intoxication as the night went on.

BULLARD: Okay. And were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] He did, yes sir.

BULLARD: And what did he consume to the best of your knowledge?

[redacted] Proper Twelve whiskey.

BULLARD: Proper Twelve whiskey?

[redacted] Yup.

BULLARD: Okay. And can you describe for me amounts? Or -

[redacted] I couldn't tell you. Yeah I don't - I wasn't keeping tabs on him.

BULLARD: Was this a full-sized bottle of hard alcohol whiskey? would this be a smaller bottle of whiskey?

[redacted] I know he showed up with a – a fifth size whiskey but I don't know how much he drank throughout the night.

BULLARD: Was there anything else that you had noticed Officer Tersteege had consumed as –

((Crosstalk))

[redacted] No.

BULLARD: - far as alcoholic beverages?

[redacted] No.

BULLARD: Okay. And based on your recollection - recollection, would you consider Officer Tersteege to have been sober or intoxicated during this event?

[redacted] Intoxicated.

BULLARD: Okay. And to what level of intoxication?

[redacted] Like I said, he - he was climbing as the night was going. Initially when I was talking to him, he – he just pretty much showed up. So I think he had maybe a drink in him. So he was still cordial and not under the influence. But as the night grew, he definitely became more intoxicated.

BULLARD: Okay. About what time do you think Officer Tersteege arrived at this event?

[redacted] Oh boy. I showed up around 18 - I think he was there 1900 hours? Somewhere around there?

BULLARD: Okay. So possibly around 7:00 pm?

[redacted] Yup.

BULLARD: And when he arrived, you said he maybe only had a drink in him. Is that correct?

[redacted] When he got there, yeah. I believe he poured himself a drink.

BULLARD: Okay. And by the time you had left, which - what time did you estimate that to be?

[redacted] Nine PM, 2100.

BULLARD: Twenty-one hundred hours?

[redacted] Yup.

BULLARD: How would you estimate Tersteege's sobriety or his intoxication level at that point when you left?

[redacted] So at that point in the night, my daughter just started getting cranky. So I didn't have much interaction with him. He was sitting at a table with all the other

guys from the team. And I approached him. I said, "Hey, my family and I we're leaving." He seemed like he was intox - intoxicated but he was able to get up, give me a hug and say bye to my - my wife and I.

BULLARD: Okay.

[redacted] So.

BULLARD: Would - and as far as the level of intoxication, would you describe it that it appeared to you that he could legally drive? Did it appear to you that he was drunk? Did he appear buzzed? (Unintelligible).

[redacted] He - Yeah. He was drunk. I definitely would say he wouldn't be able to drive.

BULLARD: Okay.

[redacted] Yup.

BULLARD: How would you describe the other attendees' sobriety at this event aside from Officer Tersteege? So the other people that were there.

[redacted] Everyone else seemed like they were - I mean they were having alcoholic beverages but they weren't overly intoxicated. You know it was - I took it as a family gathering obviously. I brought my wife and my daughter. So I - to me, the other guys they were – they were drinking but they weren't excessively drinking.

BULLARD: Okay.

[redacted] Yup.

BULLARD: Did anybody drink to the level of Officer Tersteege at all?

[redacted] That I don't know because I left at 9:00 PM.

BULLARD: At the time that you left? Did anybody else appear to be at the same intoxication level of Officer Tersteege?

[redacted] I couldn't tell you. I don't know.

BULLARD: Nothing that you – nothing noteworthy?

((Crosstalk))

[redacted] Nothing – Yeah - Nothing jumps out to me, no.

BULLARD: Okay. Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] Not at the party, no.

BULLARD: Did you witness anything said or done at this party by Officer Tersteege that would be considered or interpreted as biased or racist?

[redacted] Not at the party, no.

BULLARD: You said, "Not at the party, no." Can you explain or elaborate on your answer what you mean? Is that meaning that there was a different location that you had observed or heard Officer Tersteege make remarks like this?

[redacted] I didn't see him personally say any remarks. I heard about them after the fact, after the party. The guys that were still at work with me – me, Officer [redacted], [redacted] and [redacted], we met up and we had a conversation about the night. And we – we talked about Zach's demeanor that night and what was being said. And we pretty much decided as a team that – you know we needed to have a sit down with him and pretty much check him and see what - what his deal was and what was going on. So I never actually heard Zach say anything. But I was told, you know, what he was doing and what he was saying and we wanted to address it as a team.

BULLARD: Okay. And so who told you what these remarks were?

[redacted] Oh boy, I think it was Officer [redacted]

BULLARD: Think it was Officer [redacted]

[redacted] Yes. Yes. It was me, [redacted], [redacted] and [redacted] talking about the incident and seeing what we could do as a team to try to help him out and figure out what the hell was going on.

BULLARD: So was this in person when you were told this by Officer [redacted]

[redacted] It was yes.

BULLARD: Okay. And where was this at?

[redacted] We were in a parking lot, Grand and Altos. I couldn't tell you what day it was. We were – we were working on patrol, swing shift hours.

BULLARD: Okay. And you said it was you, Officer [redacted], Officer [redacted] and then who else?

[redacted] [redacted]

BULLARD: Anybody else?

[redacted] No. That was it.

BULLARD: And it was at a parking lot around Grand and Altos and do you recall about what time of day this would have been?

[redacted] Sun was out. That's all I remember.

BULLARD: Okay.

[redacted] It - It was still bright out.

BULLARD: Afternoon?

[redacted] Yes.

BULLARD: Okay. And how long would you estimate after this social gathering or party at Sergeant [redacted] residence when this meeting was that you had?

[redacted] The party was on Saturday. I think it was our next day at work. I think it was that following Tuesday. It was either Tuesday or Wednesday. I don't – I don't recall the date.

BULLARD: Okay.

[redacted] Just the – the following week.

BULLARD: The following Tuesday or Wednesday you believe?

[redacted] Yes.

BULLARD: Okay. And what specifically did Officer [redacted] tell you as to what Officer Tersteege had said at this social gathering at Sergeant [redacted] house?

[redacted] He obviously told me that Zach got overly intoxicated and he said that he was starting to throw around the n-word. I couldn't tell you anything spec - specifically on what he was saying with the word but that he was throwing it

out. And [redacted] told me that it was starting to make him feel real uncomfortable as well as [redacted] and [redacted]

BULLARD: Okay. And so we can be specific here. When you say the n-word or you're referring to that, can you phonetically spell that for me for what you're referring to?

[redacted] N-I-G-G-R…E-R, excuse me.

BULLARD: Okay. So -

[redacted] N-I-G-G-E-R.

BULLARD: Okay. Did Officer [redacted] actually use that word or did he refer to it as the n-word?

[redacted] He referred to it as the n-word.

BULLARD: Okay.

[redacted] Yup.

BULLARD: And he did not - I want to clarify as far as what Officer [redacted] recalled to you of what Officer Tersteege said in using this word. Did he give you a context as to how Officer Tersteege said it?

[redacted] No I don't remember. I just know he - [redacted] told me that he was starting to drop the – the n-word and that all the guys that were still there were starting to feel real uncomfortable with it and they're - like they - "We got to go. This is – this is too much."

BULLARD: Okay. And to clarify, this is not something that you saw or heard while you were at Sergeant [redacted] residence during the social gathering –

((Crosstalk))

[redacted] Correct.

BULLARD: - of what Officer [redacted] was referring to.

[redacted] That's correct.

BULLARD: Okay. I have a blank piece of paper here.

[redacted] Sure.

BULLARD: What I'd like if you don't mind is draw me a diagram here. Did Officer [redacted] describe to you the area at the residence where this allegedly occurred?

[redacted] No.

BULLARD: Okay.

[redacted] Just - we were in the backyard.

BULLARD: Would you do me a favor here? Right before you guys left, before you and your wife and your –

[redacted] Mm-hm.

BULLARD: - daughter left. Would you mind drawing a diagram for me of the area where you guys were before you left as far as where you recall that you were?

[redacted] All right. So there's a covered patio here. And then he had - Sarge had another table seating area here.

BULLARD: Can you write "table" on that just to be clear.

[redacted] And then off the patio was a slider.

BULLARD: Okay.

[redacted] So my wife, she was hanging out over here -

((Crosstalk))

BULLARD: Under the patio?

[redacted] - I remember. Under the patio, yes. I'm sorry.

BULLARD: Okay.

[redacted] She was hanging out under the patio. My daughter was starting to get cranky. So I brought her to the interior of the house. Changed her diaper, put some pajamas on, came out, grabbed the rest of her toys and then when we left everyone else was seated at the table. I guess you'd call it the southeast corner of the backyard.

BULLARD: Okay.

[redacted] I know we were - excuse me, went around the table and said our goodbyes to everyone that was there.

BULLARD: Okay.

[redacted] Then we left out of the slider.

BULLARD: So to the best of your recollection, are you able to mark on this table here where you recall people being at that table when you left?

[redacted] There - I mean, they were seated around it.

BULLARD: Are you able to label those at all as to -

[redacted] No.

BULLARD: - who each individual is or anything like that?

[redacted] No. I just remember they were all sitting around the table.

BULLARD: Okay. Was there any - a time during this where you were seated at this table with other individuals here?

[redacted] I was – Yeah I was, before I came over to check in with my wife and daughter.

BULLARD: Okay. Of the people seated at this table, can you recall off the top of the head who was actually seated at that table when you left?

[redacted] I know [redacted] was there.

BULLARD: [redacted] When you say -

[redacted] [redacted] - Officer [redacted]

BULLARD: Okay.

[redacted] Officer [redacted] Officer [redacted] Officer [redacted]. Officer [redacted]. And then Officer [redacted] was - I remember him standing over here.

BULLARD: Can you mark that for me -

[redacted] Yeah.

BULLARD: - and you can just put it - if you want to put a [redacted] for the initial.

[redacted] [redacted] and his wife.

BULLARD: Okay.

[redacted] Tersteege was at the table. I don't remember where he was at. I remember [redacted] was standing up because him and his wife were talking about running the 50K and they didn't want to sit down to - for their legs.

BULLARD: Okay.

[redacted] But I think Sarge was over there too, Sergeant [redacted]. He was – he was either seated or he was standing somewhere near the table vicinity.

BULLARD: Okay. Anybody else that you can recall that was at the table when you left?

[redacted] Tersteege was over there. I don't remember if his wife was over there or not. That's – that's all I remember.

BULLARD: Can I see that? Thank you. When you met with Officers [redacted], [redacted] and [redacted], you estimated the following Tuesday or Wednesday, you said Officer [redacted] was the one that described to you hearing these things said by Officer Tersteege. Is that correct?

[redacted] I think it was. Yeah.

BULLARD: Okay. Did Officers [redacted] or [redacted] indicate during this meeting that they had also heard this or heard these remarks made by Officer Tersteege?

[redacted] They did.

BULLARD: Okay.

[redacted] Yes sir.

BULLARD: Both? Both [redacted]

((Crosstalk))

[redacted] I believe so.

BULLARD: - and [redacted]

[redacted] I think so, yes.

BULLARD: Okay.

[redacted] I just remember it - like I said, it was kind of a team meeting. It was just a open dialog that we're having. So I couldn't put a definitive yes but I believe they – they heard it as well.

BULLARD: What was the ultimate outcome of that meeting? You were describing or talking about –

((Crosstalk))

[redacted] Yup.

BULLARD: - Officer Tersteege's behavior, so.

[redacted] So, we – we had that meeting between us four and we wanted to have a sit down with our entire team along with Zach to try to address the issues. I believe it was the following week after us four met, it was me, Officer [redacted], Officer [redacted], Tersteege and Officer [redacted], we met at the Kinney Station to have the sit down with Tersteege to figure out what was going on and pretty much call him out and saying, "Hey, you can't – you can't do that. You know, you can't be saying these things."

BULLARD: Okay. And tell me why. What – what would be the - what's your reasoning behind why you would want to meet and sit down and talk with Officer Tersteege about not saying these things?

[redacted] So at that point Tersteege he was placed at NCU and we knew he wasn't happy about that. He expressed to me and Officer [redacted] that, you know, he wanted to be back in patrol with us and that he felt like he was doing -- how would you phrase that -- pretty much clerical work for NCU. And at that point we knew that he - he was starting to drink a lot. From Officer O'Sullivan's incident as well as just being unhappy at being at NCU. So we're – we brought all that to the table as well as the – the remarks that were stated at Sergeant's house. And we said, "Hey look dude, you gotta pretty much cut this shit out." Excuse my language. And [redacted] was pretty much leading the conversation. And he told him, "Hey, look, you know. You were dropping the – the n-word at Sergeant's house. You can't do that." And I think Zach said he didn't remember saying it. But the point of our conversation was pretty much to say, "hey, this isn't cool what you're doing, the drinking, you know, the language that you're utilizing as

well as, you know, trying - pretty much having a sad face and pissed off face while you're at the Kinney Station".

BULLARD: When was this - so this was with Officer Tersteege?

[redacted] Correct.

BULLARD: When would you estimate that this talk with him was that you had - you all had with him?

[redacted] The following work week. Because we were trying to get our entire team - the following work week from the meeting that we had between me, [redacted], [redacted] and [redacted]

BULLARD: Got it. So it would have been - would you say it was the following Tuesday after that? or would you say it was the following Wednesday?

[redacted] Following Tuesday or Wednesday. I don't recall. Like I said, we were trying to get the entire team there but based on the schedules, all the guys were working, we couldn't get everyone there.

BULLARD: Where was this at when you had this talk with Officer Tersteege?

[redacted] We were in the Kinney roll call room.

BULLARD: About what time of day do you think it was?

[redacted] Right around 1500 hours after roll call.

BULLARD: So it was after roll call had completed -

((Crosstalk))

[redacted] Right. Yup.

BULLARD: - or finished for swing shift?

[redacted] Yeah. It was just those guys that I – I touched on that were in the room.

BULLARD: Were the doors open or closed to the roll call room?

[redacted] We closed the doors.

BULLARD: And again, describe for me who was all present. So I assume - obviously you are present, Officer Tersteege is present.

[redacted] Correct.

BULLARD: And then what other officers or employees are present for this?

[redacted] Me and Tersteege, [redacted], [redacted] and [redacted].

BULLARD: And again, if you could reiterate for me some of the things that were said at that meeting.

[redacted] We talked to Tersteege about - excuse me - him drinking a lot, him pretty much not going along with the program with working at NCU as well as the language that he used at – at Sarge's house.

BULLARD: Okay. And who - were all of you speaking to him about this or was there one officer in particular that was addressing this with Officer Tersteege?

[redacted] So [redacted] he - [redacted] pretty much took the – the lead on the conversation. And as we were talking, you know, me [redacted] and [redacted] would chime in with, you know, our – our thoughts and opinions. But [redacted] was carrying the conversation.

BULLARD: Okay. And what was Officer Tersteege's response to what you were discussing with him?

[redacted] He pretty much was like, "I – I don't know why you guys are talking to me about this. You know I don't - there's nothing wrong. I'm not doing anything wrong." And when we brought up the – the language that we u - was used, he said he didn't remember saying it.

BULLARD: Okay. Was anything specifically said there with Officer Tersteege as to quoting him?

[redacted] No. I don't recall that. No.

BULLARD: Nobody quoted with him - you literally said this, this and this?

[redacted] No. I just remember [redacted] saying something about using the n-word. And Zach's like, "Hey, I don't – I don't know what you're talking about. I don't remember. I was - I was drunk" essentially.

BULLARD: So was there a context given with Officer [redacted] to Officer Tersteege referring to using the n-word? Did he use any kind of context as to what it was in reference to?

((Crosstalk))

[redacted] The only thing I remember him saying was, you know, "At Sergeant's house you - you were over the line. You know, you drank way too much and you were starting to drop the n-word." I don't recall him using it in a phrase or anything like that.

BULLARD: In your opinion, are there - is there a particular individual or individuals that attended this gathering that you think that we should talk to next that would have firsthand accounts of these alleged comments made by Officer Tersteege?

[redacted] You're referencing Sergeant's house, correct?

BULLARD: Yes.

[redacted] I don't know if [redacted] was still there or not. [redacted], [redacted], I said [redacted] yet?

BULLARD: You did.

[redacted] Yes.

[redacted]

BULLARD: Okay. Is there anybody definitive –

((Crosstalk))

[redacted] Oh I'm sorry. Sergeant [redacted] as well. He was there obviously.

BULLARD: And Sergeant [redacted].

[redacted] Yup.

BULLARD: Is there anybody when you left the house, at you approximated 2100 hours, that you can definitively say left before you or at the same time as you?

[redacted] No. I think we were the first ones to leave.

BULLARD: Okay.

BOYD: Excuse me.

BULLARD: Aside from the officers that you mentioned when you met initially the following week and then the week pri – or week after that when you had met and talked to Officer Tersteege about his comments, have you discussed this incident regarding Officer Tersteege's alleged remarks with any other co-workers?

[redacted] No. We've kept it between the team.

BULLARD: And have you discussed this incident regarding Officer Tersteege's alleged remarks with any superiors of yours?

[redacted] No.

BULLARD: And aside from the incident or the time when you described Officer [redacted], Officer [redacted], Officer [redacted], when you had all met with Officer Tersteege in the roll call room that incident you described, have you discussed this incident with Officer Tersteege at any other time -

[redacted] No.

BULLARD: - since the incident?

[redacted] No.

BULLARD: Aside from this incident that we've discussed, have you ever observed or heard anything else said or done by Officer Tersteege that would be considered racist or biased or similar in nature to the remarks that have been discussed or that were allegedly said?

[redacted] No.

BULLARD: Have you ever heard Officer Tersteege say the n-word –

((Crosstalk))

[redacted] No.

BULLARD: - as we've referred to? Would you be willing to provide your wife's phone number so that we could contact her and speak to her about this?

[redacted] Sure. Area code [redacted]

BULLARD: [redacted]

[redacted] Correct.

BULLARD: And it's [redacted]. Is that right?

[redacted] Correct.

BULLARD: Okay. Do you think she'd be willing to speak with us about this incident?

[redacted] Sure. Yeah. I don't see her having any issues with it.

BULLARD: Okay.

[redacted] I don't think she - she wasn't really around him at all throughout the night. She hung out with the ladies that were there, but.

BULLARD: Okay. Do you know any reason why someone would say that you were present at this table in the backyard that you labeled when Officer Tersteege allegedly made these remarks that would be considered racist or biased?

[redacted] I'm sorry. Can you repeat that?

BULLARD: Do you know any reason why anybody would say that you were present at this table in the backyard that you've drawn the diagram of here - that anyone would say that you were present when Officer Tersteege allegedly made these remarks that would be considered racist or biased?

[redacted] I don't – I don't know. I was at the table at some point but I don't recall him saying anything when I was over there.

[redacted] You said right when you were leaving about 9 o'clock you thought that Officer Tersteege was intoxicated?

[redacted] Yes.

[redacted]: Can you tell me some of the things you saw that led you to that conclusion?

[redacted] His speech was starting to get very slurry. And he was – he was starting to get loud when - when he was talking, very loud.

[redacted]: See him walk at all? was he stumbling? was he -

((Crosstalk))

[redacted] I don't -

[redacted]: - kind of a hard time moving around?

[redacted] - I don't remember seeing him - I don't remember walking - him walking. I just remember him starting to elevate this tone of his voice.

[redacted]: Mm-hm. And slurred speech?

[redacted] Yes sir.

[redacted]: Okay. That's all I have. Just one more thing. Just to reiterate, Sergeant [redacted] was not at your intervention that you had with Officer Tersteege. Is that correct?

[redacted] Correct.

[redacted]: All right.

[redacted] He knew that we were speaking to him as a team privately just because he knew our team wasn't hitting the streets immediately.

[redacted]: Uh-huh.

[redacted] But he wasn't – he wasn't in the room with us, no.

[redacted]: Did you give him a specific reason? Topic?

[redacted] He knew – he knew about his issues at NCU.

[redacted]: Mm-hm.

[redacted] And that he was starting to make a lot of noise at Kinney regarding NCU and pretty much told [redacted] that we were gonna have a conversation with him in private regarding his situation at NCU.

[redacted]: All right. So never brought - nothing brought up about what was said at the party or what happened -

[redacted] No.

[redacted]: - at the party? Okay.

BULLARD: One more quick thing

[redacted] Sir.

BULLARD: And to clarify, when you left with your wife and your daughter, did Officer [redacted] – was - did he still stay at the house when you had left?

[redacted] He did. Yeah. Like I said, he - he went to Sergeant's house with my wife and I. And when I told him we were leaving at 9 o'clock because my daughter had to go down to bed that he wanted to stay and hang out. So him and his fiancé they stayed at – at Sergeant's house.

BULLARD: Okay. And so - and to clarify, nobody else to your knowledge left Sergeant [redacted] residence that night when you and your wife and your daughter left?

[redacted] No.

BULLARD: And you estimated that you would have been - you believed you were the first -

[redacted] Yes.

BULLARD: - family or couple to have left this?

[redacted] Yes. Had to get the daughter down.

BULLARD: Okay.

BOYD: I was just gonna ask - you had been on the team with Officer Tersteege for the last eight months?

[redacted] Yes, 2019 and some change.

BOYD: Obviously June 19th Tara O'Sullivan's incident -

[redacted] Yes.

BOYD: - pretty big deal.

[redacted] Yeah.

BOYD: Had you noticed a particular decline in – in Officer Tersteege's character, his work product - I mean I got it - I know you weren't friends outside of work -

[redacted] Yeah.

BOYD: - but did you notice -

[redacted] He told us that he – he had been drinking a lot and I knew he drank before the incident, you know, on his weekends.

BOYD: Mm-hm.

[redacted] But he started expressing to us that he was starting to drink more than he'd normally drink.

BULLARD: Do you have another -

BOYD: No.

BULLARD: I - I have another follow up question.

[redacted] Go ahead sir.

BULLARD: Regarding Officer Tersteege and following Officer O'Sullivan's incident –

[redacted] Yup.

BULLARD: - the shooting where she was murdered, how would you describe Officer Tersteege's to the best of your knowledge, his feelings about that incident and the department or about the ongoings of the department in that incident? Were there any feelings that he had expressed to any of you?

[redacted] I mean I know he had a rough time after the incident. He – he was in the backyard and he was one of the primary officers on the call. You know - I know he beat himself up over it because obviously we – we couldn't do anything for Tara. Yeah.

BULLARD: Had Officer Tersteege ever expressed any kind of malcontent or any kind of anything that would be considered disgruntled regarding anything following Tara's incident?

[redacted] The only - I think the only thing he was disgruntled about was being at NCU and not being able to be back in the streets on patrol. He didn't - to him it felt like he was doing clerical work for NCU, which he didn't want to be a part of. He wanted to be out pushing a black and white.

BULLARD: Okay. Real quick. Do you have anything that you wanted to add at all regarding what we've spoken about?

[redacted] No. Like I said, I was at the Sergeant's house for the – the party but we left early because family comes first.

[redacted] All right. Is there anything else related to this matter that we have not covered that needs to be added, clarified or changed? If so, I am ordering to - you to provide that information now.

[redacted] No sir.

[redacted] After you leave this interview should you remember anything that is different from or in addition to the information you have given today, I'm ordering you to contact Sergeant Bullard immediately.

[redacted] Got it.

[redacted] I am also ordering you not to discuss this matter with any other department employees. Do you understand these orders?

[redacted] Yes sir.

[redacted] Interview concluding at 1511.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
[redacted]=Sgt. [redacted]
BULLARD=Sgt. Ryan Bullard
BROWN=Paul Brown
[redacted]

[redacted] The date is August 23rd, 2019. The time is 1506 hours. Present in the Internal Affairs Division Office are [redacted], his Representative Paul Brown, Sergeant Ryan Bullard, and myself, Sergeant [redacted]. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of Police Officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] I do.

[redacted] The result of this investigation could lead to discipline up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes.

[redacted] Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all your statements and answer all questions fully and honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to discipline up to and including termination for insubordination. Do you understand this?

[redacted] I do.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] I did.

BULLARD: When did you graduate?

[redacted] June of 2015.

BULLARD: Do you have any prior law enforcement experience?

[redacted] None as a sworn officer.

BULLARD: What is your current assignment and shift?

[redacted] I'm currently on - assigned to patrol with a TDY to NCU.

BULLARD: Okay. And what area of Sacramento patrol are you assigned?

[redacted] North.

BULLARD: Okay. How long have you been in your current assignment?

[redacted] Since the beginning of the year, January 2019.

BULLARD: Okay. Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] So I worked with him on and off since the beginning of 2016, since the beginning of this year of 2019 we've been beat partners on the same team.

BULLARD: Can you estimate approximately how long that you have worked with Officer Tersteege whether it by months or years?

[redacted] Total?

BULLARD: Yes.

[redacted] Including being on the same team and working overlap from swing shift graveyard, I'd say about two years.

BULLARD: Okay. And do you both work on the same patrol team currently?

[redacted] Yes.

BULLARD: Okay. We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29th, 2019. We have reason to believe you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] The barbeque, yes.

BULLARD: Okay. Can you elaborate or tell us about this incident and that allegation?

[redacted] So I don't know exactly what the allegation - the details of it. I - my wife and I went to the barbeque. We were there for a few hours, I don't know exactly. We had talked and socialized with everyone there at the barbeque. Throughout the night Zach was getting pretty intoxicated. My wife and I had got tired. We had a big run to do in the morning and so we left with the majority of other people that left. While we were there, there was nothing that was inappropriate that was said that – that I recall or that I had heard.

BULLARD: Okay. Did Sergeant [redacted] host this social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes.

BULLARD: And did you go to - go with somebody to this event?

[redacted] With my wife, yes.

BULLARD: Okay. And then what's your wife's name?

[redacted] [redacted]

BULLARD: And same last name as yours?

[redacted] It's hyphenated. It's [redacted] common spelling hyphen, my last name.

BULLARD: Okay. [redacted]

[redacted] Yes.

BULLARD: Okay. Approximately what time did you arrive?

[redacted] It was in the evening. I don't recall an approximate time. It was about an hour and a half after the – after the party started. I know that. And I don't recall what time the party started either.

BULLARD: Okay. Do you recall if it was dark or light out when you arrived?

[redacted] I think it was dusk.

BULLARD: Dusk?

[redacted] I think.

BULLARD: Okay. Did Officer Tersteege attend this event?

[redacted] He did.

BULLARD: And approximately what time did Officer Tersteege arrive?

[redacted] He got there a few minutes after my wife and I did.

BULLARD: A few minutes after you and you wife did?

[redacted] Yeah.

BULLARD: Okay. What was the occasion for or what prompted the gathering at Sergeant [redacted] residence?

[redacted] Just kind of a team building comradery and kind of try and get closer after the incident - after the shooting.

BULLARD: Okay. When you say the incident, can you specify what you mean by that?

[redacted] Yeah. The officer-involved shooting at Redwood.

BULLARD: Okay. Would you define this event as a party or a work-related social gathering? Or is there a different term you would refer to it as?

[redacted] I would just refer to it as a social gathering.

BULLARD: Okay. Was there drinking of alcoholic beverages at this event?

[redacted] There were.

BULLARD: Okay. Can you please recall for us everyone who attended this event to the best of your memory?

[redacted] Yeah. Obviously Sergeant [redacted] and his wife, myself and my wife, [redacted]

BULLARD: I'm sorry?

[redacted] [redacted]

BULLARD: [redacted] Officer [redacted]

[redacted] Yup.

BULLARD: Okay.

[redacted] Officer [redacted] and his at the time girlfriend, Officer [redacted] and his fiancé, [redacted] or Officer [redacted] and his wife and their little child, Officer [redacted]

BULLARD: [redacted]

[redacted] Correct. And his wife, [redacted]. Sorry. Can I look at that to make sure I've got everyone?

BULLARD: Yeah. So you have Sergeant [redacted]

((Crosstalk))

[redacted] Okay.

BULLARD: - his wife, yourself and your wife obviously, [redacted], Officer [redacted] and his girlfriend, Officer [redacted], his fiancé, Officer [redacted], his wife and child, and Officer [redacted] and Officer [redacted]

[redacted] Okay. And then Officer [redacted]

BULLARD: [redacted]

[redacted] Yes sir. And then Zach Tersteege and his wife along with their son, his mother, Zach's mother and a male relative. I don't know if it was Zach's stepdad? or his mom's boyfriend? or - I don't know exactly who he was.

BULLARD: Okay.

[redacted] Then I believe that Sergeant [redacted] wife had a friend or family friend that was there. But I think she primarily stayed in the house though.

BULLARD: It was a female family friend?

[redacted] Yes.

BULLARD: And adult?

[redacted] Yes.

BULLARD: Any approximate age?

[redacted] I'd say about the same age as her, so mid-40s.

BULLARD: Anybody else?

[redacted] Not that I recall.

BULLARD: Okay. Did you consume any alcoholic beverages during this event?

[redacted] I believe I just had one beer.

BULLARD: One beer?

[redacted] Yeah.

BULLARD: And what size beer would it – would you estimate it to be?

[redacted] It would have been - just in a standard bottle.

BULLARD: So like a 12 ounce beer?

[redacted] Twelve ounce, yeah.

BULLARD: And how would you describe your sobriety level during this event?

[redacted] Sober. I just had that one beer with dinner. So -

BULLARD: So how would you describe your sobriety?

[redacted] I would describe it as sober, not - not under the influence.

BULLARD: Okay. What was Officer Tersteege's demeanor during the event?

[redacted] He was very talkative during the event when - from the moment that he got there until the moment that my wife and I and the majority of us had left. Immediately as he got there he started drinking. I don't recall what so - how many drinks he had? or what exactly he was drinking. But as the night progressed, he became more and more talkative and boisterous.

BULLARD: Okay. And when you say boisterous, is that a negative description? Is that a positive description?

[redacted] I'd say neither negative nor positive. Just getting more and more loud -

BULLARD: Okay.

[redacted] - as he's talking.

BULLARD: Okay. And as far as him being talkative, can you describe what context he's talking about when he's being more talkative?

[redacted] I don't remember a lot of it. I don't remember a lot of things from that night actually. I don't remember everything that was said. I know that a lot of the times when he was talking I was just trying to ignore his conversation because his amount of intoxication was really bothering me. And I just try to block that out or ignore it. There was a lot of times where I was having a conversation with someone else but I could hear him talking and hear him being boisterous but I'm not paying attention to what he was saying because I was having a conversation with someone else.

BULLARD: Okay. Can you explain to me why his - I think you described it his amount of intoxication was bothering you?

[redacted] Because as - as he continued to drink and the night go on, he became more and more talkative and more and more boisterous. It just got to the point where I found that to be annoying.

BULLARD: Okay. Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] Yes.

BULLARD: And what did he consume to your knowledge and how much?

[redacted] I know he had a mixed drink. I think it's called Proper 12 is the alcohol. And I don't know what he had mixed it with. I think it was some type of sparkling or a carbonated drink. I don't know what it was that he mixed it with. And I don't know how many drinks he had had.

BULLARD: Okay. When Officer Tersteege arrived, did he appear intoxicated or did he appear sober when he had first arrived?

[redacted] He appeared sober.

BULLARD: Okay. Did he appear to progressively become more intoxicated as the event went on?

[redacted] Yes.

BULLARD: Okay. And so to make it clear, you're not - you are not certain or aware of how many drinks or how many alcoholic beverages Officer Tersteege had drank that night but you remember that he had drank mixed drinks with some form of alcohol called Proper 12 from what you remember?

[redacted] Correct.

BULLARD: And then based on your recollection, would you consider Officer Tersteege to have been sober or intoxicated?

[redacted] Intoxicated.

BULLARD: And to what level would he have been intoxicated? How would you describe that?

[redacted] It's kind of hard to describe to what level.

BULLARD: Well there's like drunk at the full one end of it to slightly intoxicated, some people describe buzzed, some people –

((Crosstalk))

[redacted] Okay. Definitely - definitely drunk.

BULLARD: Okay. And what were some of the key factors that you noticed with him or symptoms with him that would - where you would determine or think that he was drunk?

[redacted] That he had to continue talking over everyone else. There was points in times where he was talking extremely loud as if he didn't realize how loud he was being. And a couple times where he would say something and then say it again and it kind of seemed like maybe he didn't realize he had said it and then laugh when he was told you just said that. Continued to stand up and sit down and stand up and sit down, just not really being able to sit still.

BULLARD: Okay. How would you describe the other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] Everyone else I would say was - everyone else that I recall was drinking but not to the point where it was affecting their actions and behavior. They all seemed to still act and be their normal selves.

BULLARD: Okay. Would you describe anybody else that you recall there as being drunk?

[redacted] I wouldn't, no.

BULLARD: Okay. No?

[redacted] No.

BULLARD: Okay. Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] I don't recall him saying anything that would – would be considered inappropriate or offensive.

BULLARD: Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered or interpreted biased or racist?

[redacted] I did not.

BULLARD: Did not?

[redacted] I did not, no.

BULLARD: I have a blank piece of paper here for me. Do you - can you estimate approximately what time you left this event?

[redacted] It's gonna be a rough estimate. It's some time between 9:30 pm and 11:00 pm.

BULLARD: Okay. So 2130 hours to 2300 hours -

((Crosstalk))

[redacted] To 2300.

BULLARD: - approximately?

[redacted] Approximately yeah.

BULLARD: So on this blank piece of paper I have here would you do me a favor here and draw a diagram for me here of where you last saw Officer Tersteege when you left?

[redacted] Okay.

BULLARD: At Sergeant [redacted] residence.

[redacted] You want me to draw the entire backyard?

BULLARD: If that's where the majority of people were at -

((Crosstalk))

[redacted] Yeah. Yeah.

BULLARD: - the time when you had left? That would be fine.

[redacted] Okay. So at the time that I had left and for quite a few moments up before that, everyone was standing and sitting around this table. There wasn't enough chairs for everyone to sit down.

BULLARD: Okay. So you - and you have three things that are –

[redacted] Okay.

BULLARD: - labeled table on here it looks like. So the larger rectangle that's labeled table, that's the one you're referring to?

[redacted] Correct. These other two tables are small little patio tables close up to his house – to Sergeant [redacted] house.

BULLARD: Mm-hm.

[redacted] And then you have the pool and then this table that I'm pointing to right now is the table that everyone was sitting around, standing around next to the pool. Some people were sitting on this brick garden box that's between the table that everyone else was around and the house.

BULLARD: Can you – can you label that for me like if you want to put brick?

[redacted] Yeah.

BULLARD: Or whatever just so I - it's clear where you're referring to.

[redacted] Okay. Back here is back fence. Then you have a side fence over here.

BULLARD: Okay. And then the N with arrow, is that indicating a Northern direction?

[redacted] Correct.

BULLARD: Okay.

[redacted] And this portion here is - I'm gonna label it side entry. So that's the - that's going between the house and the side fence to the side gate that we went through to get to the backyard from the front of the house. And that's how we left as well was going through that side gate to get from the back yard to the front yard to our cars.

BULLARD: Okay.

[redacted] So primarily everybody was around this table either standing or sitting. I know Zach was somewhere over here so I'm gonna put a Z for him.

BULLARD: Okay.

[redacted] I remember I was sitting kind of in this area so I'm gonna put an I for me. My wife was somewhere right behind me I think. You want me to put down everyone?

BULLARD: Who - Yeah. Whoever you recall being at that table in that area.

[redacted] [redacted] for [redacted], was sitting next to me. I'm gonna put [redacted] for [redacted] sitting next to [redacted]. I don't know if there was someone in between him or not. [redacted] for [redacted]

BULLARD: Mm-hm.

[redacted] I'm gonna put GF for [redacted] girlfriend. I – I don't know her name. [redacted] for [redacted] and then [redacted] for [redacted] girlfriend. Let's put [redacted] for Zach's wife.

BULLARD: [redacted]? Why is that?

[redacted] [redacted] her first name.

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: [redacted] Okay.

[redacted] [redacted] for Officer [redacted]. We'll put a [redacted] here for Officer [redacted] I'm gonna put U here for unknown. I know there's someone - a few people here I know that.

BULLARD: Near the brick wall area you were referring to?

((Crosstalk))

[redacted] Yeah. So I know Zach's mom, ZM for Zach's mom was sitting there. I know the unknown male so I'm just gonna say UM for him. I don't know if he was sitting to the left of Zach's mom or to the right but I know that he was over here in the brick - on the brick wall.

BULLARD: Okay.

[redacted] I know there was someone else here, I don't remember if that was Sergeant [redacted] wife's friend or if that might have been Zach's son. I - I don't recall.

BULLARD: Okay.

[redacted] [redacted] and his wife and child left before - before we did and – quite - for quite a few moments before we did, they were - the three of them were just kind of walking around between this table and here kind of chasing after their – their daughter. And then Sergeant [redacted] was also – I'll put [redacted] for him. There was points in times where he was sitting here. There's was points in times when he was walking around.

BULLARD: Okay.

[redacted] And there was also points in times when his - when Sergeant [redacted] wife was walking around as well.

BULLARD: Around the table area?

[redacted] Around the - between the - the table, the pool and the house.

BULLARD: Okay. And this arrangement that you've drawn here with the con - configuration of where people are sitting at this table, is this essentially what you recall when you had left? Of the arrangement of where people were either sitting or standing around this table?

[redacted] It's what I recall for the majority of the time that we were all around the table. When I had left, both my wife and I as well as [redacted], [redacted] and his girlfriend and [redacted] all walked out at the same time.

BULLARD: Okay. Can I see that pen real quick?

[redacted] Yeah.

BULLARD: So what I'd like to touch - so you said that the people that left at the same time of you - as you was Officer [redacted]. Is that correct?

[redacted] Correct.

BULLARD: And then you said [redacted] Is that correct?

[redacted] Correct.

BULLARD: I'm sorry. Was [redacted] with somebody or not?

[redacted] His girlfriend and I don't remember what his girlfriend's name is.

BULLARD: Okay. So Officer [redacted] and his girlfriend, [redacted] and then who else left at the same time as you?

[redacted]

BULLARD: And Officer [redacted]

[redacted] Yes.

BULLARD: Anybody else?

[redacted] Excuse me. No, that's all.

BULLARD: Okay. Did anybody else leave prior to you leaving?

[redacted] Prior to me was Officer [redacted] and his wife and their child.

BULLARD: Okay. So [redacted] left before you?

[redacted] Correct.

BULLARD: Anybody else leave prior to Officer [redacted] that you can recall?

[redacted] No - unless Sergeant [redacted] wife's friend left. I don't know if she was in the house for the majority of the rest of the night or if she left. I don't know.

BULLARD: Okay. Were any comments made by Officer Tersteege about Sergeant [redacted] neighbors during this social event?

[redacted] I don't recall.

BULLARD: Do you remember any remarks made by Officer Tersteege at all about him saying anything about the neighbors not being able to speak English?

[redacted] I don't recall that.

BULLARD: So you don't recall him saying that?

[redacted] I don't recall him saying that.

BULLARD: Okay. Did you become aware at some time af - following this event about these alleged remarks made by Officer Tersteege of what we're talking about today?

[redacted] The only thing that I was made aware of was that he had used a derogatory term – derogatory term and the way that - that it was said to me was that he had dropped the n-bomb during the barbeque.

BULLARD: Okay. And n-bomb, can you phonetically spell what you're referring to?

[redacted] That's exactly what they told me so I don't know. I - I assume that it's either N-I-G-G-E-R or N-I-G-G-A. I don't – I don't know if it was proper term or the slang term.

BULLARD: Okay. How did you become made aware of this?

[redacted] We had had - by we I mean [redacted], [redacted], [redacted], myself and Tersteege had a little sit down meeting with Tersteege a few weeks after the barbeque.

BULLARD: When you say a few weeks, can you estimate a little more specifically than that?

((Crosstalk))

[redacted] Yeah. It was - the third week of July.

BULLARD: And do you know about what week – what day of the week it would have been?

[redacted] It was during one of our normal work days. So it would have been Tuesday through Friday.

BULLARD: So one of those days?

[redacted] One of those days.

BULLARD: And where was this at when you had this meeting with Officer Tersteege with Officers [redacted] and yourself?

[redacted] This was at the Kinney Station in the roll call room.

BULLARD: What time would that have been at?

[redacted] It was right after roll call, so some time between 2:45 in the afternoon to 3:00.

BULLARD: So 1445 hours -

[redacted] Yeah.

BULLARD: - to 1500.

[redacted] To 1500 correct.

BULLARD: Okay. Was this a private meeting?

[redacted] Between the five of us, yes.

BULLARD: Were the doors open or closed during this meeting?

[redacted] Doors were closed.

BULLARD: Okay. And what was discussed during that meeting?

[redacted] The primary intent and what was primarily discussed was his actions and behaviors when he returned back to work, which would have been the week prior to this meeting. So we - both Zach and I went back to work on July 9th. That was our first day back after the shooting. That first week he was not acting in a professional way or at work. And myself and everyone else that was in that meeting was concerned for his actions and behaviors and so that was the primary intent and primarily what was talked during the meeting.

BULLARD: Okay what do you mean when you say he was not acting in a professional way?

[redacted] He was - so we both got first assigned to NCU. So Zach and I had a – had a conversation about - I asked him what he was gonna wear. And he made a comment that he was just gonna wear jeans and a shirt because he doesn't care about - I take that back. He's gonna wear jeans and t-shirt because it's about him and not about everyone else and he doesn't care what other people think. So when we got to work, I had made the comment to him, "You probably

should not dress that way and maybe dress, you know, a little more professionally. This is what I'm gonna wear." And he continued just to have that attitude. While at work he showed just a huge lack of interest in doing anything work related. He was asked to do a search warrant and he had made some comment about how he doesn't want to do the search warrant and that he has no interest in doing that and that he doesn't see the benefit in doing it. He had had a conversation with our sergeant at NCU, Sergeant Hansen, Steve Hansen. And it was just a general conversation about Thursdays we do a team workout and we go to a team lunch. And Zach became very defensive and immediately said something along the lines of, "Well that's fine but I'm not gonna go do your guys' workout I'm gonna do my workout and I'm not gonna go to you guys' team lunch." And he was just very defensive and kind of aggressive about that. So those type of comments that were being said to - directly to supervisors and around supervisors made myself and [redacted] and [redacted] concerned that he was gonna start burning bridges and essentially ruining his reputation. So we wanted to talk to him about that and make sure that he understands that perspective and just hopefully have a - like a breakthrough to him.

BULLARD: Okay. So I guess I'm a little confused here. You had – you had indicated earlier you became aware that Officer Tersteege had used what you described as the n-bomb. Where in -

[redacted] Right.

BULLARD: - did that come up in this meeting?

((Crosstalk))

[redacted] So –

BULLARD: Did that come up some other time?

[redacted] That came up in this meeting for a few s - approximately 30 seconds or so.

BULLARD: And describe for me specifically the context, how it's discussed please.

[redacted] We were discussing about his first week back at work and I don't remember who had brought up the barbeque. It was either [redacted] or [redacted] brought up the barbeque and said that he had said some inappropriate and offensive stuff and had upset some people there and that he had dropped the n-bomb. Zach replied back. I don't remember if Zach said he remembered that or he didn't remember that. And that was essentially all that was said about the

barbeque during that meeting. And then we went back to his behaviors back at work.

BULLARD: What was the context when whoever of the officers brought up Officer Tersteege using the n-bomb? What was the context in how he had allegedly used it?

[redacted] The – the only thing that was said was that, "You had used the n-bomb during the barbeque." And that was all that was said about it. And then - from that person and again I don't remember what person it was. And then Zach had replied back and I don't remember what he had said if he had said either he remembered it or he didn't remember it. I know that whatever he said, it was about his recollection of – of the event.

BULLARD: Okay. Have you discussed this incident regarding Officer Tersteege's alleged remarks with any other co-workers aside from the officers that you named there with that meeting?

[redacted] No I have not.

BULLARD: Have you discussed this incident regarding Officer Tersteege's alleged remarks with any superiors of yours?

[redacted] Not that I recall.

BULLARD: And have you discussed this incident of Officer Tersteege - of his alleged remarks at any other time aside from what you've already discussed about the time that you had the meeting with him in the Kinney roll call room?

[redacted] Not that I recall.

BULLARD: Okay. Have you ever observed or heard anything said or done by Officer Tersteege that would be considered racist or biased or similar in nature to the remarks that were allegedly said?

[redacted] I have not.

BULLARD: You have not?

[redacted] No.

BULLARD: Have you ever observed any actions by Officer Tersteege that would be considered a form of racial profiling or racial discrimination?

[redacted] I have not.

BULLARD: Have you ever heard Officer Tersteege actually say the n-word aside from this incident we discussed, and when I say the n-word specifically phonetically, Nora-Ida-George-George-Edward-Robert?

[redacted] I have not.

BULLARD: Is there a particular individual or individuals that attended this gathering at Sergeant [redacted] residence that you think we should talk to next that would have a better first-hand account of these alleged remarks made by Officer Tersteege?

[redacted] My only answer to that would be just the people that were there after I had left because I know that it wasn't said while I was there.

BULLARD: Okay. And can -

[redacted] So I - I don't know who all you've talked to so I'll just go down everyone that was still there when I left.

BULLARD: Okay.

[redacted] Zach's wife, Sergeant [redacted] Officer [redacted] Officer [redacted] Zach's family members that were there, and then Sergeant [redacted] wife.

BULLARD: Okay.

[redacted] I'm sorry and then also Officer [redacted] and his girlfriend.

BULLARD: And regarding your wife who was also at this event, do you think she would be willing to speak with us about this social gathering at Sergeant [redacted] residence?

[redacted] I'm sure she would.

BULLARD: And would be willing to provide her phone number for us?

[redacted] Sure. It's area code [redacted] -

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: [redacted]. Okay. Can you think of any reason why multiple people would say that you were present when Officer Tersteege made these alleged remarks and that you had heard them?

[redacted] I can't think of a reason why. Like I said, I don't recall him saying those things. If I would have heard him say those or - or that comment, I would remember it. So it could be that he said it while I was there but I wasn't listening to that conversation or I was in a different part of a different conversation.

BULLARD: Okay.

[redacted] Does that make sense?

BULLARD: Yeah. Absolutely. But can you think - would - would there be any other reason you think that someone would say that you actually were present to and actually heard what he had allegedly said?

[redacted] No.

BULLARD: Okay. Wouldn't be a personal reason that you could think of, of somebody in the group that was present at this for any personal reasons or whatever why they would include you with that?

[redacted] No.

BULLARD: Okay. No? Okay.

[redacted]: When you left with [redacted], [redacted] and [redacted] did you guys all kind of leave in one group? Or was it kind of a trickle out, one left and a few minutes later another left or was it all one group?

[redacted] We all left essentially as one group.

[redacted]: Okay. Did you guys go out to the curb, chat a little bit? Was there kind of -

[redacted] Excuse me.

[redacted]: - people saying goodbye?

[redacted] We all said goodbye to everyone in the backyard at the same time. And then from - from what I recall, [redacted] and his girlfriend walked out as well as [redacted] a few steps in front of my wife and I.

[redacted]: Mm-hm.

[redacted] My wife and I and [redacted] and Terst -- I'm sorry, not Tersteege -- Sergeant [redacted] were walking out together. And as we were walking out, we kind of stopped for a couple minutes in the driveway. And we talked for a little bit. And then [redacted] had said his goodbyes to us and left. And then I - myself and [redacted] and my wife were still standing in the driveway and we had talked about a couple other things for no more than a minute and then my wife and I had left.

[redacted]: Okay.

BULLARD: I wanted to touch on something real quick. You had described Officer Tersteege at this event at Sergeant [redacted] residence as being boisterous and annoying I think you said. Right?

[redacted] Yeah.

BULLARD: He had become increasingly intoxicated. You may have already touched on this but I wanted to kind of go over it again. What specifically were the things that he was saying - that Officer Tersteege was saying in being boisterous? You said he had repeated himself and people had said to him, "Yeah, you already said that already." What were the things that he was saying?

[redacted] I honestly don't remember everything or actually a lot of things that he was saying. I know he was mentioning something about – about the shooting incident and how proud he was of everyone that was involved in the backyard. And that if it wasn't for everyone working together, no one or not all of us would have gotten out of there after Tara was shot. I know he had made the term calling everyone that was involved in that heroes a few times. Other than that, I don't remember anything else that he was saying or talking about.

[redacted]: I have nothing else.

BULLARD: Paul, do you have anything?

BROWN: Mm-mm.

BULLARD: Do you have anything else to add regarding this investigation and what we've discussed here?

[redacted]: No.

[redacted]: Is there anything else relating to this matter that we have not covered that needs to be added, clarified or changed? If so, I'm ordering you to provide this information right now.

[redacted]: There is not.

[redacted]: After you leave this interview should you remember anything that is different from or in addition to the information that you have given today, I am ordering you to contact Sergeant Bullard immediately. I am also ordering you to not discuss this matter with any other department employees. Do you understand this order?

[redacted]: I do.

[redacted]: Interview concluding at 1543.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
SHIRAISHI=Sgt. Jeffrey Shiraishi
BULLARD=Sgt. Ryan Bullard
[redacted] Ofc. [redacted]
BROWN=Ofc. Paul Brown

SHIRAISHI: All right. The date is August 16th, 2019. The time is 2018 hours. Present in the Internal Affairs Division Office is - are [redacted] Sgt. Ryan Bullard, SPOA Representative Paul Brown, and myself Sergeant Jeffrey Shiraishi. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of Police Officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes sir.

SHIRAISHI: The results of this investigation could lead to disciplinary action up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes sir.

SHIRAISHI: Based upon the authority vested in me by the Chief of Police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honest- honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to provide a question – failure to provide an answer to a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

[redacted] Yes sir.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes I did.

BULLARD: When did you graduate?

[redacted] Two thousand fourteen.

BULLARD: Do you have any prior law enforcement experience?

[redacted] No sir.

BULLARD: What is your current assignment and shift?

[redacted] Currently it's - well I'm on TDY right now but it's typically patrol, Sector 2, swing shift with Saturday, Sunday and Mondays off.

BULLARD: And do you know what team number that is?

[redacted] Team 9.

BULLARD: Team 9? And then when did you start your current TDY that you're on now?

[redacted] I started this TDY I believe it was July 15th.

BULLARD: And what is the TDY for? What unit?

[redacted] It's to PRCS, the taskforce –

BULLARD: Okay.

[redacted] - out of 300 Richards.

BULLARD: How long have you been in your patrol assignment, your standard normal assignment?

[redacted] You mean this - I'm sorry. You mean this year?

BULLARD: For this - the team this year, yes.

[redacted] About seven months or so.

BULLARD: Okay. Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] He was in the Academy with me, an academy mate.

BULLARD: Okay. Anything further out of that -

[redacted] Oh, yeah.

BULLARD: - is he a close friend? Is he just an acquaintance? I mean how would you describe -

[redacted] More of a work acquaintance, friend. I mean so I met Zach in the academy. At the time he needed a place to stay. So he stayed with me in my apartment like two nights a week, slept on the couch. Guess he lived in the Bay Area or something like that and his wife lived out there so, to help him out, he stayed over a couple times. We don't really hang out outside of work.

BULLARD: Okay.

[redacted] That's about it really.

BULLARD: Do you both work on the same patrol team?

[redacted] Yes.

BULLARD: How long have you worked with Officer Tersteege?

[redacted] About - well this year so about seven months on this patrol team.

BULLARD: Okay. We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29, 2019. We have reason to believe that you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] Yes sir.

BULLARD: Can you elaborate or tell us about this incident and that allegation?

[redacted] Well I'll start I guess at the beginning. It was – it was a barbeque that Sergeant [redacted] kind of put together for our team. And it was – it was meant to kind of get everybody together to bond, decompress after the Tara incident. And I think it was just a way for us to all kind of get together and just talk and I don't know, bond with each other. And so Sarge had it catered and decorated, his wife helped, and we all went over to his house probably like 5 - 5 o'clock'ish. [redacted] and I were the first ones there I think. I don't think we stayed real late. I think we probably left around 10:00. I think maybe the gathering ended at 10:00 or even 11:00. But I don't think it was much later than that. Should I go into - okay. All right. So like I said, it - it was catered. It was on a – on a outdoor

desk, the food was. There was a cooler with some beer in it. Everybody was probably having a beer or two. Kind of enjoying them- themselves, the company. I guess I'll kind of back up a little bit. Sar - Sarge invited obviously us as well as our wives. I think that was kind of to help the wives as well deal with the things their loved ones were a part of. And I remember when Zach got there, he had like a bottle of alcohol, some type of hard liquor. I think it was whiskey. I couldn't tell you exactly what it was. He didn't really look himself when he got there to begin with. And the only way I can really describe it is like he just – he just didn't really seem there, you know what I mean? Like he just didn't - he didn't really seem himself. And he was kind of drinking a little bit. He was drinking the - the liquor that he had brought. And we were all kind of - Sarge has a pool in the backyard. We were all kind of sitting like kind of gathered around like an outdoor like patio table off to the left. And that's pretty much where everybody was I mean aside from maybe some of the wives were kind of, you know, there's another patio area underneath an awning. Some of the wives were over there and some of the guys were over here and kind of throughout the night it was just, you know, walk up, get some food, sit down. And then I think Zach probably just drank a little bit too much and he was feeling emotional and trying to deal with some of the things that he had seen and been a part of and I just think that he - I honestly think he just - he drank too much and he just started getting loud, said some things he probably shouldn't have said. I still don't know if he – if he intended to do it or - I think that he was just emotional and was - was trying to like offload some stuff, you know? And, you know, I think dealing with something like that he went through and then the amount of alcohol that you're drinking it's probably not a good combination. And – yeah.

BULLARD: Okay. You said this is - this social gathering was for the Tara incident. Is that correct?

[redacted] Yeah. Well it was for the team to bond.

BULLARD: Can - can you explain what the Tara incident is?

[redacted] Yeah. It was when Officer Tara O'Sullivan was shot and killed on duty and our patrol team - I was – I was flexed off that day for CPT. And -

BULLARD: Take your time.

[redacted] You know, I - it was just meant to - Sarge, you know, he just - he – he was newer to the team. He had kind of just taken over this team before the incident and nobody really knew him, right? I mean he was in investigations and he wanted to bond with the patrol guys. I mean he - he was probably always in investigations while we were on patrol so he doesn't – he doesn't know us, you

know? And I think he just wanted to get to know us and - so after the incident, you know, he wanted to get everyone together. I mean he gave us all these - these like knitted bracelets like bands that this - this girl had made for our patrol team and so he wanted to give them out to us and we - he had put up a blue line flag in the backyard for us to all take a team picture in, so.

BULLARD: Was your team - Team 9 primarily involved in that incident? Tara O'Sullivan's incident?

[redacted] My team was. Yeah.

BULLARD: Okay.

[redacted] Yeah. I showed up late, so.

BULLARD: Okay. So I'm gonna - some of the questions I'll have here will probably be reiterated from some of the stuff you already said but just to make sure we cover it here. Did Sergeant [redacted] host a social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes.

BULLARD: And did you go there - did you go with somebody to this event?

[redacted] Yes.

BULLARD: And who was that?

[redacted] My wife.

BULLARD: Which is who?

[redacted] [redacted]

BULLARD: That's Sacramento Police Officer [redacted]

[redacted] Yes.

BULLARD: Okay. And approximately what time did you arrive? I think you had said earlier but can you estimate approximately what time you think you arrived?

[redacted] Probably around 5:00.

BULLARD: 5:00 PM?

[redacted] Yes. Yes.

BULLARD: Okay. And Officer Tersteege did he attend this event as well?

[redacted] Yes.

BULLARD: Okay. Would you define this event as a party or a just a work-related social gathering?

[redacted] I would say it was a work-related social gathering.

BULLARD: Okay. And was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: And can you please recall or us everyone who attended this event to the best of your memory?

[redacted] Yes. Myself, my wife, [redacted] [redacted] his girlfriend, I - I don't remember her name. [redacted] and his wife. [redacted] came alone.

BULLARD: And this is Officer [redacted]

[redacted] Yes. Yeah. Sorry. [redacted] [redacted] and his girlfriend, [redacted] came alone. Obviously Sergeant [redacted] [redacted] [redacted] was there, his wife, I've forgotten her name now. And Zach Tersteege, his wife and his mom and his dad and his son.

BULLARD: Anybody else?

[redacted] No.

BULLARD: And the son that you mentioned of Officer Tersteege, how – do you know approximately how old his son is?

[redacted] I think he's probably 12'ish?

BULLARD: Okay.

[redacted] Maybe 12 - 12 or 13.

BULLARD: Did you consume any alcoholic beverages during this event?

[redacted] Yes.

BULLARD: And what did you consume and how much?

[redacted] I had beer, probably a couple. Probably-

BULLARD: So -

[redacted] Two - I would say about two beers.

BULLARD: Okay.

[redacted] It's possible I had a third. I couldn't tell you.

BULLARD: Okay. How would you describe your sobriety level during this event?

[redacted] I was sober. Yeah.

BULLARD: What was Officer Tersteege's demeanor during this event?

[redacted] He - he was - Zach was upset. I mean he was angry. He was upset. I felt like he was in shock still. And I mean he just didn't – he just didn't seem like himself, didn't seem good.

BULLARD: And can you kind of - I know you said that a little bit earlier, he was either kind out of sorts or not quite himself of what you knew him normally to be. Can you describe –

[redacted] Like –

BULLARD: - whether his behaviors or something about him of what's specific that makes you think that.

((Crosstalk))

[redacted] It's - It's like he needs – he needs more help. He needs help dealing with the emotional stuff that's going on inside of him that's eating at him and causing him to maybe act the way he's acting or closing people out kind of a thing. And I mean, you know, just – just emotional and – and angry.

BULLARD: Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] Yes.

BULLARD: And specifically what did Officer Tersteege say?

[redacted] I heard Zach use the n-word. Do you need me to say it? Or -

BULLARD: When you say the n-word, do you mean phonetically Nora-Ida-George-George-Edward-Robert?

[redacted] Yes.

BULLARD: Okay. Can you explain the context in how Officer Tersteege said this?

[redacted] I don't remember the conversation exactly. I remember he used the word. And I remember he was loud about it. Like his voice was elevated. He was under the influence. And I remember seeing at some point in the night whether it was at that time or not, that he consumed over half this bottle of - it was at one point a brand new bottle of liquor. And he's consumed over half of it and he was loud and said the n-word.

BULLARD: When you say that he was loud when he said this, had he said it more than once?

[redacted] I think he did say it more than once. I can't tell you exactly how many times he said it. But I - from what I can remember, I believe it was only in like one short time span.

BULLARD: Okay.

[redacted] Like maybe like a sentence.

BULLARD: Okay.

[redacted] But not like over the course of the night kind of a thing.

BULLARD: Right. What was that word spo - said by Officer Tersteege - what was it referenced to? What was it used in reference to?

[redacted] I felt I -

BULLARD: I was gonna say if you're saying he used it in a sentence of some kind –

[redacted] Yeah.

BULLARD: - there's gonna be some kind of reference I would assume that would – that word would be used in.

[redacted] Yeah. I mean he was obviously saying profanity. He was cursing. He said - I think he might have even said, "Fucking" you know, before or after it, just popping off, you know?

BULLARD: Okay. Can you describe for me he says it loud? Is he yelling this? Is he saying it in a stern voice? Is -

[redacted] I mean I don't – I don't think that Zach was yelling it but I think that he was being loud and kind - the kind of loud where, you know, he's under the influence of alcohol and he doesn't realize how loud he's being. But yet his - his voice is carry - it carries naturally and so it's taking over the conversation without him realizing it.

BULLARD: Okay.

[redacted] You know?

BULLARD: What - what is Officer Tersteege talking about during this time? You said that this is obviously, this event was for the team to get together after the Tara O'Sullivan's incident. What was it that Officer Tersteege was primarily talking about at this time?

[redacted] He was talking about - he had brought up the - the O'Sullivan incident. He had talked about that. He was getting upset. I remember at one point he said something to me. He said, "Were you even there?" Or he said, "[redacted] were you there?" And I didn't – I didn't know if he was trying to jab at me. And I just told him, I said, "You know I would have been there. I showed up late man". Like, yeah, he said something else. I don't think it was meant to be a jab at me. I just think that he was once again off-loading like trying to figure out a way how to deal with this incident in his own way. And he's just – he's just talking, you know. We talked about that. We talked about he had just gotten a new tattoo. He's – I think he just recently had two tattoos. I don't know which one we talked about, but I think he got one on his forearm and we talked about that. And it was - it's a tattoo for him to - a reminder for him regarding that shooting, so. I couldn't tell you what the tattoo says. I don't – I don't know.

BULLARD: Okay. Where at Sergeant [redacted] residence was this at when Officer Tersteege said these things?

[redacted] It's in Elk Grove.

BULLARD: I'm sorry. I should have clarified. Where at his residence? What portion of the residence -

[redacted] Oh.

((Crosstalk))

BULLARD: - was this at when this all happened?

[redacted] Oh, I'm sorry. In the backyard. So when you - if you – if you walk out of the sliding glass door from his living room - I think there's two sliding glass doors now that I remember it. But it's like here's the front door. Here's a sliding glass door. Here's a sliding glass door. You walk straight through the house, out the sliding glass door. There's a pool to the right up against a fence and a little like section of patio where there's a table there basically on the left hand side of the – left - like left hand corner of the - the yard. I don't know which direction or anything.

BULLARD: So this was at that patio table where Officer Tersteege said these things?

[redacted] That's what I'm assuming because I believe it was later in the night and I remember we were sitting at the table later in the night. So -

BULLARD: So you're saying, you're assuming it was there. So you're -

[redacted] Well I shouldn't say that. I'm pretty confident that when Zach said that, it was at the table in the backyard on the left hand side. It was later in the night after a couple of people had already left.

BULLARD: If you could for me here – I have a blank piece of paper.

[redacted] Yeah.

BULLARD: Would you mind drawing a little diagram of this area whether its backyard of where this occurred at?

[redacted] Yeah.

BULLARD: Best you can draw it there.

[redacted] Alright. I don't remember if it's a square or what. So this is slider.

BULLARD: Can you label whatever this is that's rectangle over here?

((Crosstalk))

[redacted] Oh yeah.

BULLARD: And then what this is over here if you don't mind. Slider? So is that -

[redacted] Slider – slider door.

BULLARD: Okay.

[redacted] I should have said sliding glass door, sorry.

BULLARD: So is this the main house over here?

[redacted] This is the main house.

BULLARD: Okay.

[redacted] Right here is actually I think the living room.

BULLARD: And do me a favor on here. Can you mark for me where Officer Tersteege was at when he made these comments? And if you want to like mark it with a circle and then you can either use like a – like an initial for his first name, whatever it is -

[redacted] Okay.

BULLARD: - so we can kind of see where everybody was at, at this -

[redacted] Yeah. I – I know that we kind of moved throughout the night. Like somebody would get up or a couple people would get up and then somebody would steal a chair kind of a thing. Because I remember at one point I was seated here and then I remember late in the evening right before I – I left, I thought I was seat - yeah. I'm almost positive I was seated here. So I moved from there to there. I - when I remember seeing Zach, he was seated here -

BULLARD: Okay.

[redacted] - on this - it might have been like a little bit closer in but, you know.

BULLARD: Okay. And if you could either - you can either number these or if you want to do an initial, whatever you want and then like over here you could put a legend to it so that -

[redacted] Okay.

BULLARD: Okay so "ZT" stands for Zachariah Tersteege?

[redacted] Yeah.

BULLARD: Okay.

[redacted] So obviously this is the fence - I should say back fence. This is like the side yard. We took a picture here with the blue line flag. There was like a chair - maybe like a little table and some seats. This is where the food was.

BULLARD: Okay. Where to the best of your recollection were you sitting at here when Officer Tersteege made these comments that you marked him here at that portion of the table?

[redacted] To the best – to the best of my knowledge, I - I believe I was seated right here.

BULLARD: Okay. Was your wife, [redacted] present?

[redacted] Yes.

BULLARD: Where was she at?

[redacted] To the best of my knowledge, she was seated right here next to me, a little bit closer in.

BULLARD: And then were any other individuals present at this table or in this immediate area?

[redacted] You know what. I think I already messed it up a little bit. I did -

((Crosstalk))

BULLARD: It's okay, if you have to correct something.

[redacted] I do - I do have to correct it. Because I remember now. So Zach was actually sitting here and his - yeah. Zach was seat - sitting here and his wife – his wife was in that spot.

BULLARD: Label it as "ZW" if you want, just Zach's wife.

[redacted] Yeah. That's - yeah.

BULLARD: Anybody else at this table -

[redacted] Yeah.

((Crosstalk))

BULLARD: - or in immediate area that you recall?

[redacted] I - I can't remember which seat [redacted] was in.

BULLARD: [redacted]

[redacted] Yeah.

BULLARD: So he was at one of these -

[redacted] One of these two end seats.

BULLARD: Do you know which direction is North at all in this for a little reference? If not, I mean it's not a big deal.

[redacted] No.

BULLARD: Okay. So these two unmarked circles here you have at the end of the table, one of those is Officer [redacted]

[redacted] Yeah.

BULLARD: From what you remember?

[redacted] And – and then the other one was his girl - or his fiancé.

BULLARD: Okay. Anybody else -

[redacted] Yeah.

BULLARD: - at this table?

[redacted] I would say maybe like right here was Sergeant [redacted] [redacted] wife. And then Zach's mom - I'm gonna say it's his dad, it could be his stepdad or something. They were somewhere over here. But I mean, like I said, people were kind of moving around. But this was generally the table. There may have been one more over here though.

BULLARD: Okay. (Unintelligible). How would you categorize that remark or those remarks that Officer Tersteege said, the one that we have referred to earlier - you referred to as the n-word.

[redacted] Okay.

BULLARD: How would you categorize that remark?

[redacted] I - I feel that it was Zach just being intoxicated and emotional and angry and like saying thing - like saying things without really understanding what he's saying or maybe the impact it could have.

BULLARD: Would you – would you categorize that remark as being interpreted as either biased?

[redacted] I mean I understand the question but it -

BULLARD: Do you think it could be interpreted as a biased remark?

[redacted] Yes.

BULLARD: Okay.

[redacted] But not that he meant it like that.

BULLARD: Do you think that that remark could be considered or interpreted as a racist remark?

[redacted] It could be.

BULLARD: Would you consider it a racist remark?

[redacted] If - I mean I would consider it a racist remark if it was used to intentionally offend someone and to like label a certain race of people like derogatorily, you know? But I don't think that's what he was trying to do.

BULLARD: Okay. Were you offended in any way with Officer Tersteege's remarks?

[redacted] I - I wasn't – I wasn't offended. I was just irritated because he was loud and drunk and, you know. As he starts getting loud and saying stupid stuff, he has his Sergeant's wife, you know, seated in the backyard across the table from him. And that is what kind of pissed me off. Irritated me, you know? But I also understand that he's dealing with some stuff and he needs more help. I mean there was like fireworks going off kind of like in the distance but you could hear

them like they were booming. And every time one would go off, he kept like ducking while at the table. And I remember [redacted] like - because [redacted] was closest to him - like put her hand on - on his shoulder like, "It's okay Zach. It's all right." Because he was upset. But I don't think he meant that in like a - to be a derogatory remark. You know, I think that he used it as like a - I'm blowing off steam. I'm saying things that, you know - I don't know.

BULLARD: Did Officer Tersteege make any other remarks that could be considered biased or racist during this time?

[redacted] No. I don't – I don't think so.

BULLARD: Do you recall if anything was said by Officer Tersteege regarding Sergeant [redacted] neighbors at all?

[redacted] So I remember - I hope I didn't get the pen - I remember at some - because he, you know, he was being loud and kind of obnoxious. And I remember someone said something like, "Hey dude, like Sarge has neighbors." I don't know if that was me or not or if that was somebody else. But, you know, it was said like, "Hey dude, like he's – he's got neighbors. Like he still has to live around these people. Like you got to tone it down, you know." And he said something like, "I don't fucking care" or "I don't care" you know. Just being intoxicated, you know. And that's when I kind of told [redacted] - I did one of these like it's time to go, you know.

BULLARD: So you did one of these. Can you describe what you're doing?

[redacted] Yeah. Like kind of like, you know, slyly but, you know, so only that she could see my hand movement like kind of like the windmill like it's time to wrap thing - like to wrap things up. A hand signal like I was like once we leave, it'll get other people to trickle out and the night will end. I think that's how I was hoping it would go.

BULLARD: So referencing this about the neighbors, do you recall if anything was said by Officer Tersteege about him saying that Sergeant [redacted] neighbors don't understand English anyway or wouldn't understand what he was saying anyway, anything to that effect?

[redacted] I – I remember somebody saying something like – like Sarge's neighbors - like one of the neighbors or something like that was – was of Asian descent or something. And I just remembered him saying like, "I don't – I don't care" or "I don't fucking care." Maybe he laughed afterward like just - but I don't – I don't remember him saying like something - I can't - I couldn't tell you exactly. I don't – I don't know.

BULLARD: Can you describe if anybody said anything to Officer Tersteege about this of what he was saying?

[redacted] If anyone talked to Zach like that night?

BULLARD: No. At the time regarding his remarks and as you referenced the n-word that he had said -

[redacted] Yeah.

BULLARD: - did anybody specifically talk to him at that moment?

[redacted] I think at one point I - to the best of my knowledge I'm pretty sure I kind of did one of these and I said - yeah. I kind of stuck my hand out like this and kind of like leaned over and was like, "Zach, enough." Maybe I said it twice. Like, "Zach, enough. Zach, enough. Like time to quiet down." Because I just think he didn't realize what he was saying and that, "Hey you've had too much booze." And I'm like, "Enough dude." Like - and then that's when either I said it or somebody else said, "Hey, he's got neighbors or something like that."

BULLARD: What was Officer Tersteege's response to you when you said that?

[redacted] I don't know if he heard me honestly. And I only say that because he's like talking over himself like he's - he's just intoxicated and like, you know, he - he doesn't realize how loud he's being. I don't remember him saying anything directly back to me. Like - When I told him like, "Hey Zach, enough" I don't remember a direct response to that. I'm trying – I'm trying to remember every detail. Yeah, "I don't fucking care" or something like that, you know? To the neighbor thing. That's - yeah. I can't remember exactly what he said when - when I said, "Zach, enough." I couldn't tell you what he said.

BULLARD: Okay. So was it apparent to you that of who else heard these comments made by Officer Tersteege aside from you?

[redacted] I'm sorry. So -

BROWN: What the question – what was the question again?

((Crosstalk))

[redacted] Yeah. Can you ask – can you ask the question again?

BULLARD: Was it apparent to you of who else had also heard these comments that Officer Tersteege had made aside from you?

[redacted] Yeah. I think - so I mean my wife was sitting next to me so [redacted] would have heard it. Zach's wife would have heard it. You know, unless these people had gone to the bathroom kind of a thing like during that time - I can't tell you exactly, but I remember vividly like this was the table so unless these people had gotten up and gone to the bathroom or - or grabbed some more food from the counter and maybe just weren't there for that brief period of time? I mean we had [redacted] and his fiancé, Zach and his wife, [redacted], myself and Sergeant's wife, you know?

BULLARD: So you had named - you had named off a couple of individuals that you believe heard these remarks. You mentioned your wife, [redacted] How do you know that [redacted] heard these remarks made by Officer Tersteege?

[redacted] Well I mean -

BULLARD: Did she acknowledge it in any way?

[redacted] Not at the time. Like I think - my wife is quiet, you know? She's – she's not real outspoken. I don't think she said anything really. I think the only thing I really saw her do is say, "Zach, it's okay" and put her hand on his – on his shoulder, you know? She's – she can be pretty sensitive too and so I think she was kind of starting to feel a little emotional when she saw Zach getting emotional and saying the things that he was saying and - but I mean she was sitting there.

BULLARD: Okay. Any – any nonverbal communication between you and [redacted] at all where it would have appeared to you that she had heard what Officer Tersteege had said?

[redacted] Not that I remember. What do you mean by nonverbal?

BULLARD: Nonverbal as far as not saying anything but just body language -

((Crosstalk))

[redacted] Oh just -

BULLARD: - or expressions or -

[redacted] Not really. I mean it was – it was dark. There wasn't really any lights other than the inside light kind of ambient coming out of that living room window or -

so I don't remember like looking at my wife's face or anything at that time. I just remember trying to tell Zach, "Enough".

BULLARD: And you mentioned Officer Tersteege's wife would have heard it too? Can you – can you explain how you know that she may have heard it?

[redacted] Well, I don't - I mean I don't - so she was - Zach's wife was sitting next to him. Once again, she could have gotten up and gotten food, gone inside. I remember at one point she had to use the restroom I think. But she was seated next to him. So if she - if he had said it when, you know, she was there, she would have heard it

BULLARD: Okay.

[redacted] I would – I would think. Because, like I said, he was loud -- louder.

BULLARD: You had labeled Off - Sergeant [redacted] wife sitting essentially kind of across the table from you.

[redacted] Yeah.

BULLARD: Was it apparent to you at all that Sergeant [redacted] wife heard Officer Tersteege's remarks?

[redacted] Yeah. And I – I think that she did. And the only reason being - like if she would have heard it, I mean - because I was irritated that he was saying these things in front of her.

BULLARD: Tell me why that irritates you - why that irritated you.

[redacted] Because it irritated me because I mean Sarge put this together for us and I didn't want him or his wife to have a bad perception of our team. He hadn't – he hadn't had the team for very long, you know? And I just - I didn't want her to, you know, think negatively of us just be – just because he was drunk and being silly, you know? It's her house, you know, and these are her neighbors and she's sitting there listening to him, you know?

BULLARD: Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] Zach – Zach had a lot of alcohol.

BULLARD: Okay. Can you - and I know you described there was a bottle of hard liquor he had bought and then you said he had essentially almost gotten halfway through

the bottle I think you said earlier. Can you describe essentially what it is you were aware of -- of what Officer Tersteege drank that night?

[redacted] Yeah. So he said it's a whiskey because I remember he had talked about it like a couple of - maybe a couple of weeks prior or a month prior. This is like the alcohol he drinks. It's from Costco. It's a cheaper whiskey. I don't remember the name of it. It's a green bottle from what I can remember. And kind of a brownish like a whiskey, you know, like hued whiskey. But I mean he - he drank quite a bit of it because I remember when he got there the bottle was brand new because I remember he sat it either on like the table like here or on a cooler or something. And near the end of the night I remembered it was - there was not a whole lot left in it. You could say that.

BULLARD: Based on your recollection, would you consider Officer Tersteege to have been sober or intoxicated when he made these remarks?

[redacted] Zach was highly intoxicated.

BULLARD: And to what level would you say intoxicated? Would you label that as sober - obviously not sober –

[redacted] No.

BULLARD: - but drunk, buzzed, able to drive a vehicle legally?

[redacted] Very drunk. I would consider his inebriation very drunk. And I - if I recall correctly, I think that might have been why he had his mom and his dad there to drive him, I don't know. Or maybe it was just to be a part of the gathering. But I mean he was not in any shape to drive.

BULLARD: Okay. How would you describe the other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] Well I don't think anybody was drunk other than Zach. I had had probably two - I mean we got there around 5:00. I probably had two IPA's and – and maybe like a Coors Light near the end of the night because I didn't want to drink a lot. And I mean by this time it's like 10:00 or 11:00. I think everybody was kind of like followed in suit like two beers and the food, you know? Nobody was really drinking heavily or anything like that. I – I wouldn't even consider myself buzzed.

BULLARD: Okay. About what time would you estimate this was when Officer Tersteege made these comments?

[redacted] I believe it was - I mean if I had to estimate a time, I would say - if in my mind my time is correct, we did in fact leave, you know, at – at say 10 o'clock? then I would say it was rather shortly before we left. So it would have been like 9:15 or 9:30. Like relatively near the end of the night.

BULLARD: Okay. So what – what time did you leave? Can you estimate about what time you think you left?

[redacted] I can't exactly. I can't tell you exactly what time we left. I can tell you that some people had already left. And I remember at that point, you know, obviously he was drunk and I wanted to go.

BULLARD: Okay.

[redacted] And so I would – I would estimate 10 o'clock.

BULLARD: And you had said earlier that he may have made these comments around - you said between 9:15 and 9:30. So it would have been approximately either 45 to 30 minutes before you and I assume Officer [redacted] left?

[redacted] Yes.

BULLARD: Okay.

[redacted] Yeah. I think it was relatively soon - like relatively close in time, you know, compared to when we left.

BULLARD: Can you describe why you left when you did?

[redacted] It's – it's that - well, it was - like I mean a couple of reasons. I mean I was annoyed because it's like, you know, I'm - I'm sober. Zach is highly intoxicated and he's kind of being silly. Nobody - nobody really wants to be around it. You know what I mean? He's dealing with his own stuff. And it's Sarge's family's house. I mean his kids are probably trying to sleep upstairs. It was – it was time to go. We're not trying to – to be in his backyard partying or anything like that, you know? So those – those are the reasons why you know I mean it was just time to go. It's probably 10 o'clock.

BULLARD: Are there particular individuals or a particular individual that attended this gathering that you think we should talk to next that would have firsthand accounts of these comments made by Officer Tersteege?

[redacted] No. I mean the – the people that may have heard it were the ones that I put on the diagram that were seated here. But like I said before, even - even these

people like even [redacted] got up. I remember she went into the house and used the restroom. Zach's wife got up. She went in the house to use the restroom. And this was when it was staged like this around the table meaning later in the night. Because earlier there was more people. And I remember it was like, you know, it'd be three of us in the backyard or four of us in the backyard and somebody's off using the restroom or, you know. Sarge was like cleaning up and stuff like that in the house and the front yard and doing something else. I don't know. But I think Sarge's wife got in - went inside. You know what I mean? Like I – I couldn't tell you who exactly heard it because I don't remember exactly. All I know is that I heard it. So I can't tell you definitively like this person heard it. I mean if they were there, then they would have heard it but I - I can't crawl inside people's minds. You know what I mean? Like I just -

BULLARD: Have you discussed this incident regarding Officer Tersteege's remarks with any other co-workers?

[redacted] Yes.

BULLARD: Who did you discuss it with?

[redacted] I talked to Sergeant [redacted] I think it was when we went back to patrol. So it – it was a couple weeks after this, maybe – maybe a week and a half, two weeks after the incident. Because I remember it was like if not the first - one of the first shifts back I saw Sarge and I - I don't remember where we were. We were like in the parking lot of Kinney or something like that. I don't remember anybody else around. Or maybe we were inside. I couldn't tell you. But I remember telling him that I was like, "Hey, thank you again. Tell your wife thank you for the hospitality, having us all over." I was like, "Our – our team loves you. We appreciate it." And I said, you know, "Tell your wife that we're sorry if Zach got out of hand and was saying things he shouldn't have been said" or "Saying things that shouldn't have been said." And I just told him, I said, "He obviously had a little too much to drink and is dealing with some stuff." And I'm pretty sure that was maybe the gist of the conversation.

BULLARD: Where was this? You said it was approximately two to two and a half weeks later. Where was this at when you spoke with Sergeant [redacted]

[redacted] This was at the Kinney Police Station.

BULLARD: Okay.

[redacted] And like I said, it was like the first shift back and Sarge was there. I don't remember if we were like in the parking lot before roll call or afterwards or something, but.

BULLARD: Okay. Were there any other co-workers or Sacramento Police employees that you discussed this with?

[redacted] Yes. I can't remember exactly where but I – I mean our team's pretty close. Our patrol team's pretty close. I mean I'm - I would consider myself real good friends with [redacted] and [redacted] and those guys, [redacted] And I remember [redacted] and I - this was like - I want to say like right before I went to this TDY, so. I remember I think Sarge said something like, "Hey, make sure you guys reach out to Zach. He's dealing with some stuff" kind of a thing. I said, "All right." And I remember we were 940'ed. That was probably like my last shift before my TDY. And [redacted] was in the car with me. We were teamed up that day. [redacted] and [redacted] are in their car. I don't remember where they were seated. I just know that I was driving ours and we were 940'd and we're basically just talking about Zach and we were like dude, he - he - Zach is – we just - I remember [redacted] made a comment. He just said, "Hey, he is drinking too much. He's clearly has an issue and he's" you know? I mean we all said it. Like he's just not addressing the problems and he's not seeking the help. And we were concerned that he wasn't taking the options that the – the department was kind of like providing him kind of a thing. Like hey is he – is he talking to any counselors about this stuff? This - you know, the stuff that he said like, you know, the way that he was acting as – as far as being inebriated so much and as emotional as he was and kind of responding like physically to the fireworks going off. We're like dude he's - clearly the guy's dealing with something. You know what I mean? And – and that's what we were talking about and we're talking about having like a team meeting. And I – I just told them, I was like, "Well, we can do it either" it was like, "Today or tomorrow but then I got to go on my TDY. So it would be better if we did it now." And that was about it.

BULLARD: Have you discussed this incident regarding Officer Tersteege's remarks with any other superiors aside from Sergeant [redacted] that you just mentioned?

[redacted] Not that I can recall.

BULLARD: Have you discussed this incident with Officer Tersteege since the incident?

[redacted] Zach text me - I mean or called me - but yeah, he called me. I text him. He goes, "You got time to talk?" I called him back and I mean basically we talked on the phone. He said, "I - I guess I need to apologize." And I said, "For what?" You know, because I - it was water under the bridge like I'm not gonna - I'm not mad at the guy. Like I don't think ill of him like he's – he's a good dude. And – and he called me and he apologizes and it kind of like took me off guard. And I remember I - I'm like, "Why are you apologizing?" He's like,

"Well I guess I said some stuff to you that night at Sarge's house." And I said, "Okay. What - what do you mean?" He's like, "Well, I guess - so the guys talked to me, the team talked to me and said I was like kind of a jerk to you. Like I said some things to you or something like that." I'm like, "It's all good dude." I'm like, "I got thick skin. I'm not worried about it. Like I understand you were drinking." And he's like, "I don't even remember what I said." And I'm like - I just - I think I was like kind of like chuckled like well, I mean, "We don't need to go into it" kind of a thing. Like - and he – he just - he apologized and that was about the extent of the conversation.

BULLARD: That was over the phone?

[redacted] That was over the phone.

BULLARD: And when was this?

[redacted] This was right as I went to my TDY. This was because I remember I was getting off, the sun was setting and I'm pulling into my driveway. And I remember – yeah I remember pulling into my driveway. I hadn't seen [redacted] in a while so I was like, "Hey, can we continue our conversation another time?" I'm like, "I'm just pulling into the driveway. I'd like to see [redacted]." And he's like, "Oh yeah. Talk another time." And that was it.

BULLARD: Okay. Aside from this incident that we've discussed, have you ever observed or heard anything else said or done by Officer Tersteege that would be considered racist or biased or similar in nature to the remarks that you heard that we've discussed earlier?

[redacted] No.

BULLARD: Did you speak to anyone about this interview prior to coming here?

[redacted] No.

SHIRAISHI: I know this is – this is awkward because it's – it's a teammate and it's surrounding a pretty traumatic incident not only for our department but for our entire community. So we appreciate you reliving some of these things. I just got a couple of follow up questions. Was Sergeant [redacted] present around the table when Officer Tersteege made the comment?

[redacted] You know, I don't – I don't remember Sarge being there. And I remember thinking to myself it was just his wife that was there seated at the table. And Sarge was like - I remember hearing something - it was like he was in his garage or he was in his house because he was gone for a while. He was doing

something like cleaning up or putting stuff away. I don't – I don't remember him being there at all.

SHIRAISHI: Okay. And what are the rough dimensions of this table that you were sitting - sitting at?

[redacted] Well it's - okay. I would say - I mean - two, three, four - I mean we all had like a decent amount of room to kind of relax. Probably like how I do now, you know? So I would say it was probably like a eight foot long may - no, probably longer, probably like 10 to 12 foot long table? Yeah.

SHIRAISHI: Rectangular?

[redacted] Yeah. Rectangular, 10 to 12 feet.

SHIRAISHI: So eight feet by twelve feet is a safe estimate?

[redacted] Yeah. Yeah.

SHIRAISHI: Okay. So they were – Sarge's wife, Zach's wife, [redacted] wife was at the table for sure that you remember?

[redacted] Zach's wife? or I'm sorry.

SHIRAISHI: Yeah. So Zach's wife, [redacted] wife and Sarge's wife were at the table that you remember?

[redacted] That I remember.

SHIRAISHI: Okay. How long would you estimate - would you consider it a tirade or this – this string of comments, how - how long would you estimate that carried on for?

[redacted] You know it – I - I remember it happened kind of quick. And I don't remember it like dragging out. Like he continued it. From my best recollection, I felt like it was maybe a sentence or two sentences. Like a – like a 10 – like a 10 or 15 second like span of time. Like maybe - maybe not even that. I mean how long does it take to say a quick sentence. Like yeah, maybe - maybe ten seconds, you know? It wasn't like he continued this or - yeah.

SHIRAISHI: Leading – leading up to the specific word, do you remember the topic that Zach was talking about because you listed off a couple of things about the incident, kind of where you were during the incident. But what was he kind of releasing or decompressing about? Do you remember?

[redacted] I don't. Well give me a second. Let me think. I don't remember exactly. I don't remember exactly how the word was used, where in the sentence it was used or even why it was used. I - I just kind of remember it.

SHIRAISHI: And it seems to me, and tell me if you agree, you were kind of embarrassed that it was said in front of the Sergeant's wife. Would you agree with that statement?

[redacted] Yeah. I mean I was irritated out of kind of some embarrassment like you said. But at the same time, I didn't know if that was something that she A; either heard for sure? or was offended by. So like I don't – I don't know how she felt about it, if she was offended or not. But I was irritated that he said it regardless you're in your Sergeant's backyard, right?

SHIRAISHI: Right.

[redacted] I mean.

SHIRAISHI: And as the evening kind of wrapped up, you – you stated that you weren't the first couple to leave. Do you remember kind of who were the first couple of people to leave before you?

[redacted] I think – I think [redacted] left first. The sun was still out. He wanted to get home to his family. It was I don't know, maybe it was 7:30, 8:00 or something like that. Maybe – maybe even earlier. Maybe it was like he was only there for two hours. So maybe 7:00, I don't know.

SHIRAISHI: Okay. And who else because you said [redacted] came alone, right?

[redacted] Yeah. [redacted] came alone. I think [redacted] left early too.

SHIRAISHI: And [redacted] with - he – he came solo as well?

[redacted] Yeah he came solo by himself. He left. I think - I'm pretty sure he left earlier.

SHIRAISHI: Right around the same time as [redacted]?

[redacted] I think so.

SHIRAISHI: Okay. And then would you consider you and [redacted] the kind of like the - the third entity to leave or -

[redacted] Yeah. That or [redacted]. It was - I mean I think after [redacted] and them left, I think it was all kind of like - I mean it's – it's kind of hard to gauge, you know?

SHIRAISHI: Yeah. Right. Okay. Do you know how Zach got home?

[redacted] His family drove him.

SHIRAISHI: And how do you know that?

[redacted] Well, I know that because his mom and his dad were there and - I don't know if I - I don't know exactly but -

SHIRAISHI: You just assumed that that's how he got home?

[redacted] I don't - I think it was either said - like somebody either said hey or like, "Is he driving?" like kind of like a chuckle.

SHIRAISHI: Yeah.

[redacted] Like man, he's - this guy's intoxicated like, "Is he driving?" like "Hope he's not dri -" like something like that. And that's when either he said it or his wife said it or someone said it but they're like, "Oh no" you know, "Mom and dad are driving" or -

SHIRAISHI: Okay.

[redacted] - "My mom and dad are driving me home" or something like that.

SHIRAISHI: Okay.

[redacted] Because they - they didn't - I don't think they drank at all.

SHIRAISHI: Okay. And – and Sergeant Bullard asked if – if you've ever heard Officer Tersteege make any remarks and I just want to clear up that you've known Tersteege since the Academy correct?

[redacted] Yes.

SHIRAISHI: And – and before that you didn't – you didn't know him.

[redacted] No.

SHIRAISHI: Okay. So since the Academy, you've never heard any sort of remark that could be deemed racist or biased or derogatory towards any nationality or ethnicity?

[redacted] No.

SHIRAISHI: Just the – the night of the barbeque?

[redacted] Yes.

SHIRAISHI: Okay. And I think you kind of answered this already but was Officer Tersteege the drunkest person at the party?

[redacted] Absolutely.

SHIRAISHI: And then you said you talked to – to Sergeant [redacted] about this, [redacted] [redacted] and [redacted] as well as [redacted] - I'm sorry with Tersteege over the telephone. What was your conversation with your wife about this?

[redacted] Well, I remember when we got back in the truck, we walked out of the backyard down the side of the fence and we get in the truck and I remember I said something. I was like, "Yeah. About time to leave huh?" And I told her, I said, "I wanted to kind of get the ball rolling. So that way people would leave the house. That way he would – he would go home and sober up, whatever." And I remember sharing with her that I was irritated about him acting the way that he did and – and allowing himself to drink as much as he did, which I guess sounds like a – a common theme with him. I don't know. But as far as the alcohol. And I remember telling her, I'm like - I'm like, "Yeah. It's - it irritates me that he's willing to say that in front of the Sergeant's wife at his house in his backyard with his family inside the house." I mean their kids were asleep or something. But still it irritated me. And - and [redacted] – [redacted] - I think [redacted] was kind of more of the - she's more sensitive where she said, "I think that he's just, you know, dealing with stuff and dealing with his emotions and doesn't really know how to deal with them and it's kind of like a cry for help." And then I kind of understood what she said. I'm like, "Maybe you're right." And that's kind of where I kind of saw her perspective about it. And I was like, "You're right." You know. I wasn't there for that initial shooting incident, right? And so - and that's what I told her. I said, "Everybody deals with things differently and maybe Zach is screaming for attention right now and maybe he just needs some help."

BULLARD: Do you recall if any remarks were made by Officer Tersteege at this event about Sacramento Police Chief Hahn?

[redacted] I remember Zach brought up the Chief. But I don't remember why he brought him up. I can't tell you like exactly what conversation we were having or what the conversation was about. I remember hearing the Chief's name but I don't know what the -

SHIRAISHI: Was it positive?

[redacted] No. There was like a - I felt like that maybe there was a negative tone to it.

SHIRAISHI: Give me an idea of what.

[redacted] I think Zach was talking about - shoot. Let me think. I think Zach was talking about like his frustration with - I'm trying to like not mix up my time stamps in my mind because I - I remembered he was frustrated with the fact that like the Chief had walked past him - walked past the patrol team or something like that like I guess numerous times. Maybe – maybe at like HOJ like during the investigations and all that stuff and never checked on him and never checked on the team and that really upset him. Because our team is – is pretty tight. Like I mean we - we're all pretty close and he just felt like he should say something to us and say are you okay. Because he said, "I'm not okay" kind of a thing. And like so I think he was upset. He was upset that he felt like he - I don't know. Like he's like, "Dude." He's like, "We – we were you know we were all there and he never said anything. He never called us. Not even a phone call kind of a thing. I just remember him being upset about that. So -

BULLARD: There were several people at this event that were not Sacramento Police employees. Correct?

[redacted] That's correct, yes.

BULLARD: Spouses and some family members?

[redacted] Yeah.

BULLARD: In your opinion regarding Officer Tersteege's remarks of using the n-word as we've discussed, do you think that that has the potential to bring discredit to the department or the city?

[redacted] I don't think it does. And the reason I say that is because I think everybody there was there for the same reason and it was to kind of bond and to decompress and to, you know, talk to each other, whatever. But he just – he - he's the one that got out of hand and he's the one that brought a bottle of hard liquor and drank too much of it and said too many things. And I don't think it would bring discredit because I don't think anybody there from my opinion was offended by what he said, right? I mean -

BULLARD: Were you aware if any of the neighbors that night heard what Officer Tersteege said?

[redacted] No. No. I don't think they did.

BULLARD: In your opinion, do you think had one of the neighbors heard Officer Tersteege's remarks that that would have the potential to bring discredit to the department and the city if it became known that he is a Sacramento Police Officer?

[redacted] I mean I can't - how do I put this? I can't tell how people feel about things. I'm sure if they heard it out of context or maybe didn't understand the conversation? yeah. But I think this was a different situation in my opinion.

BULLARD: Paul?

BROWN: Mm-mm.

BULLARD: Do you have anything else that you want to add regarding this incident? what we discussed?

[redacted] No sir.

BULLARD: Of what we've discussed?

[redacted] No sir.

BULLARD: No?

SHIRAISHI: All right. Is there anything else relating to this matter that we have not covered that needs to be added, clarified or changed? If so, I am ordering you to provide that information now.

[redacted] The only thing that, like I said, like is fuzzy, where there's confusion is exactly who was there when it was said. All I know is that I was there. Right. I - I heard it and – and that's why I'm telling you this. But I mean I don't know if [redacted] was in the bathroom. I don't - because I remember people getting up and moving and, you know, somebody would go get a water or a beer or another plate of food and then they would come back five minutes later. So I don't know exactly who was sitting at the table at that time. All I remember was I thought I saw Sarge's wife there. And that's why I felt the way I felt about it. So I think I said that earlier but that was -

SHIRAISHI: After you leave this interview should you remember anything that is different from or in addition to the information you've given today, I am ordering you to contact Sergeant Bullard immediately. I am also ordering you not to discuss

this matter with any other department employee. Do you understand these orders?

[redacted] Yes sir.

SHIRAISHI: Time is 2126 hours.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
SHIRAISHI=Sgt. Jeff Shiraishi
BULLARD=Sgt. Ryan Bullard
[redacted] Ofc. [redacted]

SHIRAISHI: Okay. The date is August 16th and the time is 1437 hours. Present in the Internal Affairs Division Office are [redacted] Representative Paul Brown, Sergeant Ryan Bullard, and myself Sergeant Jeffrey Shiraishi. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of Police Officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes.

SHIRAISHI: The results of this investigation could lead to disciplinary action up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes.

SHIRAISHI: Based upon the authority vested in me by the Chief of Police, I am order you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all questions fully and honestly. Also, you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

[redacted] Yes.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted]

BULLARD: And did you graduate from the Sacramento Police Academy?

[redacted] I did.

BULLARD: And when did you graduate?

[redacted] Two thousand eight.

BULLARD: Do you have any prior law enforcement experience?

[redacted] I was a Community Service Officer with the SAC PD prior.

BULLARD: And what was the time range for that?

[redacted] '02 to '08.

BULLARD: Okay. What is your current assignment and shift?

[redacted] I'm working a School Resource and I guess it's a generally (unintelligible) sorry.

BULLARD: Okay. How long have you been in your current assignment?

[redacted] A little over two years.

BULLARD: Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] I became familiar with him, we worked kind of opposite shifts – shifts at the hospital back in, I don't know - I would be guessing like 2012, something like - a while back. So we were familiar with each other then. Never outside of work or anything like that. And then this year just because he's on the same team as my husband, [redacted]

BULLARD: Okay. So how long would you estimate that you had actually worked with Officer Tersteege professionally?

[redacted] Probably like six months, maybe, maybe less than that.

BULLARD: And that would have been during that hospital car time?

[redacted] Correct.

BULLARD: We are here to conduct an administrative interview with you regarding an off duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29, 2019. We have reason to believe you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] I'm aware of the gathering, yes.

BULLARD: Okay. Can you elaborate or tell us about the incident of that allegation?

[redacted] Gosh, well I don't know, we were there for a long time. There was a lot of conversation, Zach had a lot of statements. He…you know, had a few drinks that night, so.

BULLARD: Okay. Can you give us some detail about the gathering of when this was, if anything occurred?

[redacted] So this was shortly after the funeral for Tara O'Sullivan. [redacted] got everybody together on his team and then their significant others over at his house, kind of just for a barbeque and kind of make sure everybody's okay. So we were there for several hours. You know, people were swimming or whatever. Kind of at some point we moved over to the outside table and people were kind of talking about different things about the incident. Gosh, I don't know. Obviously Zach had a few drinks and he was kind of venting a little bit but it was more like - I don't know how to explain kind of how Zach is. But he would kind of like say a little bit about like how he was feeling and then he would kind of deflect to somebody else and, "Well you did the right thing" and, "You did a good job" and "nobody can say whatever". He was just kind of more like when you're intoxicated those things - "I would be in a gun battle with you any day" and just, you know, kind of those sort of statements.

BULLARD: Okay. So to confirm, Sergeant [redacted] did he host a social gathering or a party at his residence that you attended on or around June 29, 2019?

[redacted] Yes.

BULLARD: Okay. Did you go with somebody to this event?

[redacted] Yes.

BULLARD: And who was that with?

[redacted] My husband, [redacted]

BULLARD: Okay. And approximately what time did you arrive?

[redacted] Oh gosh. I would totally be guessing because I really don't have any idea now. Maybe 3, 4 o'clock, something like that?

BULLARD: In the afternoon?

[redacted] I believe so.

BULLARD: Okay. And-

[redacted] It's totally a guess at this point. I don't…

BULLARD: Okay. And so to confirm, did Officer Tersteege attend this event?

[redacted] He did, yes.

BULLARD: Okay. And what was the occasion for? What prompted the gathering?

[redacted] I guess just kind of in response to their team being involved in that officer involved incident and just kind of to let off steam and get everybody together.

BULLARD: Okay. And would you define this event as a party or a work-related social gathering?

[redacted] Yeah, I guess so.

BULLARD: Which?

[redacted] Gosh a…a party I guess? I don't know.

BULLARD: Okay. Was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: Okay. Can you please recall for us everyone who attended this event to the best of your memory?

[redacted] So [redacted] whole team. So my husband, [redacted] [redacted] - I don't know what his first name is. Gosh, who else is on his team? I'm not super familiar with a lot of those guys. [redacted] There's another "B" name. [redacted] I guess is on his team and one other guy. I can't remember his name.

BULLARD: Okay.

[redacted] And then there were like significant others.

BULLARD: Okay. Did you consume any alcoholic beverages during this event?

[redacted] I did.

BULLARD: And what was it that you drank and how much?

[redacted] Oh I had a margarita when I first got there and probably like two or three beers over the course of, you know however many hours we were there.

BULLARD: Okay. And how would you describe your sobriety level during this event?

[redacted] I was not overly intoxicated but I had a little buzz going.

BULLARD: What was Officer Tersteege's demeanor during this event?

[redacted] I would say he was kind of all over, definitely intoxicated. I didn't see how much he had to drink but definitely kind of appeared to me that he was intoxicated because he was kind of like his demeanor was all over. Like he'd be happy and then on a rant about this or - he was kind of, you know, up and down.

BULLARD: Okay. Did you witness or hear anything said or done at this party about Officer Tersteege that would be considered inappropriate or offensive?

[redacted] Uhm, that would warrant an IA investigation? No.

BULLARD: Well say not just an IA investigation. Anything that he had said that was inappropriate or offensive in – in your opinion?

[redacted] I don't believe so, no.

BULLARD: Where - you had indicated that there was a location that you had gone. Where at Sergeant [redacted] residence were you at during the majority of this event?

[redacted] I would say for the majority like most of the wives and ladies were kind of under like his little covered patio area. They were all talking. And then at some point we kind of all migrated out to the table but that was like at the end of the night. But it was an outdoor table, kind of on the side of his yard.

BULLARD: Okay. And you recall where you were seated at that table?

[redacted] Yes.

BULLARD: Where was that?

[redacted] I was actually sitting next to Zach.

BULLARD: To Officer Tersteege?

[redacted] Correct.

BULLARD: And was that to Officer Tersteege's left or to his right? Do you remember?

[redacted] It would be to his left.

BULLARD: Okay. And then can you just describe the overall setting back there? Who else was at this table with you?

[redacted] Gosh. We were at the table for a while. So people were kind of coming and going. But for the most part [redacted] was to my left. I want to say [redacted] was at the end. [redacted] was kind of across the table from Zach and I. I think Zach's wife was on his right side. And then [redacted] and – is it [redacted] were at the end.

BULLARD: Do you recall if any kind of confrontation occurred at all at this party or if anybody said anything to Officer Tersteege about his behavior in any way?

[redacted] Confrontation? I think a couple times people told him just to kind of quiet down. He was getting - he's kind of a loud guy. So at some point I think [redacted] wife may have made a comment, "Hey, I think my neighbors are outside" kind of like a joking sort of thing. Like (unintellgible), "Hey dude, we're outside" you know, that sort of thing. But I don't remember anything - any major confrontation.

BULLARD: Do you recall what was said by Officer Tersteege to prompt that being said to him, to keep it down or keep it quiet?

[redacted] No I don't.

BULLARD: Okay. Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] I'm sure I saw a beer in his hand at some point. But I wasn't with him or watching him or -

BULLARD: Do you know - do you know about how much he had to drink that night at all?

[redacted] I have no idea.

BULLARD: Okay. And based on your recollection, would you consider Officer Tersteege to have been sober or intoxicated during this party?

[redacted] I would say he's intoxicated.

BULLARD: Okay. So to what level of intoxication? Would you consider him drunk? Would you consider him where he could still legally drive a car?

[redacted] Oh absolutely not. He was drunk.

BULLARD: Okay. And how would you describe the other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] I would say everybody was at a - an acceptable level and he was at another level.

BULLARD: Well can you kind of elaborate for me and kind of define that a little more what you mean an acceptable level?

[redacted] I don't think anybody else was overly intoxicated. I believe everybody else was probably able – able to drive legally.

BULLARD: Okay. Was there a point that you and Officer [redacted] left?

[redacted] Yes.

BULLARD: And what time do you think that was at?

[redacted] Oh, again I would be guessing. It's probably 9:30, 10:00? I - It would totally be a guess at this point.

BULLARD: Okay. And did anything prompt you and Officer [redacted] to leave the party at a certain time?

[redacted] Yeah, Zach just kind of kept repeating, saying things and wanted to talk about the incident and just - it was getting a little repetitive at that point. So we were both kind of like "okay, it's kind of time to go".

BULLARD: Okay. And again, these things that he's saying and that are repetitive, what are these?

[redacted] He was just saying things about, you know, "Nobody would understand kind of what we went through" and kind of talking to some of the other guys that were involved and, you know, "This is what you did" or, you know, "You did the right thing" and just - I don't - just kind of nonsensical sort of drunk talking.

BULLARD: Are there any particular individuals that attended this gathering that you think we should talk to next so that we have firsthand accounts of any comments that would be considered offensive that were made by Officer Tersteege?

[redacted] I mean anybody that was at that table I guess. I mean if there was something alleged to be said, I mean I would say talk to everybody.

BULLARD: Okay. Would there be any reason that anybody would say that you overheard Officer Tersteege making remarks that would be considered biased or interpreted as racist?

[redacted] There'd be any reason that - hold on. Can you repeat that?

BULLARD: Would there be any reason that anyone would say that you overheard Officer Tersteege making remarks that would be considered biased or racist?

[redacted] Well we were all sitting at the table. So if - they were alleging that was said there, then yeah.

BULLARD: I - I'm confused by-

((Crosstalk))

[redacted] Sorry.

BULLARD: - by your answer on that. So I'm asking if you know a re - if there would be any reason someone would say that you had heard - overhead Officer Tersteege making comments that were considered -

((Crosstalk))

[redacted] I don't believe so other than the fact that I was sitting next to him at the table.

BULLARD: Okay.

[redacted] Yeah. Sorry.

BULLARD: And to clarify-

((Crosstalk))

[redacted] That's-

BULLARD: - no. Okay. That's fine. And to clarify, you didn't - so when I asked you that, you were saying that you did not hear any - Officer Tersteege make any comments that would be considered biased or could be interpreted as racist. Is that correct?

[redacted] Correct.

BULLARD: Okay. Was anything discussed - did you have any discussion at all about this event or anything regarding Officer Tersteege's behavior or anything with any other co-workers after this?

[redacted] Yes.

BULLARD: And who was that?

[redacted] My husband.

BULLARD: Okay. When was that?

[redacted] Gosh we talked when we left. We talked - I mean it's kind of been an ongoing thing with just talking about Zach and kind of his behavior and being worried about him and stuff.

BULLARD: Okay. And can - like specifically what was discussed between you and Officer [redacted] about that?

[redacted] Just when we left. He was like - [redacted] kind of took a different stance. He was like, "Well that was kind of disrespectful that he was being loud and well, he shouldn't act like that" and, you know, "Sarge's house and it was inappropriate." I was kind of like more on the other side like he went through something, you know, pretty serious and he's hurting and if he wants to yell and scream and get a - vent that stuff out, then - then I'm okay with that. You know what I mean? Like if you're outside of work and you're able to kind of get that stuff out to be okay, then…

BULLARD: Was there any other employee that you spoke to regarding this?

[redacted] Well I worked in NCU shortly after that. And so Zach and [redacted] were there. So a couple times [redacted] and I had talked because we were both worried about him. We're like, "Hey, like what happened at that party? Like he was kind of going on and on and on" you know. Just that sort of thing.

BULLARD: Okay. And when was that?

[redacted] Whenever they came over - like that first or second week in July? When they started in NCU.

BULLARD: NCU? Okay.

[redacted] Correct.

BULLARD: Have you discussed this incident at all with any of your superiors?

[redacted] No.

BULLARD: And have you discussed this incident with Officer Tersteege since the event or the social gathering?

[redacted] No.

BULLARD: And aside from this incident that we discussed here, have you ever observed or heard anything else said or done by Officer Tersteege that would be considered racist or biased or similar in nature of what we've discussed here?

[redacted] No.

SHIRAISHI: So I - I realize that this occurred June 29th, so almost two months ago. But I think - and tell me if you agree or disagree that time kind of slows down when something traumatic like that happens to our agency.

[redacted] Right, for sure.

SHIRAISHI: So a lot of stuff has happened. A lot of emotions are in the air, especially with the team involved. So I completely understand people going and gathering and want to commiserate and decompress and debrief. So I understand if - if there's a little lapse in memory in terms of times. But the allegation we're looking at is pretty serious. And so that's why I think we should go back and really break down your arrival at the barbeque, where you recall being at certain times. And I don't need specific down to the minute but maybe even just by hours that, you know, I was here for an hour, was here for an hour and moved to here. And that way we can kind of slow things down and it's almost like if you can think of like a - a cognitive interview, right? Put yourself back in that position and maybe we can pick up some of the things that we're not too clear on.

[redacted] Okay.

SHIRAISHI: So I'm gonna go back. And you said you arrived at - at the gathering at approximately 15 or 1600 hours?

[redacted] I believe like -

SHIRAISHI: And that's rough, right?

[redacted] Yeah.

SHIRAISHI: I understand if we're off by an hour or two, that's - it's almost two months ago.

[redacted] Right, right.

SHIRAISHI: Did you - do you recall the team being offered the chance to do a walk through?

[redacted] We didn't know that they had the chance to do that. We got there and no one was there.

SHIRAISHI: Okay.

[redacted] Just [redacted] wife. But obviously we learned that when everybody started showing up -

SHIRAISHI: Okay.

[redacted] - that some of those guys did a walk through.

SHIRAISHI: And so do you remember what time the barbeque or the party was supposed to start?

[redacted] I honestly don't.

SHIRAISHI: Okay. But you recall being - arriving around 3:00 or 4:00 pm. It was - you – you - it was you and [redacted] and Sergeant [redacted] wife are the only three people there?

[redacted] Correct.

SHIRAISHI: Okay. And do you remember where you parked you guys' vehicle?

[redacted] We were kind of at the end of the [redacted] like the back of his [redacted] I think there's a like a bike trail or something (unintelligible).

SHIRAISHI: Okay. You guys rode together?

[redacted] Uh-huh.

SHIRAISHI: Okay. And when you first arrived, did you walk to the front of the house? or did - was this - is there a side gate that leads to the backyard or how?

[redacted] There is a side gate. We went to the front door and I think his wife just let us in through the house.

SHIRAISHI: Okay. And could you kind of give me an idea of what happened say within that first hour of - of being there with it just being Sergeant [redacted] wife and you and your husband?

[redacted] We went out to the backyard, helped her kind of set up a few things. We were talking to her about her pool because we were thinking about putting a pool in. Just kind of talked to her about the neighborhood because, you know, when we did the procession like everybody was out there with all their flags. We were like wow. Elk Grove is pretty good. We like Elk Grove.

SHIRAISHI: Yeah.

[redacted] And she was like, "Yeah. We're good. We like it out here." So just - just chit chattin' and hanging out. And it wasn't too long later that [redacted] showed up.

SHIRAISHI: Would you say it was within that first hour of being there that Sergeant [redacted] arrived?

[redacted] Yes.

SHIRAISHI: Okay. And Sergeant [redacted] alone? or did he have other people with him?

[redacted] I believe he was by himself.

SHIRAISHI: By himself.

[redacted] Yeah.

SHIRAISHI: So how long would you estimate it was Sergeant [redacted] and his wife and you and your husband there?

[redacted] Maybe only like 10, 15 minutes.

SHIRAISHI: Okay. Short amount of time?

[redacted] Yeah.

SHIRAISHI: And within that short amount of time were you guys still in the backyard or had you moved inside or -

[redacted] We were still in the backyard.

SHIRAISHI: Okay. And when I say were in the backyard, are you underneath a covered patio, are you by the table?

[redacted] So he's got like a - when you first come out, there's like a covered patio and there's like some like chairs and a little table. And then there's like a bigger dining table that's kind of like further out to the side of the yard.

SHIRAISHI: Underneath the covered patio?

[redacted] No, no.

SHIRAISHI: Okay. Is that a table that everyone was kind if sitting at towards the end of the evening?

[redacted] Correct.

SHIRAISHI: All right. Could you give me just a rough estimate the dimensions of that table?

[redacted] Oh gosh.

SHIRAISHI: Is it bigger than this table here? which looks -

[redacted] Yes.

SHIRAISHI: - to be -

[redacted] Yeah.

BULLARD: You know what? if you don't mind? I have a little blank piece of paper. Would you mind kind of drawing out a diagram for me of the layout here of where this table and the pool area are?

[redacted] So I guess like his yard. I'm not an artist. It's like a pool that kind of backs up to the fence. He's got like a patio over here. And I think this is like all overhang with the like seats and a table. And then this is like part of his house right here. And then the table's kind of over here.

BULLARD: And can you just like write on there where the pool is, what the pool is if it's - okay. No. That's fine.

[redacted] Okay.

BULLARD: And with the – with the table - the square I guess you've drawn?

[redacted] Uh-huh.

BULLARD: Can you just write table on that?

[redacted] Okay.

BULLARD: And then can you kind of indicate with little circles, whatever works there, of where you were sitting at this table.

[redacted] Okay. So I was kind of over here. Zach was here. I think his wife was here. [redacted] was here. [redacted] was over here somewhere. I think one of the girlfriends or wives was here.

BULLARD: Can you label those dots for me?

[redacted] Okay.

BULLARD: Basically what they represent? If you have to use initials or whatever you think-

[redacted] Okay.

SHIRAISHI: Just numbers

((Crosstalk))

BULLARD: Yeah or -

[redacted] Okay.

BULLARD: - something like that.

[redacted] So I guess Zach, [redacted], [redacted] his wife, I don't know what her name is.

BULLARD: Yeah. Put "ZW" for Zach's wife?

[redacted] Okay.

BULLARD: If that works? Okay. Yeah.

[redacted] [redacted] random girlfriend that I don't know.

BULLARD: And basically you're using the first letter for these names here just to - just for the record here on this diagram.

[redacted] Okay.

BULLARD: Is that right?

[redacted] Yes. And then [redacted] over here, [redacted]. I don't know specifically. [redacted] and [redacted] were - or [redacted] and [redacted] were down here somewhere. I - I can't be sure who's where.

BULLARD: Okay.

[redacted] Shoot. I don't know. [redacted] was - I think they were mostly standing over here but - I - can I just put them out here? I don't know.

BULLARD: Okay.

[redacted] [redacted] And like I said, this was over kind of the course of a couple hours. So there was some movement -

BULLARD: Okay.

[redacted] - at some point, yeah.

BULLARD: Okay. Thanks.

SHIRAISHI: So Sergeant [redacted] arrives. You would estimate that you - within that time it was just the four of you for about 10, 15 minutes. At that point in time, would you guys - is it safe to say you've been there at least an hour or so?

[redacted] Gosh it didn't feel like an hour but less than an hour, yeah.

SHIRAISHI: Okay. All right.

[redacted] Yeah.

SHIRAISHI: And then do you recall who arrived after Sergeant [redacted]

[redacted] It

SHIRAISHI: Or

[redacted] Yeah.

SHIRAISHI: Was there a convoy from the – the scene.?

[redacted] Yeah. It seemed like it.

((Crosstalk))

SHIRAISHI: Everyone kind of - okay.

[redacted] Everybody kind of all started showing up right around that time.

SHIRAISHI: And that was like 10, 15 minutes after Sergeant [redacted]

[redacted] Correct.

SHIRAISHI: Okay. And where were you within that first half hour of - of the majority of the party being there?

[redacted] So mostly kind of like under the awning here -

SHIRAISHI: Okay.

[redacted] - sitting on a chair so.

SHIRAISHI: Okay. And that's still outside cement patio with a cover?

[redacted] Correct.

SHIRAISHI: Okay. Were you with your husband? Was he with you or did you guys split up or -

[redacted] He was kind of mingling -

SHIRAISHI: Mingling?

((Crosstalk))

[redacted] - around. Yeah.

SHIRAISHI: Okay.

[redacted] So it was kind of a lot of like - the ladies were.

SHIRAISHI: Okay. And did – did this include Sergeant [redacted] wife?

[redacted] I don't think so.

SHIRAISHI: Okay.

[redacted] I think she was kind of more hostessing and -

SHIRAISHI: She's the host, so she's – I imagine -

((Crosstalk))

[redacted] Yeah. I think they left at one point to go get food and -

SHIRAISHI: Okay.

[redacted] - what not.

SHIRAISHI: All right. So we'll use the food as kind of like a - a point in time for the evening.

[redacted] Okay.

SHIRAISHI: Do you recall after that first 30 minutes or so being kind of underneath the covered patio how much time expired before the food arrived?

[redacted] I think it got there pretty shortly after that, within - within the hour?

SHIRAISHI: Okay. And where was the food displayed?

[redacted] So it was kind of set up right like against the wall right over here on the - like a table.

SHIRAISHI: Outside?

[redacted] Mm-hm.

SHIRAISHI: Okay. What kind of food?

[redacted] Oh gosh.

SHIRAISHI: It was catered, right?

747
748 [redacted] I think it was barbeque or something.
749
750 SHIRAISHI: Okay.
751
752 [redacted] Yeah.
753
754 SHIRAISHI: And did everyone kind of form a line or did everyone just kind of go up and
755 pick and -
756
757 ((Crosstalk))
758
759 [redacted] Yeah. Just kind of people started to trickle -
760
761 SHIRAISHI: - graze?
762
763 [redacted] - in here and there.
764
765 SHIRAISHI: All right. At what point did you -
766
767 [redacted] I didn't wait too long because I like barbeque.
768
769 SHIRAISHI: Okay. And do you remember where you had - where you enjoy your barbeque
770 food?
771
772 [redacted] Well, I just sat back down -
773
774 SHIRAISHI: Right back under the patio?
775
776 [redacted] - up here. Yeah, mm-hm.
777
778 SHIRAISHI: Okay. Give or take 30 minutes?
779
780 [redacted] Yeah.
781
782 SHIRAISHI: Okay. So after you finish eating your barbeque dinner or early dinner, is it -
783 could you guess it being around like 6:00 pm, 7:00 pm? Was the sun still up do
784 you remember?
785
786 [redacted] Yeah. The sun was still up. Gosh. I don't - I would totally be guessing.
787 Maybe - yeah. Maybe around 7:00?
788
789 SHIRAISHI: Okay. And then you said you left around 9:00 or 9:30. So-
790

[redacted] I believe.

SHIRAISHI: - at what point - how long did you spend around the - the table? By the pool?

[redacted] Oh, gosh. Let's see. So we kind of ate, hung out. You know, some of us were kind of standing up, talking, kind of migrated over to the table. Maybe we were there like an hour and a half, two hours? But…

SHIRAISHI: And when you sat down in your – in your spot there next to Zach or at least how you indicated on the diagram. Is that the only place you stayed or did you ever move, sit any other side of the table?

[redacted] I think I was mostly like in between these two seats. I got up a few times to go to the bathroom. I don't know if Zach was next to me the whole time. But like towards the end he was sitting right next to me.

SHIRAISHI: And kind of now that you're back in that seat looking into the backyard, do you recall if Zach was there the entire night? Was there a different part of the backyard or house that he was kind of like - was he by the ice chest? Was there a bar or ice laid out or do you recall?

[redacted] I think there were some ice chests kind of like over on this end of the backyard. I wasn't really trying to keep an eye on Zach per se - oh sorry. And like I said, I don't think he was next to me the whole night? but I'm not sure.

SHIRAISHI: Okay. And your husband, was he - when you sat down at the table for, you know, 90 to 120 minutes, was he with you the entire time? Obviously breaks for refills and bathrooms or whatever.

[redacted] For the most part, yeah.

SHIRAISHI: Okay. And then do you recall was Sergeant [redacted] wife sat across the table from you?

[redacted] At one point, yeah.

SHIRAISHI: Okay.

[redacted] So I don't think she was there like for most of the night but she did come out. [redacted] got some things for the team so she was bringing those out and - and stuff like that.

SHIRAISHI: And when Sergeant [redacted] provided all this stuff to the team, was it done to kind of ceremoniously where everyone kind of quieted down and -

[redacted] Totally, yeah.

SHIRAISHI: Where - Where did that take place?

[redacted] At the table, yeah.

SHIRAISHI: Okay. And was Sergeant [redacted] standing kind of where you indicated that his wife was sitting? or was he -

[redacted] Yeah. Mostly - gosh. People were moving but yeah, he was sitting or standing kind of over on this side. And when his wife did come out, she was kind of on this side as well.

SHIRAISHI: Okay. All right. And then when you guys decided to leave, you made mention that Zach was a bit repetitive saying things kind of like a – like a drunk person would just kind of repeat things.

[redacted] Right.

SHIRAISHI: And then you also indicated that he was venting? Is that an appropriate term?

[redacted] Yeah I guess so.

SHIRAISHI: Was there any major theme to what he was venting about?

[redacted] I don't know. Just kind of not feeling supported I guess or feeling like other people couldn't understand what they went through or I – I guess just kind of talking about their team bond and how much he loved those guys. And just kind of, you know just -

SHIRAISHI: Those guys being that - the team that was there?

[redacted] Right.

SHIRAISHI: Okay.

[redacted] Correct.

SHIRAISHI: In the hour and a half to two hours that you were at that table, again, leaving for breaks at - at random intervals, was - and Zach was you said - you made mention he was the most intoxicated so it's kind of difficult to kind of forget that or especially if he was repeating himself.

[redacted] Right.

SHIRAISHI: Would you say the majority of the time you were at the table he was next to you?

[redacted] I believe so, yeah.

SHIRAISHI: Alright. So going back to what he was kind of venting about was not being supported, people not understanding what they had gone through, the special bond that he had with the team.

[redacted] Yeah.

SHIRAISHI: Anything else that he was venting about?

[redacted] Not really. He just - he kind of controls the conversation so other people like [redacted] was trying to talk about, you know, being reassigned to the Academy and he's kind of like, "Dude, you - you totally like deserve that" and this, you know, just kind of talking over people and being - being Zach I guess.

SHIRAISHI: And do you remember as people started to – to leave for the evening –

[redacted] Mm-hm.

SHIRAISHI: - do you remember about what time that was? Were you guys the first to leave?

[redacted] We were not the first to leave. I think there was probably a group of two or three that left prior to us and we're like okay, that's kind of like, you know, our cue. So we stayed around for a little bit longer and then we're like okay, it's time.

SHIRAISHI: Yeah.

[redacted] We gotta…yeah.

SHIRAISHI: So within the group of two or three do you remember who those people were?

[redacted] One of his team members that had his little girl there and I couldn't tell you if it was [redacted] or [redacted] I don't know which one's which.

SHIRAISHI: Somebody with a little girl like -

[redacted] Correct.

SHIRAISHI: - toddler? Or -

[redacted] Correct. Uh-huh.

SHIRAISHI: Okay. And so I assume he was with his significant other and his daughter?

[redacted] Correct.

SHIRAISHI: Okay. Do you recall if Officer [redacted] left?

[redacted] Yes. He was -

SHIRAISHI: Towards – towards the beginning?

[redacted] Correct. Mm-hm.

SHIRAISHI: Okay. And as these folks left, do you remember where - where Zach was? Was Zach with you? Did he walk people out? or did he kind of stay around the table?

[redacted] I – I don't recall. I don't think he walked anybody out but I would be assuming. I don't -

SHIRAISHI: Do you remember if Sergeant [redacted] walked people out to the -

[redacted] I don't recall, no.

SHIRAISHI: Okay. So that was kind of the first wave of people - you would consider you and Officer [redacted] your husband as the second wave? Or -

[redacted] Correct.

SHIRAISHI: Okay. Kind of going back to - to Zach. Did he - obviously he says – he says he doesn't feel like he was supported. But did he criticize anyone that works for the department specifically?

[redacted] So there was something that was brought up regarding not being contacted by the Chief. I was already kind of aware of some of that coming into it.

SHIRAISHI: How were you made aware of that?

[redacted] So I guess this came up maybe at a prior team something, maybe when they were doing pallbearer practice or something like that and the Chief wanted to talk to them. I guess it - somehow that came up. So at some point he was like,

"Yeah, I'll just kinda" you know, whatever that, you know, "They didn't even care enough to reach out to us" or whatever it was. But it wasn't like on and on and on about that particular thing. But I do remember that coming up at one point.

SHIRAISHI: Was that directed at Chief?

[redacted] Correct.

SHIRAISHI: Kind of within that same topic or theme, do you recall or did you hear Officer Tersteege use a racial slur about the Chief?

[redacted] No.

BULLARD: Do you recall one way or another? Definitively yes or definitively no?

[redacted] That he - oh.

BULLARD: The same question what Officer Shiriaishi or Sergeant Shiraishi –

((Crosstalk))

[redacted] No. I don't know for sure whether that was said or not. I just didn't hear it.

SHIRAISHI: Within that same timeframe, do you recall if Officer Tersteege made a comment about Sergeant [redacted] neighbors?

[redacted] About his neighbors?

SHIRAISHI: Yes.

[redacted] The only time I remember something coming up about the neighbors was when his wife was like, "Hey, I think my neighbors are outside" or something. But I don't remember it being like racial or anything like that.

BULLARD: Did somebody – you - I think you mentioned earlier that somebody had told Officer Tersteege that he was being loud and to be - or keep it down. Is that correct?

[redacted] Mm-hm.

BULLARD: Who – who was it that told him that? Do you recall?

[redacted] I don't recall.

BULLARD: Sergeant [redacted] wife? Was she - I know you mentioned just now that -

[redacted] Yeah.

BULLARD: her - she's saying our neighbors were out. Was that -

[redacted] Yeah. I think that was her way of saying be quiet or what not, but.

BULLARD: Okay.

[redacted] She kind of made it like as light as she could I think. It was getting a little loud. So she was like, "Hey. I don't really know you but"

BULLARD: And where you labeled on here on the table - where was Sergeant [redacted] wife when she had told Officer Tersteege this?

[redacted] I believe she was right across from me.

BULLARD: Okay. So can you make a little mark on here where - if you want to put [redacted] I guess for [redacted] wife and that'll kind of make it clearer.

[redacted] Okay.

BULLARD: Did anybody else tell Officer Tersteege to keep it down or stop talking loudly or stop talking about what he was talking about?

[redacted] I'm sure they did. I just - I don't remember specifically who would of. I don't remember like any big conflict about it at that time, so.

BULLARD: Did – did your husband, did Officer [redacted] ever tell Officer Tersteege to keep it down or keep his voice down or stop talking about anything in any way?

[redacted] He might have? I - I don't know. I would be guessing. I don't – I don't remember.

BULLARD: And did you leave prior to Officer Tersteege leaving this event?

[redacted] Yes.

BULLARD: Okay. You didn't leave at the same time as him?

[redacted] I don't believe so.

BULLARD: Okay.

SHIRAISHI: This is a weird question and it's very uncomfortable.

[redacted] Okay.

SHIRAISHI: But did you hear Officer Tersteege say the word nigger?

[redacted] I did.

SHIRAISHI: When?

[redacted] We were all sitting at the table. I was talking to [redacted] my husband. And I heard kind of like from the side him say that. And we both kind of like turned to him like "hey you can't say that". I don't know what he was talking about at that point. He kind of like quieted down at that point. We were just all, "okay". All right. So we could kind of continued our conversation and that's kind of when it was like it's - it's time to go.

BULLARD: Would you consider that word offensive?

[redacted] I consider it like a word that obviously you don't - I wouldn't use. I wouldn't feel comfortable using it. I don't know what he was using it in reference to. I don't know the context.

BULLARD: That was my next question is –

[redacted] Yeah.

BULLARD: - in what context did Officer Tersteege use that word?

[redacted] I have no idea.

BULLARD: Okay. You said that you would not use that word.

[redacted] No.

BULLARD: Can you give me your reason why you would not use that or say that word?

[redacted] I just feel like it's kind of inappropriate. I don't feel like there's any good reason to say it, you know. I wasn't super surprised to hear it though because - so Zach's kind of the guy that like - likes to say something to like get attention or to like kind of make stuff uncomfortable. I don't - maybe uncomfortable is the wrong word. Just get a reaction. He's kind of a guy that like likes to get

attention. So I didn't necessarily take it as he's trying to say something derogatory about somebody because of their race. I just feel like that's kind of his M-O to say things to get a reaction if that makes sense.

BULLARD: Do you - I know you said you do not know the context of how he used it and Sergeant Shiraishi asked you earlier if he had referred to the Chief in any way. So to confirm, you had said earlier that - did he use that term in any way relating to the Chief?

[redacted] I don't believe it was related because that had kind of come up earlier in the night about, you know, being upset about not being reached out to or whatever. So I don't think that was in the same time span at all.

BULLARD: Okay. So I'll ask the question again then about this.

[redacted] Okay.

BULLARD: So aside from this, have you ever heard or seen anything done or said by Officer Tersteege aside from this event, any remarks or anything done that would be considered biased or racist?

[redacted] I - No.

BULLARD: Would you consider that term that Sergeant Shiraishi and that you confirmed Officer Tersteege said, would you consider that term to be - could be interpreted as biased or racist?

[redacted] It could be interpreted that way, yes.

BULLARD: Can you please explain to me during our initial portion of the questioning why you did not tell us that when I'd asked you as to whether or not you heard Officer Tersteege say anything like that biased or racist?

[redacted] Because I – I don't believe that he meant it in that context. Like it didn't sound to me like there was a conversation about African American people or, you know, anything like that. Like it's just - like I say, it's not a word that I would use but it's not a word that I never hear, that people never say. You know what I mean? Like he was kind of venting about other things over the course of the night and it didn't necessarily strike me as he was talking about all black people or all African American people or anything like that.

BULLARD: And so I'll have to retouch on some of these questions with you since this has come up.

[redacted] Right.

BULLARD: Did anybody at this gathering confront Officer Tersteege about that term or what he was saying there as to the word that Officer - or Sergeant Shiraishi brought up?

[redacted] So [redacted] did turn to him and said, "Hey, you can't say that." And he just kind of like kept on talking and they had their - he kept on - whoever he was talking to across the table - kept talking.

BULLARD: Okay. So again, that - I want to make sure I cover this - this. That you said earlier here that this is what prompted you and Officer [redacted] to leave?

[redacted] It was about that time, yeah.

BULLARD: Okay.

[redacted] It wasn't like he said that and we were like, "we're out of here". It was just like okay, this is kind of going in a weird direction. "Let's vamonos."

BULLARD: Okay. Would you agree that some of what you're admitting to what you've heard now from Officer Tersteege somewhat contradicts with what we went over earlier here?

[redacted] Yes and no but I – I - like I said before, I don't think it's in the - well, again, I don't know the context of what he was saying but I didn't believe it to be directed to the Chief or to their neighbors or anything like that.

BULLARD: Okay. Do you recall if Officer Tersteege said anything in relation to the neighbors about them not being able to understand what he was saying?

[redacted] No. I don't remember him saying that.

BULLARD: Anything about any other ethnic groups as far as neighbors of Sergeant [redacted] that he had there?

[redacted] No.

BULLARD: Okay. Who at that table – we'll touch on it again here I guess. Who at that table do you know heard Officer Tersteege use that term aside from Officer [redacted]

[redacted] I believe - I mean [redacted] wife was sitting there I know for sure. And I think [redacted] was still sitting there? Trying to think of who else might have still been there. I believe [redacted] and his wife were still there.

BULLARD: Do you know if - so do you know if Sergeant [redacted] wife heard Sergeant -or Officer Tersteege use that word?

[redacted] I believe so.

BULLARD: How do you know that she did?

[redacted] I – I looked across at her and she kind of looked a little mortified.

BULLARD: Did she say anything specifically in the context of that word that he used?

[redacted] No.

BULLARD: Okay. You mentioned Officer [redacted]

[redacted] Mm-hm.

BULLARD: Do you believe Officer [redacted] and his significant other heard Officer Tersteege use this term?

[redacted] I don't know.

BULLARD: Okay. Is there anybody else that was present for this that you believe heard Officer Tersteege say that?

[redacted] I'm trying to remember who was there at that time. I think his wife was still there and Zach - also his mother and stepfather were still there but I think that was it. Can't remember if any other officers were there.

BULLARD: Okay. And you had described earlier that Officer Tersteege, as far as his sobriety level you said - you described it as drunk I believe. Correct?

[redacted] Correct.

BULLARD: At this time when he had said that, how would you describe his sobriety?

[redacted] He was still drunk.

BULLARD: Because obviously progressively people as they drink more, the intoxication level -

[redacted] Correct.

BULLARD: - increases. Okay.

SHIRAISHI: Was it just the once or - that he used the n-word?

[redacted] Yes.

SHIRAISHI: Did anyone else say anything that could be considered racially derogatory?

[redacted] I don't believe so.

SHIRAISHI: Okay. There are officers at that table and there are significant others, civilians that aren't sworn officers. But they are - they live and work in our community. Do you think that they have a different impression as to what it means to be a police officer based on Officer Tersteege's use of that word? And the reason why I ask that is because you said that Sergeant [redacted] wife looked mortified. That can't -

[redacted] Right.

SHIRAISHI: - look good. It must be seared in your memory if you're using a word as colorful as that.

[redacted] Right.

SHIRAISHI: Do you think it is something that brings discredit upon the patch on your shoulder and the badge on your chest?

[redacted] I mean yeah I guess so.

SHIRAISHI: Well you said yourself you wouldn't use that term.

[redacted] Yeah.

SHIRAISHI: Okay.

[redacted] That's not a term that I'd be comfortable using.

SHIRAISHI: Do you feel comfortable knowing that your co-worker is capable of using that type of expression?

[redacted] Normally? no. In the context of him venting about a serious, you know, incident that he was involved in and that he's struggling with? I mean, I would hope that, you know, he could vent some things.

SHIRAISHI: Okay.

BULLARD: After you left with your husband, Officer [redacted] you said that you both had a discussion about this.

[redacted] Correct.

BULLARD: And you touched a little bit on what you had discussed. Is there anything you're able to elaborate on further regarding now that this coming to light about you hearing that word uttered by Officer Tersteege as far as your specific conversation between you and Officer [redacted]

[redacted] Just the same. I mean he was kind of tired of Zach going on and on and he was just like, you know, "It's inappropriate for him to say that" you know, or "Just continue to be loud and be drunk at, you know the Sergeant's house." You know at a gathering if you want to say those things, you know, you'd go to therapy or you do whatever and - and I get what he's saying. I guess I'm just more of a - like I know Zach's not gonna get help. So I would like for him to talk to whoever he's - can talk to. You know what I mean?

BULLARD: Okay. And again, I'll ask this. I know I've already asked it before. But have you discussed this incident about Officer Tersteege's remarks in any way with any other co-workers aside from your husband?

[redacted] I've talked to [redacted] a few times about the party in general and -

BULLARD: But as specifically as to the remark that Officer Tersteege made the n-word?

[redacted] No.

BULLARD: Okay. What about any superiors of yours?

[redacted] No.

BULLARD: Okay. And can you explain to me or just give me the reasoning why when Officer – or Sergeant Shiraishi asked you specifically about the use of that word, the n-word here-

[redacted] Yeah.

BULLARD: - why you divulged that to us at that point?

[redacted] I guess again going back to - I – I didn't feel like he was using it to be racist? I don't know him to be racist. I've never had any other encounters with him where he's treated anyone differently or belittled somebody based on their race or anything like that. You know, I've heard other people use that term when they're angry or whatever and venting and so I – I didn't take it that way. I didn't take it to be he was, you know, talking specifically about somebody or being racist.

BULLARD: Okay. Do you have anything? Paul? Do you have anything to add regarding this incident?

[redacted] No.

SHIRAISHI: Is there anything else relating to this matter that I have not covered or that we have not covered that needs to be added, clarified or changed? If so, I am ordering you to provide that information now.

[redacted] No.

SHIRAISHI: After you leave this interview should you remember anything that is different from or in addition to the information you have given today, I am ordering you to contact Sergeant Bullard. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

[redacted] Yes.

SHIRAISHI: Time is 1526.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. [redacted]
[redacted]=Sgt. [redacted]
BULLARD=Sgt. Ryan Bullard
BOYD=Mick Boyd
[redacted] Ofc. [redacted]

[redacted] The date is August 22nd of 2019. The time is 1300 hours. Present in the Internal Affairs Division Office are [redacted] his Representative Mick Boyd, Sergeant Ryan Bullard, and myself, Sergeant [redacted]. The purpose of this investigation is to conduct an interview of [redacted] who is an employee with the Sacramento Police Department in the capacity of police officer. This is an administrative investigation on the charges against Zachariah Tersteege for conduct unbecoming in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] Yes.

[redacted] The result of the investigation could lead to discipline up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] Yes.

[redacted] Based upon the authority vested in me by the chief of police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all your statements and answer all questions fully and honestly. Also you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to discipline up to and including termination for insubordination. Do you understand this?

[redacted] Yes.

BULLARD: For the record, please state and spell your name.

[redacted] My name is [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes.

BULLARD: When did you graduate?

[redacted] Fifteen BR2.

BULLARD: And that's 2015?

[redacted] Two thousand fifteen.

BULLARD: Do you have any prior law enforcement experience?

[redacted] No.

BULLARD: What is your current assignment and shift?

[redacted] I am on Team 9, swing shift under Sergeant [redacted] patrol, sector two.

((Crosstalk))

BULLARD: I'm sorry, yeah. Sector 2. What part of the city is that?

[redacted] Del Paso Heights.

BULLARD: Okay. How long have you been in your current assignment?

[redacted] Since around the first week of January 2019.

BULLARD: Can you describe your relationship or familiarity with Sacramento Police Officer Zachariah Tersteege?

[redacted] I have been on two of his teams so far. The first team was Sergeant Brown's team which is graveyard shift, Sector 1 -- I can't recall if it was - I believe it was a senior team -- and my current assignment.

BULLARD: And how long would you estimate that as a factor of months or years that you have worked directly around Officer Tersteege?

[redacted] Probably collectively approximately a year to a year and a half.

BULLARD: Okay. And you both work on the same pol -patrol team currently?

[redacted] Yes sir.

BULLARD: We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence involving SPD Officer Zachariah Tersteege where there is an allegation of him making inappropriate or offensive remarks on or around June 29, 2019. We

have reason to believe that you were present and witnessed this in some manner. Are you aware of what I'm referring to?

[redacted] Yes sir.

BULLARD: Can you elaborate or tell us about this incident and that allegation?

[redacted] It was at Sergeant [redacted] house and it was a team get together just for Team 9. With us was also our significant others. And it was just a celebration. There was some alcohol involved. If I understand the ac – the actual incident you're speaking of, when Zachariah was saying some racial slurs. Those who were present were me, my fiancée, [redacted] [redacted] I believe Sergeant [redacted] wife was there, Tersteege's wife and I believe his mother were there when he was making the unnecessary comments.

BULLARD: Okay. Did Sergeant [redacted] host this social gathering or party at his residence that you attended on or around June 29th, 2019?

[redacted] Yes.

BULLARD: And did you go to this event with somebody?

[redacted] Yes. My fiancée.

BULLARD: And who is your fiancée?

[redacted] [redacted]

BULLARD: And how do I spell that name?

[redacted] [redacted]

BULLARD: [redacted]

[redacted] [redacted]

BULLARD: Okay. And approximately - approximately what time did you arrive?

[redacted] I really don't remember what time we - the party started. I really don't – don't remember what time it was.

BULLARD: Was it morning or afternoon?

[redacted] Afternoon time sometime.

BULLARD: When you arrived was it light or dark outside?

[redacted] It was light outside.

BULLARD: It was light outside?

[redacted] Yes.

BULLARD: You don't recall the time that the party or the gathering actually started?

[redacted] No, not the exact time, no.

BULLARD: And as far as your time of your arrival there, can you estimate that time? Or -

[redacted] Approximately maybe 3 o'clock? or 1500 hours?

BULLARD: Okay. And did Officer Tersteege attend this event?

[redacted] Yes he did.

BULLARD: And what was the occasion for or what prompted this gathering?

[redacted] I believe it was just because everybody was involved Tara O'Sullivan's incident and we had just had the funeral and we were all getting together just to have a little team bonding.

BULLARD: Okay. And would you define the event as a party or would you define it more as a work-related social gathering? Or if there is a different def - definition you would give for it?

[redacted] I'd say it was a - just a get together among friends. And yeah we were - there's – it was a celebration, a party. We were eating, having some beverages. It was a - a good time.

BULLARD: Okay. Was there drinking of alcoholic beverages at this event?

[redacted] Yes.

BULLARD: And are you able - can you please recall for us everyone who attended this event to the best of your memory?

[redacted] Myself, my fiancée, [redacted] I believe his wife was there as well as long - with their – with their child as well. [redacted] was there with his wife.

BULLARD: This is Officer [redacted]

[redacted] Officer [redacted] yes. Officer Tersteege was there with his wife, his mother and I believe his son. Sergeant [redacted] his wife, Officer [redacted] Officer [redacted] Officer [redacted] and his - I believe it was his girlfriend. Officer [redacted] Officer [redacted] and I believe Sergeant [redacted] children were there as well.

BULLARD: And how many children of Sergeant [redacted] were there that you can recall?

[redacted] I believe three.

BULLARD: Approximate ages for those three children?

[redacted] Twelve, ten and ten, I'm not really sure.

BULLARD: Did you consume any alcoholic beverages during this event?

[redacted] Yes.

BULLARD: And what did you consume and how much?

[redacted] I consumed, I believe it was a couple beers and about two drinks - mixed drinks of Jameson.

BULLARD: Jameson being a whiskey?

[redacted] Whiskey, yes.

BULLARD: And when say a couple beers, do you mean two beers?

[redacted] More like three.

BULLARD: Okay. Three beers? And -

((Crosstalk))

[redacted] That I can recall. I mean.

BULLARD: An approximate size of those beers?

[redacted] Just the regular, what is it – sixteen ounces?

((Crosstalk))

BULLARD: Standard –

((Crosstalk))

[redacted] Twelve –

BULLARD: Twelve ounces?

[redacted] Yeah.

BULLARD: Standard twelve ounces?

[redacted] Standard 12 ounce beer.

BULLARD: Okay. How would you describe your sobriety level during this event?

[redacted] I was buzzed but I wouldn't consider myself drunk. I for the most part recall the entire night. I wasn't gonna drive. I didn't drive that night but I wasn't intoxicated to the point where I couldn't take care of myself.

BULLARD: What was Officer Tersteege – what was Officer Tersteege's demeanor during this event?

[redacted] He seemed – he seemed happy for the most part during - it's my understanding he just went through the – the walkthrough of the house where the - Tara O'Sullivan incident happened. And he had just came from there. He spoke about that briefly. Throughout the night I'd say he got a little more intoxicated definitely and began to speak a little louder and - but for the most part he seemed happy throughout the night.

BULLARD: And you said he had come from - did you describe it as a walkthrough?

[redacted] I believe it was an incident walkthrough, like the - the scene.

BULLARD: And you described that your – your understanding was Officer Tersteege had just come from that prior to this event. Is that right?

[redacted] Yes.

BULLARD: Okay. And did you go to this walkthrough at all that day?

[redacted] I did not, no.

BULLARD: Can you approximate when Officer Tersteege arrived at this event at Sergeant [redacted] residence?

[redacted] I believe it was probably approximately 30 to 45 minutes after I arrived.

BULLARD: Okay. Were you aware if Officer Tersteege consumed any alcoholic beverages during this event?

[redacted] Yes he did.

BULLARD: And what were you aware of what Officer Tersteege consumed alcoholic beverage-wise and how much?

[redacted] I'm not sure how much but I believe he was drinking Jameson whiskey.

BULLARD: Okay.

[redacted] And I have no idea how much it was.

BULLARD: And based – based on your recollection, would you consider Officer Tersteege to have been sober or intoxicated during this event?

[redacted] Intoxicated.

BULLARD: And to what level would you describe his intoxication?

[redacted] He seemed very intoxicated.

BULLARD: So you described like yourself as buzzed.

[redacted] Yes.

BULLARD: There's drunk, there's sober, buzzed, there are other ways to describe it. How would you accurately describe what you felt Officer Tersteege's sobriety level was?

[redacted] I felt that he was very drunk, not able to drive. I mean as far as BAC, I don't – I don't know. Well above the legal limit.

BULLARD: And this intoxication level of Officer Tersteege you said being very drunk, was that for the duration of him being there while you were present? or did this increasingly become - did he increasingly become more intoxicated as the event went on?

[redacted] He increasingly became more intoxicated as the event went on.

BULLARD: I mean how would you describe when he first arrived at this gathering, his sobriety level?

[redacted] Sober.

BULLARD: Sober?

[redacted] When he first got there, he seemed sober.

BULLARD: And how would you describe other attendees' sobriety at this event aside from Officer Tersteege?

[redacted] I think everybody was – everybody was having beverages, I - I believe? But for the most part I didn't - it didn't seem to me - if they told me they were completely sober, I would have understood and agreed with that. Nobody else seemed very intoxicated.

BULLARD: Nobody else seemed very intoxicated?

[redacted] No.

BULLARD: Did you witness or hear anything said or done at this party by Officer Tersteege that would be considered inappropriate or offensive?

[redacted] Yes.

BULLARD: And what specifically would that have been?

[redacted] He said the – the n-word multiple times.

BULLARD: Okay. And when you say the n-word, could you phonetically spell this word that you're referring to?

[redacted] Nora-Ida-George-Edward-Robert.

BOYD: (Unintelligible)

BULLARD: Okay. One George? Nora-Ida-George-Edward-Robert? Is that correct?

[redacted] Could be two Georges.

BULLARD: Okay. Can you – can you describe for me in what context of how this was said? You said he had said it multiple times.

[redacted] I honestly don't remember the context in which he said it. I believe - I mean it's – it's difficult. I don't want to say anything incorrectly. But if – if I understand, he was - I believe he said something about the Chief beforehand and then he had said the n-word associating him with that n-word.

BULLARD: Okay. Are there any other specifics that you can give us as far as Officer Tersteege using that word, as far as how it was used? You said it - am I – am I hearing you correctly is that you're saying that Officer Tersteege associated the Chief - and when you say the Chief, do you mean Sacramento Police Chief Hahn?

[redacted] Yes sir.

BULLARD: Okay. Are you - and am I accurate in recalling that you're telling me that you believe he was using this n-word in association with Sacramento Police Chief Hahn?

[redacted] I believe so, yes.

BULLARD: Okay. Was this word used in any other context or is there any other things that you can recall? You said he had used it multiple times.

[redacted] Yes. He used it multiple times. I forget every sing – I forget how else he was using it. I kind of just kind of stopped listening to him for a brief second once he – once he said it. I – I believe another instance was something along the lines of the people in Del Paso Heights are a bunch of n-words and -

BULLARD: Okay.

[redacted] - something along those lines from what I recall.

BULLARD: Okay. Can you approximate how many times - you said he used this word multiple times. Can you approximate how many times you believe he - Officer Tersteege used and uttered this word?

[redacted] Approximately four to five times.

BULLARD: Four to five times?

[redacted] Four to five times, yes.

BULLARD: Do you recall - do you recall where Sergeant [redacted] was when this was said?

[redacted] I believe Sergeant [redacted] was either inside his house or saying goodbye to people who were leaving in his front yard. I don't recall Sergeant [redacted] being there when he was saying that.

BULLARD: Where at Sergeant [redacted] residence was this at when Officer Tersteege said these things?

[redacted] In his backyard at the table next to his pool.

BULLARD: Okay. Would you mind doing me a favor? On blank piece of paper here, draw me a diagram of the layout of this area –

[redacted] Yeah.

BULLARD: - where you recall Officer Tersteege saying this.

[redacted] So this is Sergeant [redacted] house.

BULLARD: Would you mind labeling what these shapes are?

[redacted] Yeah.

BULLARD: Just like writing the - perfect. Just like that. Okay. Thank you. And then I see so you've labeled "table", "pool", "Sergeant [redacted] house", "fence", "fence" and then "fence" and then an - a smaller - looks like a smaller table here.

[redacted] Yeah.

BULLARD: These circles that you've drawn, what do those represent?

[redacted] Seats.

BULLARD: Okay.

[redacted] This is approximately where we were when he said -

BULLARD: Okay. So what I was going to ask you to do next with this pen is if you could either by use - like writing an initial – an initial for a letter for - if you want to use someone's last name or whatever as to where these circles are, who those represent.

[redacted] Okay.

BULLARD: So on here where was Officer Tersteege at when he made these remarks that you can recall?

[redacted] I believe he was seated right here.

BULLARD: Can you notate that with either a "T" or a "Z"? Something just to notate that that's supposed to be Officer Tersteege? Okay.

[redacted] "ZT". Zachariah Tersteege.

BULLARD: Okay. And then where were you seated at?

[redacted] Right here at the head of the table.

((Crosstalk))

BULLARD: Okay. So this would have been directly next to Officer Tersteege? Where -

[redacted] Yeah.

BULLARD: - you were seated?

[redacted] I believe my – my fiancée was seated right here.

BULLARD: Okay. Can you - thank you. So "[redacted]" is representing -

((Crosstalk))

[redacted] [redacted]

BULLARD: - your fiancée?

[redacted] Yes.

BULLARD: Can you label on there who the other circles represent?

[redacted] Yeah. I believe his wife was also seated in a chair near my fiancée. I'm not sure what her name is.

BULLARD: Officer Tersteege's?

[redacted] Tersteege's wife, yeah.

BULLARD: You could - If you want to put like "TW" I guess for "Tersteege wife"?

[redacted] Okay.

BULLARD: Okay.

[redacted] "[redacted]" for [redacted]

BULLARD: Okay.

[redacted] "[redacted]" for [redacted] I believe – I believe Tersteege's mother was around this area.

BULLARD: The one that you labeled "TM"?

[redacted] "TM", yes.

BULLARD: Okay.

[redacted] "[redacted]", [redacted] wife.

BULLARD: Okay.

[redacted] I believe she was seated somewhere around here.

BULLARD: Okay.

[redacted] I believe that's everybody who was there while he was - I believe his - his son might have been playing in the pool or something like that. I can't remember where his son was, at the time.

((Crosstalk))

BULLARD: Okay. These - these remaining two circles that you have not labeled yet -

[redacted] I think they're just seats. I don't -

((Crosstalk))

BULLARD: - don't think anyone was sitting there?

[redacted] - believe anybody was in there. Yeah.

BULLARD: Okay. So the people that your describe - these were the people that were present when Officer Tersteege made these remarks that you're describing?

[redacted] Yeah.

BULLARD: So this would have been Sergeant [redacted] wife?

[redacted] Yes.

BULLARD: Officer Tersteege's mother?

[redacted] Yes.

BULLARD: Officer [redacted] Officer [redacted]

[redacted] Yes.

BULLARD: Officer Tersteege's wife?

[redacted] Yes.

BULLARD: Your fiancée [redacted], and then yourself at the end of the table that would have been essentially next to Officer Tersteege?

[redacted] Yes.

BULLARD: Okay. Was anybody else – you - you labeled a couple of circles here around this smaller patio table was -

[redacted] Those were just seats. I don't -

BULLARD: Okay.

[redacted] - nobody else was sitting there. I believe everybody else was gone.

BULLARD: Okay. So nobody else that you can recall was standing around the immediacy of the table or anything like that, that you recall?

[redacted] Not that I recall, no. I believe – that's - that's it.

BULLARD: How would you categorize those remarks that Officer Tersteege said?

[redacted] Racist.

BULLARD: Racist?

[redacted] If – Yeah - I believe every time I hear that word it's a –

BULLARD: Okay.

[redacted] - there's no other way to use that word.

BULLARD: Were you offended in any way by those remarks?

[redacted] I was ver – I was uncomfortable. I understood that he was intoxicated and he was around friends and I don't know if he was joking or not. But it was uncomfortable is the word I would use. Uncomfortable.

BULLARD: Can you explain to me why it was uncomfortable for you?

[redacted] Just anytime you hear that word it's uncomfortable feeling, at least for me it is, just hearing that word.

BULLARD: Did anyone say anything to Officer Tersteege about this at that time?

[redacted] I believe after Tersteege said it a couple of times, Officer [redacted] just said, "Hey Zach, just take back the n-word. Just kind of slow down a little bit." I believe that's – that's the only thing that was – that was said regarding it.

BULLARD: Okay.

[redacted]: How did – So how did he respond to that?

[redacted] I don't recall. I don't think he said it - I'm – I'm not sure if he said it anymore. I – I really don't recall. I don't think he was argumentative but I don't – I don't recall exactly what he said afterwards. I just do remember [redacted] saying, "Hey, just take that back."

BULLARD: Was it apparent to you of who else heard these comments aside from you and it sounds like Officer - Officer [redacted]

[redacted] I believe everybody at the table heard him say it.

BULLARD: Okay. Everybody that you labeled here?

[redacted] Yes sir.

BULLARD: Okay. And how do you know that these individuals heard it?

[redacted] Because Tersteege - we were all engaged in a conversation and Officer Tersteege was the only one speaking and everybody's attention was directed towards him.

BULLARD: You say attention. So actually looking - physically looking at Officer Tersteege?

[redacted] Looking at him and listening. Yes.

BULLARD: What tone of voice - what tone of voice was Officer Tersteege using when he was saying these comments?

[redacted] He almost seemed like jokingly? Or kind of like it wasn't a big deal that he was saying it, kind of shrugging his shoulders when he – when he said it. Wasn't - didn't appear angry or anything but I would just kind of say he was making light of it.

BULLARD: When you say jokingly, was he smiling when he was saying it?

[redacted] No. No. He wasn't smiling. He was - just the kind of shrugging of the shoulders and saying, you know, "He's a (unintelligible) – he's an n-word", kind of - I don't really know how to describe it.

BULLARD: Were there - was there - and again, I'm going back to using the term joking. Was there chuckling or laughing associated with it in some way?

[redacted] No. No.

BULLARD: Okay. Was it - did Officer Tersteege, did he yell this? Did he say it in a loud voice? Did he whisper it? Did he say it just in an average, regular voi - how would you describe his tone of voice though in saying that?

[redacted] An average tone. He didn't yell it. He didn't raise his voice or lower his voice when he was saying it. It was just – as if he was speaking a conversation.

BULLARD: Okay. What did you do after Officer Tersteege made these comments? Was there anything that you had done at all?

[redacted] I just kind of shook my head. Didn't really - didn't say anything. And then Officer [redacted] said, "Hey, just take that back." So I kind of just left it at that.

BULLARD: Can you estimate approximately what time of day or night that this was when Officer Tersteege said these things?

[redacted] I'd say approximately 10:30 at night.

BULLARD: So about 2230 hours or so?

[redacted] Yes sir.

BULLARD: Okay. Approximately what time did you leave the event?

[redacted] I believe I left at approximately 11:15 or 11:30 at night.

BULLARD: So 2315 to 2330 hours?

[redacted] Yes sir.

BULLARD: Okay.

[redacted] I believe.

BULLARD: Is there a particular individual or individuals that attended this gathering that you think we should talk to next that would have first-hand accounts of these comments made by Officer Tersteege?

[redacted] Officer [redacted] for sure. Officer [redacted] She was there.

BOYD: So would it be safe to say everybody that was at the table?

[redacted] Yes sir.

BULLARD: That you labeled here?

[redacted] Yes sir.

BULLARD: Okay. Let me just touch back off on this one more time here. You said it was apparent to you that everybody that you labeled at the table heard Officer Tersteege make these comments, right?

[redacted] Yes sir.

BULLARD: And you described it as that they were looking at him. Was there anything else or any other cues or indicators to you of certain individuals that you knew that had for sure heard Officer Tersteege make those comments?

[redacted] Nothing really popped out to me as far as anybody's reaction besides Officer [redacted] saying, "Hey, take that back" after he said it a few times.

BULLARD: Facial expressions on anybody that was noteworthy? Did anybody else say anything aside from Officer [redacted]

[redacted] Not that I can - not that I can recall. Actually his – his mother may have – may have said something but I don't recall exactly what she said.

BULLARD: Officer Tersteege's mom?

[redacted] Officer Tersteege's mother, yes.

BULLARD: Have you discussed this incident regarding Officer Tersteege's remarks with any co-workers?

[redacted] Yes.

BULLARD: And who was that with?

[redacted] So after – after the incident I believe Tersteege was being given a TDY to NCU. While he was at NCU, we had heard that he wasn't doing too well and we wanted to reach out to him and talk to him before-hand. Myself, Officer [redacted] Officer [redacted] and Officer [redacted] kind of 940'd together and just discussed topics that we wanted to bring up of kind of what we've heard of why he's going downhill. And while we were talking to each other, that kind of came up like just as we're listing off things, you know, he said the n-word at the party and he's – he's not doing too good at NCU. So just briefly at that – that moment in time we talked about it.

BULLARD: When was this? When would you estimate this was after the -the gathering at Sergeant [redacted] house?

[redacted] Officer Tersteege was – was still at NCU and I believe after that - after we had a conversation, we actually had a conversation with him. After we had that initial conversation between the four of us, we had a conversation with Zach and I believe shortly after that, of within a couple of days, he went to peer support.

BULLARD: Okay.

[redacted] So within that timeframe.

BULLARD: Let – let me backtrack with you. So the – the time when you - you described Officer [redacted] Officer [redacted] [redacted] and yourself had all met together to discuss this?

[redacted] Yes.

BULLARD: About Officer Tersteege, correct?

[redacted] I mean in the field, just hey we need to talk to him.

BULLARD: When would you have estimated that would have been? How long after Sergeant [redacted] social gathering there when this happened?

[redacted] About - Approximately two to three weeks.

BULLARD: Two to three weeks later?

[redacted] Yes. After the – after Sergeant [redacted] gathering.

BULLARD: Okay. And where was this meeting at between you, [redacted] [redacted] and [redacted]

[redacted] It was I believe at the – the Southwest corner of Grand and Altos.

BULLARD: Grand and Altos?

[redacted] Yes.

BULLARD: And this is on duty while you're out in the field?

((Crosstalk))

[redacted] Yes. Yes. I was riding as - with Officer [redacted] We were in a car together. And Officer [redacted] and Officer [redacted] were in a car together. And we just 940'ed in there.

BULLARD: And again, can – can you just recall for me again the discussion that the four of you had amongst each other about Officer Tersteege at that time?

[redacted] We had - we had heard he was – he was going downhill and he wasn't really doing very well at NCU. And we wanted to bring some things up to him. So we kind of just met to kind of setup what we're gonna say to him and what – what we wanted to talk about. While we were doing that, the incident at Sergeant [redacted] house had been brought up as well like somebody should say

something to him about that is what - because prior to that I don't believe anybody had said somebody – said something to him besides of the incident when [redacted] told him to take it back.

BULLARD: What specifically was said though regarding the use - Officer Tersteege's use of the n-word at this meeting that you had - you had, had, you, Officer [redacted] and [redacted]

[redacted] It was just – just kind of a - we could – we could see that his – his demeanor had kind of changed and we don't know where that came from because I - I haven't known Officer Tersteege to ever use that sort of language or racial slur or anything in the past. So it was just where that came from. We don't know if it was the intoxication level? But that's kind of why it got brought up was just -

BULLARD: Okay.

[redacted] - this is – this is one of the things that we're seeing that isn't -

BULLARD: Was it discussed between the four of you about the specific words or verbiage that Officer Tersteege used? Aside from just using the n-word, was context explained or talked amongst you about how he used that word?

[redacted] Not that I recall. Just the fact that he used that word. But I don't recall any specifics as to how he was using it.

BULLARD: You kind of referenced that Officer Tersteege had seemed like he was going downhill?

[redacted] Mm-hm.

BULLARD: Can you explain why? Give us some – some context into that of what you know or -

[redacted] We had just - we had heard - well first off the - we had heard he had - he's been drinking - he'd been drinking quite a bit. The incident at Sarge's house when he dropped the n-word. We also heard about an incident in NCU where he had been asked to go to lunch with the team and he said he doesn't want to go to lunch with them. He's just gonna go to the Academy for a little bit, which is fine. Then when he returned to the office with everybody, somebody had said something like, "Oh, you're late" or something like that and we heard he told that person to, "Fuck off" in kind of a rude – a rude manner. And that doesn't seem very appropriate. So just a collection of – of those two things. And I - we had just heard he wasn't enjoying himself over at NCU and he wasn't really making a - a good impression.

BULLARD: Do you really - to touch back on it, do you have - beyond him getting TDY'ed to NCU, is there anything in particular that has in your - to your understanding led Officer Tersteege to go as you've said "downhill"? Is there anything that's kind of been a catalyst for that or anything like that that's led up to that?

[redacted] I would say just the – the Officer O'Sullivan incident. Since then he's been slowly going downhill just from the rumors that I've heard and witnessed.

BULLARD: Okay.

[redacted] So I would say the officer-involved shooting incident is where it started.

BULLARD: Okay. You described - after this meeting between you, Officer [redacted] when you all had met over at Grand and Altos that - you said that later that you met with Officer Tersteege?

[redacted] Yes sir.

BULLARD: Can you describe that for me, when that was, where it was, who was there, what was said?

[redacted] It was maybe a week after or a few days after at the Kinney Station in the roll call room. It was after roll call. It was me, Officer [redacted] Officer [redacted] -

BOYD: [redacted]

BULLARD: Was Officer [redacted] there?

[redacted] I don't believe - no. I don't believe Officer [redacted] was there. I believe he was on a TDY to PRCS at this point. And [redacted] and Officer Tersteege.

BULLARD: So yourself, Officer [redacted] Officer [redacted] Officer [redacted] and Officer Tersteege were present for this meeting?

[redacted] Yes.

BULLARD: Is that correct? And you described it being in the Kinney roll call room?

[redacted] Yes.

BULLARD: After roll call and this would be - would this be after swing shift roll call?

[redacted] After swing shift roll call yes.

BULLARD: So after 1430 at sometime?

[redacted] Yes sir.

BULLARD: Was this a private meeting?

[redacted] Yes. The doors were closed and it was just us.

BULLARD: Okay. Can you describe

[redacted] (Unintelligible) that I just mentioned.

BULLARD: Okay. Can you describe for me what was said?

[redacted] Pretty much everything that I had - had just said about what we had heard, you know, his downfall, using the n-word, the NCU incident how he wasn't really doing good. We'd also heard he – he had missed some mandatory meeting. And we just kind of brought all that up to him. At first he seemed a little defensive like, "It's none of your guys' business that I'm missing my meetings. You guys shouldn't even be aware of that." And we had - Officer [redacted] was kind of the lead – the lead guy as far as throwing this all at him. And the - I believe the n-word incident did come up. I forget what Officer Tersteege said. And to be honest, that wasn't - that was one of the issues? But that wasn't the focal point. So we just kind of went there like - forgive me but another incident was he had gotten tattoos - new tattoos regarding the incident that had happened. He got a little scripture on his – on his arm. And at the party he was saying, "I'm not gonna wear long sleeve, I'm not gonna cover it up. I'm gonna wear short sleeve now. And if they say anything to me, I'm just gonna say this is how I deal with the incident so leave me alone." Kind of I can do what I want. So we also brought that up to him that you're kind of walking around here big chested and saying because this incident happened to me, this is now what I can do. And people are starting to see that – that kind of behavior and that kind of mentality and we're just letting you know, this is what we're hearing and it's - you need to slow down a little bit. And that was pretty much the -

BULLARD: And you had said earlier you're not sure what his response was when you or as a whole - as a group brought up Officer Tersteege using the n-word, you don't recall what - am I – am I accurate on that? You don't recall what -

((Crosstalk))

[redacted] Yes.

BULLARD: - his response to that was?

[redacted] Correct.

BULLARD: Do you recall whether it was a positive response like "I apologize for that"? Or you - if it was a negative response where I - as far as what the - in any way to that accusation?

[redacted] I believe it - he – he said something along the lines of, "You know, I was – I was really intoxicated" but I don't think he said much – much about that. And to be honest, we didn't stay on that talking point for very long at all.

BULLARD: Have you discussed this incident regarding Officer Tersteege's remarks with any superiors of yours?

[redacted] I have not, no.

BULLARD: Have you discussed this incident with Officer Tersteege since the incident aside from this meeting that you had in the Kinney roll call room with the officers you just mentioned earlier?

[redacted] No.

BULLARD: Okay.

[redacted] I - In passing I have said, you know, "Hey how you doing buddy? You doing better?" that kind of thing but regarding the n-word incident, no. I haven't spoken to him about it.

BULLARD: Aside from this incident that we've discussed, have you ever heard or observed anything else said or done by Officer Tersteege that would be considered racist or biased or similar in nature to the remarks that you heard that we've discussed?

[redacted] No sir.

BULLARD: And have you ever heard Officer Tersteege use as we refer to the n-word aside from this incident at Sergeant [redacted] residence?

[redacted] Never.

BULLARD: Okay. Do you think your fiancée would be willing to speak with us about this incident?

[redacted] I'm not sure. She's – she's very busy. She [redacted]. I can give you her phone number if you'd like to reach out to her?

BULLARD: Sure, if you don't mind.

[redacted] [redacted]

BULLARD: Did Officer Tersteege during the social gathering at Sergeant [redacted] house - did - was there any mention do you recall as far as Officer Tersteege making any kind of remarks about Sergeant [redacted] neighbors?

[redacted] Now that you mention it, yes. I do remember him looking over at a neighbor's house and – and saying something. I forget exactly what it was. I want to say something along the lines of like they were Japanese or - or something. I really don't recall exactly what was said. But I remember for some reason he was saying something about the neighbors and I wasn't even really listening to what he was saying.

BULLARD: Officer Tersteege was?

[redacted] Yes.

BULLARD: Do you recall anything being mentioned about the neighbors not understanding English? Do you recall anything like that being said at all?

[redacted] Briefly? Maybe that's – that's why I'm saying - for some reason I keep thinking of Japanese. But I really don't remember exactly what was said as far as anybody speaking English or anything.

BULLARD: Was anything discussed amongst anybody even aside from Officer Tersteege during this time in the backyard here about Sergeant [redacted] neighbors as to their ethnicity or anything like that?

[redacted] The only thing I can recall is - I remember Tersteege looking over at the neighbors and saying something. The neighbors weren't even there. It was - He was looking at their fence I guess you'd say. And for some reason I want to say he said something about Japanese people. I - That's honestly the only thing I remember.

BULLARD: Okay.

[redacted]: Touched on it a little bit earlier but how long have you worked with Officer Tersteege?

[redacted] I worked with him for half a year. I believe it was in 2017 on the graveyard Sector 1 senior team. And then from this year - the beginning of this year until now. So collectively probably a year, year and a half.

[redacted]: So twice on the same team?

[redacted] Yes sir.

[redacted]: Ever partner up in a car together?

[redacted] No. No. I don't think we have.

[redacted]: In your estimation, how many calls do you think you've been on with him?

[redacted] Fifty to a hundred. I really don't - but a significant amount.

[redacted]: And in – in those calls or going to those calls with him, have you ever observed him treating people different that were of different race, ethnicity?

[redacted] Never.

[redacted]: You know the term racial profiling?

[redacted] Yes sir.

[redacted] Have you ever observed Officer Tersteege participate in racial profiling?

[redacted] Never.

[redacted]: Just trying to I think understand more of the context -- going to the party now -- of kind of how these remarks came up regarding the Chief and maybe some of the – the members of the community, which I'm assuming he was talking about when he was talking about members of the community being the n-word? Was this the community that maybe lived around where Tara was shot?

[redacted] Yes.

((Crosstalk))

[redacted]: Was that what you're referring to?

[redacted] I believe so. The Del Paso Heights area where we work.

[redacted]: In listening to him, were you able to draw any conclusion of what if any issue he had with - with the Chief and why his name was - was brought up or why that particular subject even came - came to light?

[redacted] I really don't recall at that point why he brought it up. I know from previous incidents we were at - we are at the Hall of Justice as a team doing a press release with Tara's family. Before - before that Captain Joy had come down and said, "Hey, just want to thank you guys for being here. The Chief would like to sit down with you guys before you do your – your press release." At that point Officer Tersteege kind of became defensive because Officer Tersteege was upset that Chief Hahn had not reached out to anybody who was involved in the officer involved shooting or involved in the incident. And he was very upset with the Chief for not doing that.

[redacted]: And he told you that?

[redacted] Yeah. He believed it was a very simple task, just a phone call but Chief Hahn didn't do it and he was upset with Chief Hahn and he didn't really want to do the interview or, excuse me, the sit down - the talk.

[redacted]: And that took place before the party we were talking about today?

[redacted] I believe so, yes.

[redacted]: Okay.

[redacted] We all kind of sat there and said, you know, "We're – we're a team and if one person isn't gonna go do it, then, you know, we're not gonna just leave him behind."

[redacted]: Mm-hm.

[redacted] At that point Sergeant McCoin had come in and said, "I understand you guys are upset." This is especially talking to Officer Tersteege. "I understand you're upset that Chief hasn't reached out to you. But don't ruin your career over this just because you're upset. Just don't - you don't have to say anything. Just sit down with him and let him say whatever he needs to say. If you really are that upset, you don't have to say anything." And so we all agreed and we all went up and had the – had the meeting. That's the only – the only thing that I can think of as to why Officer Tersteege was upset with Chief Hahn. But as far as at the incident, I don't recall why his name was brought up.

BULLARD: And so I – I want to make sure I reiterate accurately what you had said earlier is that you believe that Officer Tersteege had used what we've referred to earlier

as the n-word approximately four to five times this night at Sergeant [redacted] residence. Correct?

[redacted] Yes sir.

BULLARD: That it was in some reference to Sacramento Police Chief Hahn. Is that correct?

[redacted] I believe so, yes.

BULLARD: Okay. But you do not - is it - do you recall the exact sentence -

[redacted] I do not.

BULLARD: - sentences that he used it?

[redacted] Unfortunately I don't.

BULLARD: And that he also used that word, that n-word in reference to members of the Del Paso Heights area. Is that correct?

[redacted] To my recollection, yes.

[redacted]: This is kind of a subjective question but – I don't want to put words in your mouth. Did you get a notion from Officer Tersteege that night that maybe he felt that the Chief was a big sympathetic towards members of that community because they were African American?

[redacted] As far as why he said the n-word?

[redacted] Right. Why there were kind of - seems like those two - I don't know, what came before the other, which statement but seems like they were kind of connected like maybe one came up because of the other? or vice versa.

[redacted] Yeah. I understand what you're saying. I - I really don't remember why he – why he said the Chief and then Del Paso Heights people – I don't - I really don't know why. It just sounded more of kind of a tirade to me, just but I don't know the exact reason why he said that.

[redacted]: Okay.

BULLARD: Mick?

BOYD: No sir.

BULLARD: Real quick, let me just ask him that? Do you have anything to add regarding this incident at all?

[redacted] No sir I do not.

BULLARD: Okay.

[redacted]: Okay. Is there anything else related to this matter that we have not covered that needs to be added, clarified or changed? If so, I'm ordering you to provide that information right now.

[redacted] Not that I can recall sir.

[redacted] After you leave the interview should you remember anything that is different from or in addition to the information that you have given today, I am ordering you to contact Sergeant Bullard immediately. I am also ordering you to not discuss this matter with any other department employee. Do you understand these orders?

[redacted] Yes sir.

[redacted]: Interview concluding at 1345.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH SGT. [redacted]
BULLARD=Sgt. Ryan Bullard
SHIRAISHI=Sgt. Jeff Shiraishi
[redacted] Sgt. [redacted]
BOYD=Ofc. Mick Boyd

SHIRAISHI: All right. The date is August 15th, 2019, and the time is 1309 hours. Present in the Internal Affairs Division Office are [redacted], Representative Michael Boyd, Sergeant Ryan Bullard, and myself, Sergeant Jeffrey Shiraishi. The purpose of this investigation is to conduct an interview of [redacted], who is an employee with the Sacramento Police Department in the capacity of Police Sergeant. This is an administrative investigation on charges against Zachary - Zachariah Tersteege for conduct unbecoming, in which you may be a witness. Do you understand that this is an administrative investigation only?

[redacted] I do.

SHIRAISHI: The results of this investigation could lead to disciplinary action up to and including termination of the employee allegedly responsible. Do you understand this?

[redacted] I do.

SHIRAISHI: Based upon the authority vested in me by the chief of police, I am ordering you to cooperate with this investigation. This means that you must be truthful in all of your statements and answer all of our questions fully and honestly. Also, you are ordered to provide at this time all information you may know regarding this incident. Failure to answer a question or failure to answer it truthfully and fully will be considered a lack of cooperation that could subject you to disciplinary action up to and including termination for insubordination. Do you understand this?

[redacted] Yes.

BULLARD: For the record, please state and spell your name.

[redacted] [redacted]

BULLARD: Did you graduate from the Sacramento Police Academy?

[redacted] Yes, I did.

BULLARD: And when did you graduate?

[redacted] In 2000, July of 2000.

BULLARD: Do you have any prior law enforcement experience?

[redacted] No.

BULLARD: What is your current assignment and shift?

[redacted] Patrol Sergeant, Sector 2, swing shift, on the senior team, Team 9.

BULLARD: Team 9?

[redacted] Team 9.

BULLARD: How long have you been in your current assignment?

[redacted] Three months.

BULLARD: And when were you promoted to Sergeant?

[redacted] May 11, 2019.

BULLARD: Is SPD Officer Zachariah Tersteege your direct subordinate?

[redacted] Yes, he is.

BULLARD: And when did you begin your tenure as Officer Tersteege's direct supervisor?

[redacted] I'd have to look at a calendar because initially when I got promoted, I had Team 10 for two weeks, and then was reassigned to Team 9.

BULLARD: And can you estimate an approximate amount of time, whether by weeks or months or anything like that of how long you've been Tersteege's -

[redacted] So I would say it was at the very end of May, when I took over that team.

BULLARD: Okay. Did you discuss Officer Tersteege with any of his previous supervisors?

[redacted] I did.

BULLARD: Okay. And can you describe some of what was discussed, anything that came of note?

[redacted]

BULLARD: Did you review his watch file?

[redacted] I did.

BULLARD: [redacted]

[redacted]

BULLARD: Aside from what you just discussed there, have you heard anything else of note [redacted]

[redacted] No.

BULLARD: We are here to conduct an administrative interview with you regarding an off-duty incident at a social gathering at your residence involving SPD Officer Zach Tersteege, where there is an allegation of him making inappropriate remarks on or before July 5th, 2019. Can you elaborate or tell us about this incident and that allegation if you know what it is that we're talking about.

[redacted] I do. So, Tara was - Tara O'Sullivan was assigned to my team and our team, a majority of the officers were in the backyard with her. So shortly thereafter her - her death, our team was asked to be the pallbearers for her casket, coming from the church out. So we were going through the practice and - at the funeral home. So then I know there's a lot of grief and stress and everything else that was currently going on with the team so, my wife and I had a discussion, that I thought it was appropriate to get everybody together at my house, kind of do a little team bonding, little what we call beef, beer and decompress. So I had a caterer bring some food, we had some beer and wine, and invited the whole team over with their spouses, if they chose to do so. So the entire team showed up, so it was shortly after 5 o'clock on that Saturday, and the only person that did not - there's two team members that did not have a spouse or a girlfriend that was with them, and that was [redacted] and [redacted] Everybody

else had their sig- significant other, and [redacted] also had his child with him, and so did Tersteege.

BULLARD: And can you describe for me the incident that we're discussing obviously about Officer Tersteege making inappropriate - inappropriate remarks at this event, can you elaborate for us on what that might be.

[redacted] So I wasn't present during his little rant or some inappropriate comments that he made. I want to say it was probably close to the 2300 hour mark. [redacted] was leaving for the night, so at that point we were - ev-everybody was in the backyard, around the pool, just having a conversation. So I walked him out to the front, we talked for about another 15, 20 minutes, just about the incident, how - take care of himself and all that kind of stuff. So when I came back into the backyard, you can tell that he was talking about how he was upset with the Chief.

BULLARD: And can you clarify who is "he"?

[redacted] [redacted]

BULLARD: No I - who was -

[redacted] I'm sorry, Zack Tersteege.

BULLARD: Okay.

[redacted] About how he was upset with the Chief not reaching out to the team members, so at that point, not knowing what was said prior to my re-entering into the backyard, and that's when I kind of told - because he was upset, like I said and cer- some of the other members of the team kind of like joined in, like "Well, he should have at least reached out, made a phone call, how hard is that?" And I did my best to explain that he came back early from vacation, you know, he's a Chief, we have deputy Chiefs, Captains and everybody else that are doing their job, and it wasn't until everybody left, and then later that evening, after we cleaned up and my wife and I went to bed, is when my wife told me that "You have your hands full." Tersteege had made some inappropriate remarks, and then kind of told me some of the nature, you know, talked about - I have Asian neighbors on each side. He had made a comment, something to the effect that "Well, they don't speak English, they don't know what the hell I'm talking about anyway." I have some Hispanics that live in the ranch behind me, and every once in a while they have karaoke and mariachi bands and I guess he had made derogatory remarks about them, and then when he was on his little tirade about the Chief, from what I was told, he used the n-word in reference to the Chief. Again, I wasn't there, I didn't hear it. So at that point I came back to the

office the following week, had a conversation with another Sergeant, and was like, "Man, what should I do with this?" Because there are other members of the department that were there, that had their spouses or girlfriend that were there. I'm a new Sergeant. What happens if this gets out? Right? So at that point, I had a conversation with Lieutenant Heinlein, informed him what had transpired at my house, and then at that point he basically said, "Well, it's hearsay to you, but I'd highly recommend that you have a conversation and make sure he understands the ramifications and impact of his actions, and how it can be taken out of context," and understandably he went through a very traumatic incident. He had been drinking quite heavily, he brought his own bottle of Jameson Whiskey, and pretty much went through the whole bottle himself, and God knows what else he might have drank. So, I had a conversation with him, in fact, he actually called me - I want to say about a week and a half, almost two weeks later. At that point he was having - he got reassigned from the team as did some of the others to do a TDY to NCU. He was having conflict with the Sergeant in NCU, Steve Hansen. Wasn't wearing a collar shirt, didn't want to be a part of the team, the workout, the lunch, and all that kind of stuff. So, [redacted] who's also on my team was also TDY'ed to NCU. He had told me, "Hey, you know, he's having a tough time. There's some issues with his - his wife, he's drinking a little bit heavily when he goes home from work. He's just not integrating, he feels like he's being punished in NCU." So, I had a conversation with Sergeant Ron Chesterman in Peer Support about, "Hey, I had a very similar incident with another employee when I was the acting Sergeant in Felony Assault. I see a lot of similarities. I think we need to do something, we need to do an intervention pretty quickly." So at that point he was removed from NCU and then TDY'ed to Peer Support. And then from there, it sounded like he made a pretty good turnaround, having a lot of good conversations with the people there, and I know he was also working with [redacted] and a couple weeks after he was in Peer Support I got a call saying, "Hey, we think he's ready to go back to Patrol," so he came back to Patrol last week, so.

BULLARD: Okay. So to clarify - some of this is going to be reiterating of what -

((Crosstalk))

[redacted] That's fine.

BULLARD: -you said earlier, and we'll just make sure that we cover it. So did you host basically a form of a social gathering or party for your patrol team which included Officer Tersteege then?

[redacted] I did.

BULLARD: Okay. And can you recall the date and time when this social gathering or party may have been when this was?

[redacted] If I'm allowed to look at my phone, I can tell you exactly when it was.

BULLARD: Yeah, absolutely.

BOYD: I don't know, should we let him look at his phone? Just kidding.

[redacted] So the 19th…So it would have been the 29th.

BULLARD: So June 29 of 2019?

[redacted] Yeah, she was laid to rest on the 27th, and we had it on the 29th.

BULLARD: And approximately what time did that party or that social gathering begin?

[redacted] Again it was supposed to start at 5 o'clock, but there was another incident that took place. We were offered up to go back to the residence where the shooting took place, on Redwood to do a walk-through of the scene before it was released from our custody. Many of the team members went there first. So I would say some of the people showed up, because my wife stayed at the house - I would say maybe half the team showed up around 5:00, and then everybody else around 5:30-6:00.

BULLARD: Okay.

BOYD: Did Zack go to the - to the scene?

[redacted] Yes, he did.

BULLARD: And what was the address where this party or social gathering was at?

[redacted] [redacted]

BULLARD: Is it [redacted]

[redacted] Yes, in Elk Grove.

BULLARD: Okay. And can you kind of reiterate for me what the occasion was or what prompted the gathering or the party there?

[redacted] Again, new Sergeant kicking it with the team, just recently had a very traumatic and tragic event that occurred with one of the members of the team who was

assigned to FTO [redacted] So, a lot of emotions and I felt it would have been a good thing to do, to get everybody together, you know, to do a little bonding and if they needed to talk, we talk, and try to get them through it.

BULLARD: And you had said earlier, was there drinking of alcoholic beverages at this event?

[redacted] There was.

BULLARD: Okay. And can you - I know you said some of the names earlier, but can you - whether you have it with you or not, can you list for me the attendees that were at this event. You had mentioned Officer [redacted] and Officer [redacted], obviously Officer Tersteege. Who else was present at this gathering?

[redacted] So Tersteege had his wife, his child, his kid, his parents.

BULLARD: So mother and father?

[redacted] Yes.

BULLARD: Of Officer Tersteege?

[redacted] You had [redacted] and his girlfriend. I'm sorry, that was [redacted] [redacted] [redacted] was the other one that did not have a significant other with him.

BULLARD: [redacted]

[redacted] [redacted] correct.

BULLARD: Okay.

[redacted] [redacted] and his wife, and their - I think she's one and a half, maybe two-year-old daughter. I'm sorry, that would have been [redacted] and his wife - [redacted] had his wife.

BULLARD: [redacted] was with his wife?

[redacted] And -

BULLARD: And one-and-a-half-year-old daughter?

[redacted] One-and-a-half or two-year-old, because they went swimming in the pool. [redacted]

BULLARD: Was Officer [redacted] solo or did he have someone with him as well?

[redacted] Yes, his - his wife as well.

BULLARD: Okay.

[redacted] How many I got there?

BULLARD: Sorry, my handwriting's not that great.

[redacted] Three, Four, five, six, seven – oh and [redacted] and his wife, [redacted]

BOYD: They married? I did not know that.

BULLARD: Your wife?

[redacted] And my wife.

BULLARD: And your - what's your wife's name?

[redacted]

BULLARD: [redacted]

[redacted] Correct.

BULLARD: Anybody else?

[redacted] No, that's it.

BULLARD: Okay. Were any of your children present at all for this?

[redacted] During this time? no.

BULLARD: Okay.

[redacted] They were present during - earlier in the evening, but they had gone inside.

BULLARD: Okay. And now what time ultimately did this - would you call it a social gathering or a party? How would you define it?

[redacted] More of a social gathering

BULLARD: Okay.

[redacted] Get together.

BULLARD: Supposed to start at 1700 essentially, and then what time did it ultimately end?

[redacted] Shortly after 11:00. So probably by 11:30 everybody was gone.

BULLARD: Okay. Did you consume any alcoholic beverages during this event?

[redacted] I did.

BULLARD: And can you describe what that was and how much?

[redacted] Probably had about four beers.

BULLARD: Throughout the entirety of the event?

[redacted] Mm-hm.

BULLARD: Okay. And this is gonna reiterate a little bit what you touched on earlier. Were you aware of Officer Tersteege consuming any alcoholic beverages during this event?

[redacted] I was.

BULLARD: And again, can you describe for me what that was?

[redacted] Again, I know he brought his own bottle of Jameson Whiskey, and I think he also brought his own little cooler with ginger ale, which I think he used to mix his whiskey with. And I'm not sure if he had any beer along with it, but I know he was drinking mainly the whiskey throughout the evening.

BULLARD: Okay. Based on your recollection, would you consider Officer Tersteege to have been sober or intoxicated during this event?

[redacted] I think he was intoxicated.

BULLARD: Okay. And to what level of intoxication would you describe? Would you describe him as drunk? would you describe him as legally able to drive a vehicle? in your own opinion?

[redacted] Oh I would say he was drunk.

BULLARD: Okay, drunk? And what was Officer Tersteege's demeanor during the party? How would you describe it?

[redacted] For the most part I would say, you know, he was very interactive with the team. Again, it was just toward the latter part of the evening when all the kids went inside, we were talking about how we move forward from this, and he got a little bit more vocal about his - his feelings and again, when I walked away, I don't know if it was - he felt that it was safe that a Sergeant wasn't there or supervisor wasn't there, that he opened up a little bit more to the team about his feelings, but for the most part, like I said, everybody was talking about the incident. We talked about - kind of like our own critical incident debrief, where everybody was, what they did, and then just kind of - their personal interaction with the family during the course of the week, because, you know, I know Tersteege, [redacted] even myself had some interactions with the O'Sullivan family. So, I mean it wasn't like he was secluded. Everybody was pretty much together around a table that I had out there and we were just having conversation.

BULLARD: And did you witness or hear anything said or done at this party or social gathering by Officer Tersteege that would be considered inappropriate?

[redacted] I did not.

BULLARD: And did anyone at the party or social gathering bring anything to your attention about anything said or done at this party by Officer Tersteege that would be considered inappropriate?

[redacted] Yes.

BULLARD: Okay. And who would that have been?

[redacted] My wife.

BULLARD: This would have been [redacted]

[redacted] Correct.

BULLARD: And you - this was brought to your attention after everybody had left and later the same night, is that correct?

[redacted] Yes.

BULLARD: Okay. And were you advised where at your residence Officer Tersteege was when he allegedly made these remarks?

[redacted] Yes.

BULLARD: And where -

[redacted] We were - it was in the backyard, everybody was seated around a patio table.

BULLARD: And again, can you describe for me what it is that your wife [redacted] told you of what Officer Tersteege had said?

[redacted] She stated that - and I don't remember exactly how it was said, but referenced to the Chief as a nigger.

BULLARD: And so to clarify, I know it's not a very comfortable word to say, so we're saying phonetically, Nora, Ida, George, George, Edward, Robert?

[redacted] Yes.

BULLARD: Is that correct? And you had mentioned other things about your neighbors?

[redacted] Yes.

BULLARD: That you had Asian neighbors, correct?

[redacted] Correct.

BULLARD: And that Officer Tersteege had made some comments about them not being able to understand what he is saying?

[redacted] Right. There was a point, my wife had told me, when he kind of went on his little tangent that [redacted] who was seated next to him, kind of looked at [redacted] and [redacted] then made some remarks to him like, "Hey, dude, you need to chill out. You're in Sergeant's house, you know, knock it off." So, and that was before I returned to the backyard. So that was a direct- or brought to my attention by my wife. So, he went on, you know, like I said, started kind of going on his tangent about Hispanics, Asians, the Chief, and then that's when [redacted] tried to check him and, you know, told him to knock it off.

BULLARD: And this is what your wife's account of -

((Crosstalk))

[redacted] Correct.

BULLARD: -what occurred, as you were not there for that?

[redacted] No.

BULLARD: And to reiterate, this was during when you had escorted Officer [redacted] back towards the front of your property?

[redacted] Yeah, we were –

((Crosstalk))

BULLARD: As he was leaving -

[redacted] -standing out by the street by his car.

BULLARD: Okay. And I think the other thing you had mentioned is that you have Hispanic neighbors that live directly behind you that Officer Tersteege made remarks about. What, again, specifically was that that you were told of what he had said?

[redacted] My wife basically kind of said he just went and talked about everybody. It wasn't just the Chief and blacks, and - and now, I recall kind of how it got started. I guess the team was talking about some remarks that were said during the funeral by the Chief, and then how Tara had interacted or specifically worked with a black group, and they thought that that was inappropriate, and that's what kind of led to that remark by Tersteege about the Chief, so, and then it kind of was, "Hey, you know, you got to be careful. His neighbors are over here," and he's like, "Oh, they don't speak English anyway so what's it matter?" You know, it was kind of like that. And then what specifically was said about the Hispanics, I - I don't really remember. She just said that he didn't exclude anybody.

BULLARD: Okay. Can you - can you explain - you said the next step in this, it sounded like you had spoken to a - another Sergeant.

[redacted] Correct.

BULLARD: Another supervisor about what you had been told by your wife, correct?

[redacted] Correct.

BULLARD: And when was this approximately do you think?

[redacted] I would say it was probably that Tuesday afterward.

BULLARD: Okay.

[redacted] Tuesday or - yeah, I think it was Tuesday or Wednesday.

BULLARD: Do you know about what time of day that would have been?

[redacted] It was before roll call, so I would say probably about 12:30 in the afternoon.

BULLARD: Okay. And was this in person or over the phone with this other supervisor?

[redacted] No in person.

BULLARD: And which supervisor was this?

[redacted] Jeffrey Morris.

BULLARD: Sergeant Jeff Morris?

[redacted] Yes.

BULLARD: Okay. And what exactly did you tell Sergeant Jeff Morris?

[redacted] I kind of explained the same situation that I've explained to you guys, and knowing that it was brought to my attention by my wife, and knowing that other members of the department were there, and heard this, or heard these remarks, that, you know, just looking for some advice on the appropriate way to go about handling this, knowing that I just couldn't hold this in, knowing that if somewhere down the road he was involved in an incident, and I got brought in and asked if I ever knew of him to use - when I say him, Tersteege - to use these type of remarks, I would have to say "yes", because I was made aware of it, even though I didn't hear it, there were other witnesses that were obviously there and heard it, and it was in my backyard, so we talked about it a little bit, and then I told him, I said, "Well, most likely, you know, I'm gonna have to go tell the Lieutenant," who - who's my direct supervisor, which is Lieutenant Bryce Heinlein and concurred on that decision, and that's what I did.

BULLARD: When did you speak to Lieutenant Heinlein about this?

[redacted] It was probably a couple days after that. It wasn't that same day.

BULLARD: So maybe approximately two days or so?

[redacted] Yeah, it was either Wednesday or Thursday, because I know he doesn't work on Tuesday, so I don't remember if it was a Wednesday or a Thursday.

BULLARD: And was this over the phone or in person -

[redacted] No, it was in person.

((Crosstalk))

BULLARD: -with Lieutenant Heinlein?

[redacted] Behind closed doors.

BULLARD: Okay. And what exactly did you advise Lieutenant Heinlein about?

[redacted] Same thing that we just talked about and, you know, and how were we gonna address this, what's the best course of action, knowing that same thing I told you, knowing that I know what he said. I know that it was the appropriate decision for me to tell my boss, my direct supervisor, and then where it went from there, you know. And that's when he said, "Well, again, a good thing for you it's hearsay," so, you know, I think he advised his boss, and then directed me to have a conversation with him. And like I said, Zack had called me - I think when he got the word, he hadn't been moved from NCU to Peer Support, but he had called me and wanted to kind of talk about some things that were going on in his life, and one of the first things that he did, prior to getting into the nuts and bolts of, you know, what he was going through, was he - and I don't know if it was brought to his attention, but he apologized for his remarks in the backyard, knowing that he was intoxicated, knowing that he made some inappropriate remarks that he didn't want - I think my wife to look at him differently or - because he knew that she was back there, and I don't know if other people from the team, because I know they had separate discussions with him without me being present, about all the other things that he was going through. So whether it was brought back to his attention, that was one of the first words out of his mouth when he had called me, was he wanted to apologize for his remarks.

BULLARD: And this is Officer Tersteege contacting you?

[redacted] Correct, via phone.

BULLARD: And when approximately was this?

[redacted] Man.

SHIRAISHI: Do you want to check your call log?

[redacted] Yeah, it would have been a couple weeks. Just - and like I said, I don't know exactly when he went to Peer Support from NCU, but I want to say it was on a Tuesday, it was our first day back from a weekend, because I was actually en route to go meet Sergeant Jeffrey Morris for coffee, and meet with Lieutenant Brian Ellis, and I was in my car still when he called me, and we generally meet on Tuesday, so I know it was the - the Tuesday or the week before he went from NCU to Peer Support, so I don't know exactly when that is - when that was.

BULLARD: Can you estimate approximately how long after the social gathering?

[redacted] Well, I want to say he did two weeks in NCU before he was moved to Peer Support. So if he - because I know everybody took a week off immediately following, so May 7th, 14th, so it possibly was May 14th?

BULLARD: Okay. And do you know about when that was, about what time of day?

SHIRAISHI: In June?

[redacted] In - in May.

BULLARD: I -

BOYD: It's got to be June or July.

BULLARD: Or July?

BOYD: The incident didn't occur until the end of June, so if he was calling you and apologizing, it'd have to have been July.

((Crosstalk))

[redacted] Oh I'm sorry. You're right. So, let me go back here…week off. Let's see, it was here. So, I'm sorry, probably July 16th.

BULLARD: July 16th? And about what time of day - what time of day do you think that was?

[redacted] That was probably around maybe 1530 hours.

BULLARD: And again, you - can you just describe some specifics of what was said on that conversation? You had indicated that Officer Tersteege had apologized to you. Can you recall some specifics of what was said?

[redacted] He just - he didn't get into the word he said. He just said, "I made some inappropriate remarks in your backyard, and I know your wife was present, and I want to apologize for that." And then again, we talked about his behavior in NCU, and how he was a representative, not only our team but, you know, for me, that we are trying to give him an opportunity to recover from the traumatic incident that he went through, and there are simple rules and policies that he has to fo- abide by, and that's the dress code, his attitude, working together as a team. We talked about all that kind of stuff, and then taking it as a learning opportunity to learn the other aspect of what we do in police work and the investigative side of, you know, taking that opportunity. Like I said, you go out and you make contact, you make police reports, and you're off to the next call, you don't understand what happens on the back end of the thing, so we had a long discussion about that, even though that wasn't up his alley. But I also talked to him about his reputation, and maybe aspirations to go into a special unit down the road, that once you develop a - a cloud, (unintelligible) you're going down that road right now where you're going down a path of no return, you're gonna develop a cloud that you'll never be able to get out from underneath, and you need to, you know, it's a two-way street, right? so you're butting heads with that Sergeant in that unit, but also you have to take a look in the mirror about your own actions and how you can make it better. So again, we went down and talked about all kinds of different stuff, about work related behaviors and work ethic. And he said, "I want to be a patrolman for life, so I really don't care about all that," and I go, "Well, you also - " and we talked about decision making, about how, you know, there was a call that I reviewed where he was on, and I just said, "Hey, look, you know, you have the - the mindset of why are we wasting our time talking to somebody, let's just go hands on, grab them, handcuff them, and put them off to jail. There's better ways to do policing than just getting hands on and getting physical because - and you're still in your late 20's or early 30's, you still have 20 plus years to go in your career, and your body's not gonna sustain that type of activity, so you have to work smarter. And - and like I said, and that was pretty much it. We didn't get into the nuts and bolts about what he discussed back there. I know I wasn't present. He said he made some inappropriate remarks. Based on what my wife told me, I kind of knew what those remarks are, and I left it at that.

BULLARD: You had indicated after you spoke to Lieutenant Heinlein, he had advised you to speak with Officer Tersteege about this, correct?

[redacted] Yes.

BULLARD: When did you speak with Officer Tersteege about this after you spoke to Lieutenant Heinlein?

[redacted] We did it on a couple different occasions. Again, the first time he brought it up was when he called me, that he was gonna go over to Peer Support, and I had told him that - because he was concerned about people talking about him, and he had gotten confronted by members of the team and there was a lot of discussion between myself and the other members of my team on what to do with Zack. And they came to me and said, "Serge, let us have the opportunity to talk to him without having a supervisor there. Maybe coming from, you know, a peer to peer, friend to friend, that maybe he'll get it and grasp it a little bit easier, and - and it won't be so confrontational." So he talked about that, he wanted to know if I directed them to do that. You know, he was kind of like caught off guard. So we talked, like I said, talked a- about that, and then he wanted to apologize for the remarks because I think someone in that group might have said something to him about that, and that he needed to get back on track and get back to work.

BULLARD: So this first time that you spoke to Officer Tersteege about this after talking to Lieutenant Heinlein would have been around this July 16 phone call?

[redacted] Right. And I want to say later in the week, I had pulled him into the old Captain's office, where Pam had vacated, and just had a sit down conversation with him, kind of talking about - a little bit more about it, but being a little bit more personable, face to face, about we as a department care for you. We've invested a lot in you, you have five years on, and whether you're - because he kind of felt like he was being singled out, where the department was out to get him. Nobody's out to get you. I mean everybody's looking out for you, and that's why they took you out of Patrol, so to give you time to decompress and, you know, get your feet back underneath you, work in a different environment, and - and I had told him, I said, "You have another team mate that is over there with you as well, and he's taking it as a sponge, right? This is like an aspiration and a goal that he wants to attain one day," and - to become a detective, so I told him, I said, "You've got to just take it as a learning experience and not take it as punishment, and, you know, take it for what it is, and take the time that you need to get your mind right, and then we'll take you back." You know, it's kind of like that kind of stuff.

BULLARD: Okay. And you said this was later in the week in the Captain's office, is that correct?

[redacted] Right.

BULLARD: Do you know roughly which day of the week that would have been-

((Crosstalk))

[redacted] I - I want to say probably on a Thursday, because I think he might have taken the Friday off before he went to Peer Support.

BULLARD: And do you know roughly what time of day that would have been at?

[redacted] It was before 1700, so probably closer to 16- under 1630. I know it was after roll call.

BULLARD: Was anything specifically discussed as to what specifically Officer Tersteege said regarding these remarks in your backyard near the pool? Was - was anything-

[redacted] No.

BULLARD: Okay. Did you document this in any way, your discussions with Officer - Officer Tersteege at all?

[redacted] No.

BULLARD: Okay. When you spoke with Officer Tersteege about this, would you consider your talks with him to be an investigatory employee interview?

[redacted] No.

BULLARD: Okay. Would you consider it to be more of an informal conversation that you had with him that would be part of your normal supervisory duties?

[redacted] Absolutely.

BULLARD: Did you consider yourself to be conducting an Internal Affairs investigation of some kind?

[redacted] No.

BULLARD: And are you aware who in the department would have the authority to dispo out an Internal Affairs investigation?

[redacted] My upper management or my supervisor.

BULLARD: Okay. And were you considering yourself to be making some form of disposition of an Internal Affairs investigation by doing this?

[redacted] No.

BULLARD: Are there particular individuals that attended this gathering that you think that we should talk to first that would have a better first-hand account of these comments allegedly made by Officer Tersteege?

[redacted] Again, everybody that I gave you, as far as the members of my team were present and heard it and were witnesses to it. And like I said [redacted] he was the - from what my wife said was the only officer that verbally said something to put him back in check and said, "Hey, knock it off."

BULLARD: And so from your recollection, all of the officers and people that came with them, their significant others were present in the backyard pool area when this was said, aside from you and Officer [redacted] at the time?

[redacted] Correct.

BULLARD: And about what time of night do you think that that would have been?

[redacted] I want to say [redacted] was departing my house just before 11:00, so I would say anytime between, you know, 2245 to 2300, was - when you're asking when the comments might have been made?

BULLARD: Yes.

[redacted] Yes.

BULLARD: Okay. Did you discuss - well, we already kind of covered it - did you discuss this incident of allegations of Officer Tersteege making these comments to any other coworkers outside of Sergeant Morris or Lieutenant Heinlein?

[redacted] No.

BULLARD: Aside from this incident, have you been made aware of any other actions, behavior, or statements made by Officer Tersteege that would be considered along the same lines of the comments that he allegedly made?

[redacted] No.

BULLARD: Can you give me your opinion, even though you did not directly hear these comments that you described that he said, can you give me your opinion on what kind of comments those would be described as?

[redacted] I think he was - like I said, he was angry. Again, the four officers that were in the backyard, they went through hell, right? So, I can tell you that it was Tuesday - the funeral was on Thursday, so on Tuesday we were at the funeral

home, and some remarks were made at - from - I can't remember if it was another Sergeant or Rudy Chan, the Lieutenant, who had asked if the Chief had reached out to us. And I remember telling - and I want to say it was Lieutenant Chan that I pretty much had heard from everybody within the organization except for the Chief, and I know he's busy, stuff like that. So, and I know some of the members on the team were already upset with - they felt that the Chief should have been like the first one to call them. And that was part of my conversation with the team at the table when I returned, because they were still kind of talking about that. Because a little bit later that t- that day, going back to the Tuesday before the funeral, and I don't know, Rudy or somebody else had gotten word back to the Chief, but the Chief then called us and said - because that was the day of the press conference with the O'Sullivan family to the media an hour before, and I want to say that the media presentation was at 1430. I think he wanted to meet with us in his office at 1330, and the Chief basically said, "Hey, look, word got back to me that, you know, there's some people that wanted me to reach out, and I apologize for doing so. I have no excuse. Came back from vacation early," and kind of just spelled it out. And there was still, you can tell some tension or the lack of maybe buying what he had to say. And then I think that just kind of continued through the week, because that was from - some of the guys on the team that was the only contact that they had was that day that we got called into his office, and - and then I tried to reiterate that, you know, "He's the Chief, he's come back from vacation early, he's a politician, he's got other things to take care of. His first priority is the family, the funeral arrangements, and who was the acting Chief at the time? It was Dave Peletta, and what did Dave Peletta do? He went to roll calls. He reached out to each and every one of us, and every member there down has reached out to us, so you have to understand the hierarchy of how this organization works." So I - like I said, I tried to do my best to kind of diffuse the feelings and - and again, not knowing at the time when I was talking about this, the derogatory remarks had been made prior to me coming back in the backyard. I just knew that people were upset, and that's how I responded.

BULLARD: So again, to touch back on my question with you, those derogatory remarks made by Officer Tersteege, how would you classify those remarks? What – what-

[redacted] Angry. I think he was just angry with the Chief not reaching out to him specifically.

BULLARD: Would you consider those remarks to be perceived as being biased?

[redacted] I wouldn't necessary - necessarily say it would be biased. I think, my opinion, I think he was doing it out of anger.

BULLARD: Okay. What about the description of - would you consider those remarks to be considered racist?

[redacted] Absolutely, they're racist.

BULLARD: Okay. I brought a blank piece of paper here for- if you don't mind, diagramming for me this back area pool, as to where you remember people were at if you can. Can you recall if you're able to do that at all?

[redacted] Somewhat, yeah. And excuse my writing-

BOYD: (Unintelligible) artistic abilities.

[redacted] Yeah- I'm not very good at all.

SHIRAISHI: Want some graph paper?

[redacted] Yeah, that would be better. So I got a planter box, kind of goes around the backyard, and I got my pool. So I have a table that's over here, I have a long table. I don't know how you want me to indicate who's where.

BULLARD: So if you - if you - I know it's going to be - it's an 8 1/2 X 11 piece of paper, but I mean if you're able to indicate it - so if you can diagram like right where the pool is.

[redacted] Okay.

BULLARD: Just as "pool", and then the box is essentially a table, right?

[redacted] Right.

BULLARD: And then are you able to estimate on this like which way is north as a bearing on it at all? Okay.

[redacted] So-

SHIRAISHI: If you use numbers and then reference the numbers to the officer's name inside the pool?

[redacted] Okay, I can do that. So we'll go 1, 2, 3, 4, 5, 6. And then when I returned, I came and sat down right here.

BULLARD: The 8 spot?

[redacted] Yeah pretty much directly right across from Tersteege, so.

BULLARD: Do you know where your wife was at the time, or where she described she would have been at when these remarks were made?

[redacted] I think my wife was right here.

BULLARD: Where the "[redacted]" is marked?

[redacted] Yeah.

BULLARD: Okay. So to clarify, you've written the "1" as being Tersteege, "2" being [redacted] "3" being [redacted] "4" being [redacted] "5" [redacted] "6" [redacted] "7" [redacted] "8" [redacted] as yourself.

[redacted] Right.

BULLARD: And "[redacted]" as [redacted] your wife?

[redacted] Right. And then like I said over here, and I apologize, I don't recall all their names, but I want to say [redacted] girlfriend was sit - seated at the end of the table to the west. Number "6" being [redacted] his wife standing behind him, or there might have been another chair. Again, [redacted] had his wife seated next to him. Same with [redacted] - or excuse me - yeah, [redacted] had his wife I think seat - seated in a chair next to him. I know Tersteege's wife was standing behind him, and then again, [redacted] was seated, [redacted] was seated.

BULLARD: So to clarify, the people directly sitting next to Officer Tersteege in your diagram would be Officer [redacted] and Officer [redacted]

[redacted] Right.

BULLARD: - is that right?

[redacted] Yes, from what I recall.

BULLARD: Okay. Thank you.

SHIRAISHI: With the prevalence of surveillance cameras and home close circuit television systems being what it is today, do you have any sort of - any sort of those devices that would have captured anything?

[redacted] I do not.

SHIRAISHI: Do you know your team's prior Sergeant?

[redacted] Yes, it was Doug Rosen.

SHIRAISHI: And did Tersteege - did the team look like it looks - I mean you took it over. Did it - were the same folks on the team for Sergeant Rosen?

[redacted] Yes.

SHIRAISHI: Okay. And -

[redacted] There might have been one other individual that was there before [redacted] came over.

SHIRAISHI: Okay.

[redacted] Because [redacted] came over right about the same time I got promoted because he was on the junior team. So he - even [redacted] was only there maybe a couple weeks before I came over. So then and - I can't remember his first name, but I want to say Armstrong was on the team maybe at the - I just remember looking at his roster on there. Officer Armstrong was on there, but I don't know if he left during the sign ups.

SHIRAISHI: But Arm- Armstrong was not ever under your-

[redacted] No.

SHIRAISHI: - responsibility?

[redacted] So the team is as it is.

SHIRAISHI: Okay.

[redacted] Everybody that I listed there.

SHIRAISHI: And then you said Tersteege's mom and dad were there?

[redacted] Yes.

SHIRAISHI: Okay. Are - are they in-involved in the community or do they live close, or it just happened that his mom and dad were-

[redacted] I - I think they came from out of town, and he asked me if they were more than welcome to come, or asked me if they were welcome to come. I said "yeah,

they're more than welcome to come." I thought it was a little odd but, they were basically tasked with watching his kid, even though my wife ended up doing it toward the end of the evening, but-

BULLARD: Do - do you recall their names at all?

[redacted] I don't, sorry.

SHIRAISHI: Do you know where they were when you came back in from the front yard?

[redacted] They might have been seated underneath the awning, which-

SHIRAISHI: Is to the north?

[redacted] Yeah, to the north. So, this is all like a concrete patio area here, and then the house would be kind of where the names are, and then like I said I have kind of a cutout here, and this would be the house. And then this is a patio overhang.

BULLARD: Covered patio?

[redacted] Yeah, covered patio. And then I've got one of those little fire pits and some padded rocking chairs around there. And I think they were seated over there, and I had another table because, you know, we had people here, but they were seated I believe around the fire pit.

BULLARD: Real quick, it may be necessary where I have to speak with your wife [redacted] about this. What is her phone number?

[redacted] [redacted]

BULLARD: [redacted] Thank you.

SHIRAISHI: And you - you've been in your- your home for - for quite some time, is that correct?

[redacted] Correct.

SHIRAISHI: You know who your neighbors are to the side and behind you. Are you - do you get along with them?

[redacted] I really don't interact with them

SHIRAISHI: But you-

[redacted] Or speak to them much.

SHIRAISHI: You wouldn't say your - your interaction with them is negative?

[redacted] No.

SHIRAISHI: And you weren't there and don't have firsthand knowledge of what exactly was said, but knowing that they could potentially hear what Officer Tersteege said, do you think that they would take offense to that?

[redacted] It's possible, if they heard it.

SHIRAISHI: Do your neighbors know you're a police officer?

[redacted] The one to the East does. That's - we have brand new neighbors that moved in to the West. It's a elderly lady that just moved from Vietnam. Her son is going to Cal - or grandson, excuse me, and he's there periodically. So I hardly ever see her come out of the house. And then the other neighbors to the East, interact with them every so often, but they're gone a lot, so I don't know if they were home or - or not.

SHIRAISHI: Do you think that Officer Tersteege's comments bring discredit upon you as a neighbor?

[redacted] I don't think so. I think they know who I am and my character. We've had enough interaction.

SHIRAISHI: Do you think that Officer Tersteege's comments would bring discredit upon the department and the City?

[redacted] Again, I think if someone heard the context of the conversation, it could be taken that way, yes.

SHIRAISHI: Okay.

BULLARD: Anything else Mick?

SHIRAISHI: All right. Is there anything else relating to this matter that I have not covered or that we have not covered, that needs to be added, clarified, or changed, if so, I am ordering you to provide that information now.

[redacted] Not that I - not that I can think of.

SHIRAISHI: After you leave this interview, should you remember anything that is different from or in addition to information you've given today, I am ordering you to contact Sergeant Bullard immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

[redacted] I do.

SHIRAISHI: Call it 1402.

End of recording.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

INTERVIEW WITH OFC. ZACHARIAH TERSTEEGE
SHIRAISHI=Sgt. Jeffrey Shiraishi
BULLARD=Sgt. Ryan Bullard
AVENT=Chelsea Avent
TERSTEEGE=Ofc. Zachariah Tersteege

SHIRAISHI: The date is December 19th, 2019 and the time is 1242 hours. Present in the Internal Affairs Division Office are Zachariah Tersteege, Chelsea Avent with Mastagni Holstedt, Sergeant Ryan Bullard, and myself, Sergeant Jeffrey Shiraishi. The purpose of this meeting is to conduct an interview of Zachariah Tersteege who is an employee with the Sacramento Police Department in the capacity of Police Officer. This is an administrative investigation on the charges of conduct unbecoming involving Zachariah Tersteege. This is an administrative investigation only on these charges. Do you understand that?

TERSTEEGE: Yes.

SHIRAISHI: However, since the allegations indicate that a crime may have been committed, I'm advising you that one, you have the right to remain silent, two, anything you say may be used against you in court, three, you have the right to the presence of an attorney before and during any questioning, four, if you cannot afford an attorney, one will be appointed to you free of charge before any questioning if you want. Do you understand each of these rights that I have explained to you?

TERSTEEGE: Yes.

SHIRAISHI: Having these rights in mind, do you wish to talk to us now?

TERSTEEGE: No.

SHIRAISHI: Although you have the right to remain silent and not incriminate yourself, your silence can be deemed insubordination and result in an administrative discipline. Do you understand that based upon the authority vested in me by the Chief of Police I am ordering you to answer all of our questions?

TERSTEEGE: Yes.

SHIRAISHI: Any statement made under compulsion of a threat of discipline cannot be used against you in a later criminal proceeding. However, if you do not answer our questions truthfully and fully, a charge of insubordination may be imposed which could result in discipline up to and including termination. Do you understand that this is an administrative investigation?

TERSTEEGE: Yes.

SHIRAISHI: Do you understand the allegations?

TERSTEEGE: Yes.

SHIRAISHI: Do you understand that I am ordering you to answer our questions and that if you do not answer them truthfully and fully it could result in disciplinary action up to and including termination?

TERSTEEGE: Yes.

BULLARD: For the record, please state and spell your name.

TERSTEEGE: Zachariah Tersteege, Z-A-C-H-A-R-I-A-H T-E-R-S-T-E-E-G-E.

BULLARD: Did you graduate from the Sacramento Police Academy?

TERSTEEGE: Yes.

BULLARD: And when did you graduate?

TERSTEEGE: December 2014.

BULLARD: Do you have any prior law enforcement experience?

TERSTEEGE: No.

BULLARD: Do you have any prior or current military experience?

TERSTEEGE: Yes.

BULLARD: And can you describe that?

TERSTEEGE: What do you mean?

BULLARD: As far as your prior or current military experience, what branch or what assignment?

TERSTEEGE: Fourteen years in the Navy as of last month. I am currently a firearms instructor and an armorer.

BULLARD: Okay. And what is your current assignment and shift with the Sacramento Police Department?

TERSTEEGE: It's swings - I'm sorry. What was I saying?

BULLARD: Your current assignment and shift with the Sacramento Police Department.

TERSTEEGE: Patrol and I'm working swings.

BULLARD: And what part of the city?

TERSTEEGE: In Sector 2, Del Paso Heights.

BULLARD: Okay. And how long have you been in that current assignment?

TERSTEEGE: That would be about approximately a year.

BULLARD: Okay. And do you know what team number that is that you're assigned to for 2019 for this year?

TERSTEEGE: Team 9.

BULLARD: Team 9? And are you able to name all of your team members to the best of your knowledge on that patrol team?

TERSTEEGE: Yes.

BULLARD: And could you do that for me?

TERSTEEGE: [redacted] myself, [redacted] and [redacted].

BULLARD: Okay. Do you have any personal issues with any of those team members such as you not getting along with any of them or someone on that team that might make a false allegation against you?

TERSTEEGE: No.

BULLARD: Okay. I provided you a copy of the SPD 330 complaint form in this case, a copy of General Order 210.04 - general and professional conduct, revision date 7-12-17, a copy of your POST training record, a copy of your target solutions training record, a four page tools for tolerance curriculum, and a 55 page City of Sacramento equal employment opportunity training curriculum, and a Facebook

image of a tattoo from profile name [redacted]. Have you had time to review this material?

TERSTEEGE: Yes.

BULLARD: Okay. Would you agree that all Sacramento police officers should be knowledgeable and aware of their department's general orders as well as any training they have received as it pertains to being a sworn peace officer?

TERSTEEGE: Yes.

BULLARD: Okay. We are here to conduct an administrative interview with you regarding an off-duty incident during a social gathering at Sergeant [redacted] residence on or around June 29th, 2019. And we have reason to believe that you were present for this. Are you aware of what I'm referring to?

TERSTEEGE: Yes.

BULLARD: Okay. And how does that incident relate to why we're here today in your own opinion?

TERSTEEGE: I don't understand the question.

BULLARD: You said that you're aware of this incident and in your own words why do you believe that you are here today speaking with us?

TERSTEEGE: You want me to discuss or talk about that day?

BULLARD: Well we can eventually go into a chronological breakdown of it but I mean as far as just a general question to you, what is - and to your knowledge why you believe that you are here speaking with Internal Affairs investigators today when I mentioned that to you?

TERSTEEGE: That somebody made an allegation that I said something while I was at the gathering.

BULLARD: Okay. Can you give us a chronological breakdown of your day on June 29th starting from when you woke up?

TERSTEEGE: I can't do it from when I woke up. I mean that was 173 days ago. I mean the only thing I remember would be about 5:00 pm.

BULLARD: Okay.

TERSTEEGE: We got permission to walk through the shooting scene of a shooting that I was involved in the week before. This was done after they got done doing their investigation. So it was the first time that we got to walk through the entire scene including inside the house.

BULLARD: And as far as the shooting scene that you're referring to, can you clarify for the record what you mean?

TERSTEEGE: The shooting that I was involved in on June 19th where my partner was murdered.

BULLARD: Okay. Officer Tara O'Sullivan?

TERSTEEGE: Yes.

BULLARD: Okay. Are you able to breakdown for me that day? So you're starting around 5:00 pm you said that day. That's the earliest in the day that you can begin chronologically. Is that right?

TERSTEEGE: Correct.

BULLARD: Okay. Can you just kind of go through it step by step for me what that day about where you were, how you got to where you were, whatever happened just as best as you can?

TERSTEEGE: I just - I remember getting to the - or getting to the Kinney Station and then I rode with [redacted] and his wife over to the scene - to the shooting scene and then we walked through the scene. I don't – I think we were there for around 45 minutes to an hour. We were talking to various people about what had happened. And then when that was done, I went back to Kinney Station and met my wife there. And then me and my wife drove to Sergeant [redacted] house. I'm not sure exactly what time we got there but it was sometime after 6:00. I do remember that I had had a couple of drinks of Jameson in the car. And then when we got to his house, I remember walking in the side gate and then saying hi to everybody and started drinking. I finished my first fifth of Jameson probably within about an hour. I mean my mom went with me. My mom was there. She's from out of town. My mom's husband was there. My son came with me. My wife was there. And then I remember eating ribs. There was a lot of food but that's the only thing that I can specifically remember that I was eating. And then I remember we took a picture as a group, the whole Team 9. We took a picture together. And then I sat down at a patio table that had an umbrella. And the last thing I remember is I took - I had a fifth of Jack and I was dumping it into a red solo cup and I was drinking that straight

and I don't remember anything that happened after that. I woke up the next day at my house.

BULLARD: Okay. You said that you had gone to the shooting scene earlier in the day around 5:00 pm you said with Officer [redacted] Correct?

TERSTEEGE: Yes.

BULLARD: And did you go out there with your wife?

TERSTEEGE: No.

BULLARD: Just Officer [redacted] and you?

TERSTEEGE: His wife was with us.

BULLARD: Okay. And then you were there you estimated about 45 minutes. And then you came back to the Kinney - the North police station. Is that correct?

TERSTEEGE: Mm-hmm.

BULLARD: And then from there - did you go from there to Sergeant [redacted] residence?

TERSTEEGE: Yes.

BULLARD: And do you recall what part of town Sergeant [redacted] lives in?

TERSTEEGE: I just know he lives in Elk Grove.

BULLARD: Okay. And you went there with who? Who did you go with to Sergeant [redacted] residence with?

TERSTEEGE: My wife.

BULLARD: Okay. And your wife's name is?

TERSTEEGE: [redacted]

BULLARD: And how do I spell [redacted]

TERSTEEGE: [redacted]

BULLARD: Same last name as yours I assume?

TERSTEEGE: Yes.

BULLARD: And did you say you went there also with your mom and her husband?

TERSTEEGE: My mom, my husband and my son went there in a separate vehicle.

BULLARD: Okay.

TERSTEEGE: But they did go there, yes.

BULLARD: What's your mother's name?

TERSTEEGE: [redacted]

BULLARD: And her last name?

TERSTEEGE: [redacted]

BULLARD: Is it common spelling?

TERSTEEGE: Yes.

BULLARD: [redacted]

TERSTEEGE: Yes.

BULLARD: And her husband's name?

TERSTEEGE: [redacted]

BULLARD: The same last name?

TERSTEEGE: Same last name.

BULLARD: And you said just one of your children went with them?

TERSTEEGE: I only have one child. Yes.

BULLARD: Okay. And you said you weren't quite sure about what time you arrived at Sergeant [redacted] residence?

TERSTEEGE: I don't know the exact time.

BULLARD: Okay.

TERSTEEGE: I know it was sometime after 6:00.

BULLARD: And you described that you had drank you said Jameson on the way there?

TERSTEEGE: Yes.

BULLARD: Is that correct? And can you just clarify for me what Jameson is?

TERSTEEGE: It's a liquor. It's a whiskey.

BULLARD: Okay. And as far as sizes of drinks or whatever it is that you were drinking of this Jameson on the way, how would you estimate the size of that?

TERSTEEGE: Well, at that time because I was using it to cope, I was drinking - I was doing about 50-50. So half my cup was 50% Jameson and the other half would be some ginger ale.

BULLARD: Okay. And would it be like a standard size like 12 ounce cup –

((Crosstalk))

TERSTEEG: Yes.

BULLARD: - of what it would be in? Okay. Do you mind if I borrow a piece of your blank legal pad note paper? Thank you. Now when you arrived at Sergeant [redacted] residence, would you be willing to diagram for me where you were at at the residence and where you believe you were at during certain times?

TERSTEEGE: Yeah.

BULLARD: Okay. You can use my pen there. So you had indicated that you had gotten to Sergeant [redacted] residence, you weren't quite sure exactly what time. Was there an area predominantly that you spent most of your time at at Sergeant [redacted] residence for this event?

TERSTEEGE: From what I remember, I was mostly at a table that was next to this awning near his back door.

BULLARD: And was this in the backyard or inside the house?

TERSTEEGE: In the backyard.

BULLARD: Are you able to draw a diagram for me of the backyard area of what you recall from that?

TERSTEEGE: This is the gate that I walked through -

BULLARD: Okay.

TERSTEEGE: - into his backyard. This was his pool.

BULLARD: Are you able to just label that as pool? Like just write pool on it so it makes sense. Okay.

TERSTEEGE: This was the awning.

BULLARD: Okay.

TERSTEEGE: So the back door is right here. And then there was a table that was right here. And I spent most of my time here because that's where I had my ginger ale and my bottle.

BULLARD: Can you just mark an X there where you said you spent most of your time. Okay. So where the X is at. When you say ginger ale, is that also the mixed drink with the Jameson that you're describing?

TERSTEEGE: Yes.

BULLARD: Okay. And you said that you spent the majority of your time near that table near the awning where the X is?

TERSTEEGE: Yes.

BULLARD: Any other spots in the backyard where you spent time as well? Or -

TERSTEEGE: I know I was walking back and forth through here because this is where the food was. And then at the end that I remember I was right here.

BULLARD: Okay. So and could this - I guess it's kind of a rectangle with a circle in it. Can you label what that is?

TERSTEEGE: Table.

BULLARD: Okay. So -

TERSTEEGE: This was an umbrella.

BULLARD: The circle?

TERSTEEGE: Yeah.

BULLARD: Okay. This - so the first X here near the awning is where you remember spending most of your time. And then the second X that you marked near the table is where the - later in the evening of this event where you spent your time?

TERSTEEGE: Correct.

BULLARD: To the best of your ability do you remember who was immediately around you or close to you around that time at the table?

TERSTEEGE: My wife was behind me and to the right of me. She was right here. I remember [redacted] and his wife were standing here.

BULLARD: Are you able to label those with like -

TERSTEEGE: Yeah.

BULLARD: - letters or whatever would represent those -

TERSTEEGE: [redacted] and [redacted]

BULLARD: Okay.

TERSTEEGE: And this would be L for my wife.

BULLARD: Okay.

TERSTEEGE: And then [redacted] and [redacted] were here. That's all I remember.

BULLARD: And [redacted] and [redacted] that would be who?

TERSTEEGE: [redacted] and [redacted]

BULLARD: Okay. And those are the people that you recall being around you at that time?

TERSTEEGE: Yeah.

BULLARD: How about over here when you said you spent most of your time? Do you recall who was around you near that area under the awning?

TERSTEEGE: The only person I remember and I don't remember exactly where he was sitting was [redacted] was over here but I don't know where.

BULLARD: All right. And as far as a fence line for this backyard, do you recall how that laid out?

TERSTEEGE: It was – like not perfect.

BULLARD: Okay. And so down here this would be Sergeant [redacted] house?

TERSTEEGE: This was the actual house.

BULLARD: Can you just write house on that just so it's clear? Thank you. And you said you began drinking - you said Jack. Do you mean - is there - can you clarify -

TERSTEEGE: Jack Daniels.

BULLARD: Okay. And is that - you said you were pouring it into a solo cup?

TERSTEEGE: Yes.

BULLARD: What part –

((Crosstalk))

TERSTEEGE: Like twelve ounce cup. I was right - I remember sitting down right here and my wife was telling me that I had enough to drink. She told me to stop drinking.

BULLARD: And you're indicating near that table area?

TERSTEEGE: Yes.

BULLARD: Okay.

TERSTEEGE: And that's - I grabbed that cup and I filled it up and then she came and grabbed the bottle from me.

BULLARD: Do you recall at all what time that was?

TERSTEEGE: I just remember that it was getting dark that's all – That's all I know.

BULLARD: Okay. Can you estimate how many alcoholic drinks or beverages that you had while you were present for this event including over here where you said you were mixing Jameson with ginger ale?

TERSTEEGE: I can't give you a number. I was pretty close to having two fifths. I was pretty close.

SHIRAISHI: So you - I'm just a little fuzzy on the amount of alcohol and so I'm gonna back you up a little bit. When - first of all, how did you arrive at the Kinney Station?

TERSTEEGE: I drove there.

SHIRAISHI: You drove there? In your personal vehicle?

TERSTEEGE: Yes.

SHIRAISHI: Did you leave in the secured lot when your wife came to pick you up?

TERSTEEGE: Yes.

SHIRAISHI: Or did your wife get dropped off –

((Crosstalk))

TERSTEEGE: My wife got dropped off.

SHIRAISHI: Okay. And so she drove your personal car?

TERSTEEGE: I don't - she got dropped off but I don't know if she was dropped off in the secured lot or if we met in front.

SHIRAISHI: Okay. But the fact of the matter is she drove your personal vehicle that you arrived there earlier solo -

((Crosstalk))

TERSTEEGE: Yes.

SHIRAISHI: - by yourself?

TERSTEEGE: Yes.

SHIRAISHI: And she drove your car to Sergeant [redacted] house?

TERSTEEGE: Yes.

SHIRAISHI: Do you remember the route that you took?

TERSTEEGE: I believe it -

SHIRAISHI: No?

TERSTEEGE: - no idea. The only - I can imagine what route I took.

SHIRAISHI: Okay. And there was Jameson. I assume that was in your car?

TERSTEEGE: Yes.

SHIRAISHI: How did - okay. And prior to arriving at the station, do you remember what time you arrived?

TERSTEEGE: Like somewhere close to 5:00.

SHIRAISHI: Close to 5:00? And had you had any alcohol before you arrived at the Kinney Station?

TERSTEEGE: No.

SHIRAISHI: Okay. So your first drink for that evening was while en route to Sergeant [redacted] house?

TERSTEEGE: Yes.

SHIRAISHI: And the bottle of Jameson - so obviously come in different sizes. You said a fifth. Is that correct?

TERSTEEGE: It was seven hundred and fifty milliliters.

SHIRAISHI: Seven hundred - okay. And just so that I understand, how tall of a bottle is that round? Can you kind of estimate? Is it like there's a -

TERSTEEGE: It's probably like –

((Crosstalk))

SHIRAISHI: - thermos in the -

TERSTEEGE: - I mean it - with the stand it's probably about this tall, like three inches taller than this.

SHIRAISHI: Okay.

TERSTEEGE: It's probably about that same size.

SHIRAISHI: And when you began drinking that, had it been - was it a brand new bottle?

TERSTEEGE: Yes.

SHIRAISHI: And how do you know it was a brand new bottle?

TERSTEEGE: Because it was sealed when I broke – when I opened it.

SHIRAISHI: Did you buy it? Did you -

TERSTEEGE: I bought it, yeah.

SHIRAISHI: Okay. And did you - you had obviously the Jameson and then you mentioned ginger ale. How did you have ginger ale? Was it all together? Did you buy it at the same time? Is it - are these items that you typically keep in your car? Kind of give me some background on that.

TERSTEEGE: So I don't know why – I know - I don't know if I bought it all together. But I was drinking - I don't drink - I wasn't - I was drinking to cope with what was going on. And I was drinking a lot. So every day I was going and buying a couple bottles or my wife would pick up a couple bottles.

SHIRAISHI: Of?

TERSTEEGE: Of Jameson.

SHIRAISHI: Okay.

TERSTEEGE: Or Proper 12, which is just a different version of Jameson.

SHIRAISHI: Okay.

TERSTEEGE: I was not drinking and then driving or anything. It was usually at home because that's where I was at or I would go do something and then I'd come home and then the evening I would stay at home and I would drink.

SHIRAISHI: Okay.

TERSTEEGE: We were going to a social gathering so I was bringing my own liquor so that I didn't have to drink somebody else's.

SHIRAISHI: Okay.

TERSTEEGE: So that it was - I put it in my car.

SHIRAISHI: I see.

TERSTEEGE: I put that bottle. I put cans of Jameson and then I went -

SHIRAISHI: Cans of ginger ale?

TERSTEEGE: I'm sorry. Cans of ginger ale and then I went -

SHIRAISHI: Just those – just those two items, those two separate things?

TERSTEEGE: I don't -

SHIRAISHI: Was it in an ice chest? Was it in a grocery bag?

TERSTEEGE: No. It was just in a grocery bag.

SHIRAISHI: Grocery bag? Okay. Did you have solo cups with you? Or do you -

TERSTEEGE: I don't recall.

SHIRAISHI: Okay. Do you keep - like do you keep like one of those thermoses in your car that you would use to mix them to make a 50-50 mix to drink?

TERSTEEGE: No. I have - like I was drinking out of a red solo cup. I brought one from the house.

SHIRAISHI: Okay.

TERSTEEGE: I don't know if I brought a few or if I just brought that one.

SHIRAISHI: Okay.

TERSTEEGE: But I had one.

SHIRAISHI: And that's how you mixed it in the car?

TERSTEEGE: Yes.

SHIRAISHI: And then from the Kinney Station to Elk Grove it's - let's just say, you know, half an hour. Do you recall how many solo cups of 50-50 Jameson and ginger ale you had before you arrived at Sergeant [redacted] house?

TERSTEEGE: I believe I had one or two.

SHIRAISHI: One or two? Okay. And when you got to Sergeant [redacted] house, you walked in to - through the gate - indicated I think that's like on the - what side of the house would that be on? Do you remember?

BULLARD: Do you mind just –

((Crosstalk))

TERSTEEGE: I don't know the orientation of the house.

SHIRAISHI: Okay.

BULLARD: Can you just like write gate where that's at, the word gate so it just makes it clear. Thank you.

SHIRAISHI: Put yourself back there because I understand it's in a [redacted]. You're standing in front of the house. You're looking at the front door. Is the gate on the left or the right?

TERSTEEGE: This is on the right.

SHIRAISHI: Okay. And when you're walking back there, did you have the grocery bag with your Jameson and your ginger ale with you?

TERSTEEGE: Yes.

SHIRAISHI: Do you remember how many cans of ginger ale you had?

TERSTEEGE: No.

SHIRAISHI: A whole case of 24? A six pack?

TERSTEEGE: I couldn't even tell you. I'd - it's probably somewhere around a six or twelve pack, something or not -

SHIRAISHI: Standard 12 ounce –

((Crosstalk))

TERSTEEGE: Yeah.

SHIRAISHI: - cans?

TERSTEEGE: Yes.

SHIRAISHI: Okay. And could you estimate how much of the Jameson bottle had been drank when you arrived at Sergeant [redacted] house?

TERSTEEGE: No. I don't know -

SHIRAISHI: Do you think the whole thing was gone?

TERSTEEGE: By the time we got there?

SHIRAISHI: Yes.

TERSTEEGE: No.

SHIRAISHI: Half?

TERSTEEGE: No. There was probably more than half.

SHIRAISHI: More than - Okay. And then when you arrived, did you bring anything else, a backpack, side dish or anything, folders or anything with you, just your grocery bag with your -

TERSTEEGE: I don't recall. I just - I know I had that.

SHIRAISHI: And do you remember if your parents - your mom - and is it your stepdad?

TERSTEEGE: Yeah.

SHIRAISHI: Your mom, stepdad and son had they already arrived?

TERSTEEGE: They arrived at the same time.

SHIRAISHI: Okay. Did you guys follow each other there? Or did you just happen to arrive at the same time?

TERSTEEGE: I don't know.

SHIRAISHI: Okay. Did you make arrangements to be driven to Sergeant [redacted] house by your wife?

TERSTEEGE: Sorry, I don't know. We just - I have no idea. I mean I was - I have no idea.

SHIRAISHI: Okay. I mean you knew there was an event at Sergeant [redacted] house. Correct?

TERSTEEGE: Yes.

SHIRAISHI: And you made plans to go correct?

TERSTEEGE: Yes.

SHIRAISHI: Was there any coordination with your mom and your stepdad to bring your son? I'm just curious how it kind of - that all works out.

TERSTEEGE: Well my mom and my stepdad were visiting from out of town. They live in [redacted] So they came over and Sergeant said he had a pool and that kids are welcome. So my mom wanted to meet some of the team and they came with us.

SHIRAISHI: Okay.

TERSTEEGE: So they brought my wife to the station and then me and her drove in our car.

SHIRAISHI: Okay.

BULLARD: And real quick about the Jack Daniels that you had mentioned. You had said that you started drinking Jack Daniels straight eventually later in the night?

TERSTEEGE: Yeah.

BULLARD: Was that a bottle that you had brought or was that a bottle that was already there at Sergeant [redacted] residence. Do you recall?

TERSTEEGE: I didn't bring that bottle.

BULLARD: Okay.

TERSTEEGE: I have no idea where it came from.

BULLARD: And again, I think I asked you this. And I wanted just to make sure I was clear. Do you recall how many alcoholic drinks that you had had up to the point of your recollection of that night for this event?

TERSTEEGE: I have no idea.

BULLARD: More than five? Can you give me an estimation of it?

TERSTEEGE: Yeah. I mean I drank – I drank that whole bottle of Jameson by myself so that's more than five drinks.

BULLARD: Okay. And as far as including also the Jack Daniels here, more than ten?

TERSTEEGE: God I – I mean if I had to make an estimate, I was probably 15 plus.

BULLARD: Okay. Alright. Some of this stuff I'm gonna ask you here it may seem a little redundant of maybe some of what we had already covered but just to make sure that we cover it. Okay? Did Sergeant [redacted] host this social gathering or party at his residence that you attended on or around June 29th, 2019?

TERSTEEGE: Yes.

BULLARD: Okay. And you said that you went to this event with your wife. Is that correct?

TERSTEEGE: Yes.

BULLARD: And then your mother, your stepfather and your son traveled separately and arrived as well. Correct?

TERSTEEGE: Yes.

BULLARD: And as far as what time you believe you arrived, you cannot estimate what time do you believe? Is there a -

TERSTEEGE: I believe it was somewhere close but after 6:00.

BULLARD: After 6:00 pm or so?

TERSTEEGE: Yes.

BULLARD: Okay. And can you reiterate for me - you may have already covered it but what was the occasion for this gathering at Sergeant [redacted] house?

TERSTEEGE: It was like a decompression after the shooting that we were just involved in.

BULLARD: Okay. And was there drinking of alcoholic beverages at this event?

TERSTEEGE: Yes.

BULLARD: Okay. And can you recall for us everyone who attended this event to the best of your memory? You had already mentioned your wife, your mother, stepfather and child. In addition to those people, who else attended this event to the best of your memory?

TERSTEEGE: [redacted] was there. [redacted], Sergeant [redacted] wife was there. [redacted] fiancé was there - or wife, I'm sorry. And [redacted] fiancé was there.

BULLARD: And any other significant others that you recall that were there?

TERSTEEGE: That's all I can think of.

BULLARD: And do you recall when you first arrived there at Sergeant [redacted] residence who was already there at Sergeant [redacted] residence?

TERSTEEGE: I couldn't tell you. I have no idea.

BULLARD: Okay. Do you think it was possible that you were the first one there before any of your co-workers?

TERSTEEGE: No. There – there was other people already there. I don't know if I was the last person but I was - I think I was close to the last.

BULLARD: Okay. Were you using any form of medication that could affect your sobriety at all?

TERSTEEGE: No.

BULLARD: Do you have any kind of medical condition that could affect your sobriety when consuming alcohol that could in some way exacerbate or enhance the symptoms of being intoxicated?

TERSTEEGE: No.

BULLARD: And I think we already covered as far as your alcohol consumption. So we don't need to go over that. How would you describe your sobriety level prior to arriving at Sergeant [redacted] residence?

TERSTEEGE: I had had a couple of drinks, one or two drinks. So I - not able to drive.

BULLARD: Okay.

TERSTEEGE: I mean with how much alcohol content was in each one of my drinks that I was drinking at the time I - even just one drink there - I'd be over the legal limit.

BULLARD: Okay. And in your own terms I mean would you say that's drunk, would you - sometimes people use the term buzzed, sometimes -

TERSTEEGE: I want to say that I was starting to feel buzzed.

BULLARD: Okay. How would you describe your sobriety level after you had arrived?

TERSTEEGE: I was drunk. I started - that was the first thing I remember doing is making a drink right away.

BULLARD: Okay. And would you say that your sobriety level increasingly - that you increasingly became more intoxicated while you were present for this event?

TERSTEEGE: Yes.

BULLARD: Okay. How would you describe the other attendees' sobriety at this event of what you observed?

TERSTEEGE: Couldn't tell you. I was too intoxicated.

BULLARD: Okay. And so follow up question is did anybody stand out to you at the party that somebody else was also heavily intoxicated or anything like that?

TERSTEEGE: No. I was - I could tell you that I was clearly the most intoxicated person there.

BULLARD: Okay. Can you describe your mood or demeanor while you were present at this event?

TERSTEEGE: I want to say - I can't say that there was one mood. I mean I was fluctuating through feelings. I mean we just went through a traumatic event and there was a lot going on and I wasn't taking care of myself. I was trying to cope with it by drinking and so I know I was happy because I'm a happy - like when I drink I get happy. But I know that there was probably some points where I was upset or hurt. So my moods fluctuated.

BULLARD: Okay. Can you describe what conversations or discussions that you had had or were a part of during this event?

TERSTEEGE: No. The only one I remember is this.

BULLARD: And you're referencing this photo of the tattoo?

TERSTEEGE: Yeah.

BULLARD: Okay. Can you describe that for me what the conversation was about?

TERSTEEGE: I just remember telling them I just got it. I just got it that day. I don't know. I think it was the day before. Was it the day before? I just got it recently. I'm not sure what day, if it was that day or the day before. But I explained what I - that was my tattoo for the incident that we just went through.

BULLARD: Okay.

TERSTEEGE: I got a tattoo for Tara and I got that tattoo for myself.

BULLARD: Any other conversations that you recall at this event that you were a part of aside from talking about your tattoo?

TERSTEEGE: I mean it was too long ago. I don't recall any - I was highly intoxicated.

BULLARD: Okay. Was there any discussions about Sacramento Police Chief Hahn that you were a part of?

TERSTEEGE: I don't recall.

BULLARD: Okay. Any discussions about Tara O'Sullivan's murder?

TERSTEEGE: I don't doubt that there was. I mean that's the whole reason why we were there was to decompress from that. But I had - I don't recall any of it.

BULLARD: Okay. At that time what was your opinion of Chief Hahn and his overall handling of Officer O'Sullivan's murder, funeral and interactions with you and your patrol team?

TERSTEEGE: Well I think I would have to apply some context to that.

BULLARD: Did you have an opinion at all of Chief Hahn as far as his overall handling of Officer O'Sullivan's murder, the funeral, his interaction with you and your team?

TERSTEEGE: Yes I did.

BULLARD: What was that?

TERSTEEGE: I felt that he handled it poorly.

BULLARD: Can you describe for me why?

TERSTEEGE: I felt abandoned. He - Our entire team was hurt. Like we just went through a traumatic event where somebody tried to kill us, did murder our partner and we were pushed aside, acted like we were nothing. And I just don't understand why.

BULLARD: Any specifics from that as why you say you felt pushed aside or abandoned?

TERSTEEGE: Friday during our - we just walked through the scene - Friday after the shooting we walked through the scene and then we went back to the HOJ and he was walking around and didn't take the moment he'd - kind of walk and say anything to us. We could see him and he said nothing to us. The deputy chiefs were coming up to us and asking how we're doing. He didn't talk to Tara's family until the Saturday, three days after she was killed. He - from what I understand is he was told by [redacted] that he needed to have a conversation with us and let us, you know, know how he felt about the incident. Well that came to Tuesday after the incident, so six days later. He wanted to talk to us and I wasn't happy. Like after those things I wasn't happy about it. It'd been so long and I felt like abandoned by everything. The one person that we're supposed to back up and he didn't back us up at all. That's how I felt. And then he comes into the fish bowl to have a conversation with us and when he walks in there, he acts like we're nothing. I've never had anybody that I've - that's been in charge of me that I've worked for come in there and act like what just happened was not a big deal. He - It was so demoralizing to me. Like he walked in there and he slouched in his chair like this while he was talking to us. And I'm sitting at attention like he doesn't - didn't ask who any of us were, nothing. Just talks to [redacted] and Sergeant [redacted] and that's it. And then he gets up and walks out of the room. He doesn't - nothing after that. And then I had an issue with the funeral. He said something about the funeral that I didn't think needed to be said. And it frustrated me.

BULLARD: What was that that he had said at the funeral?

TERSTEEGE: He said that Tara was really good with the black community and I don't – I don't understand why someone's funeral or a fallen officer's funeral needed to be a political stand. That's how I took it. Like that was very personal. I'm not trying to make a bitch-fest about the chief but I just wish he would have made different decisions about a lot of this stuff. That's - it hurt. It sucked.

BULLARD: You want to take a break?

AVENT: You want to take a break Zach?

TERSTEEGE: I've never felt so abandoned. And I've never seen our guys so abandoned - especially after he (unintelligible) we were almost fucking murdered. I would never do something like that to my guys ever.

AVENT: Want to take a break now?

BULLARD: Want to take a little break?

SHIRAISHI: Yeah. Let's take a break.

BULLARD: Okay.

SHIRAISHI: We're gonna call a break at 1320 hours.

BULLARD: Okay.

SHIRAISHI: All right. We're back at 1328 hours.

BULLARD: So Zach, I know we took a break there and I can tell that obviously this triggering kind of an emotional response. This is pretty tough for you to talk about. So I understand that. And let us know if down the road with our questioning or interview here if you need to take another break, whatever, let me know. Okay?

TERSTEEGE: Okay.

SHIRAISHI: So I - I'm the details guy. And it helps me understand your perspective as you recall the day and the events or the small parts of the day. And so I want to take you back to when you arrived at Sergeant [redacted] house. You walk in through the side gate on the right hand side of the property. You're there with your wife. Your mother, stepfather and son arrived at the same time you guys arrived. Paint the picture of – you spill into that backyard. It's heavy to the left with the pool straight ahead and what did you see? How many people were there? Can you estimate? You said you were kind of one of the last ones to arrive. So what's the – what's the figure of people that you would say were around? Baseball team? football team?

TERSTEEGE: The majority of the team - team 9, the officers that I have named and their spouses were sitting underneath this awning.

SHIRAISHI: Was anyone swimming? Do you remember?

TERSTEEGE: I can't answer for sure but if anybody was swimming, they were kids.

SHIRAISHI: Kids? Okay. And how old is your child - how old is your son?

TERSTEEGE: He's ten.

SHIRAISHI: Ten. You don't have like a diaper bag for him but I'm sure you have some kit that you have to bring especially if he's planning on going swimming. Do you remember where you kind of set up camp? You put your stuff down, your grocery bag?

TERSTEEGE: Yeah. It was in this - where I was sitting most of the time.

SHIRAISHI: And would you kind of - we'll call that like your base for the evening where all your stuff was, where your mom and your stepdad and son were kind of congregating?

TERSTEEGE: Yeah.

SHIRAISHI: Okay. And you said earlier that the first thing you did when you arrived was to pour yourself another drink. Is that correct?

TERSTEEGE: Yes.

SHIRAISHI: Where were you when you did that?

TERSTEEGE: On this table. I was making them on this table.

SHIRAISHI: Okay. And did you make one for yourself? Did you make one for your wife? your mom? your stepdad?

TERSTEEGE: I think I made one for my wife. My mom doesn't drink and my stepdad has a drink every like couple years.

SHIRAISHI: Okay. So you made two when you got there, one for you, one for your wife?

TERSTEEGE: As far as I recall. I don't know if that happened exactly when I showed up but it -

((Crosstalk))

SHIRAISHI: Pretty close?

TERSTEEGE: - at some point I had made my wife one.

SHIRAISHI: Okay. Same ratio as you? Fifty fifty?

TERSTEEGE: No. She doesn't drink.

SHIRAISHI: Okay. So lighter?

TERSTEEGE: Yeah.

SHIRAISHI: Okay.

TERSTEEGE: Maybe a shot. Just a little bit so she can have a taste. When she sees that I'm drinking, she stops.

SHIRAISHI: Why is that?

TERSTEEGE: Because she wants to make sure she's watching me.

SHIRAISHI: Keeping an eye on you?

TERSTEEGE: Yeah.

SHIRAISHI: Okay. So she - that whole bottle of Jameson that I was under the impression you drank every single drop, she had -

TERSTEEGE: I think she had one shot out of it.

SHIRAISHI: A shot? Okay. Do you recall if you poured any drink for anybody else, topped anyone else off?

TERSTEEGE: I have no idea.

SHIRAISHI: Okay. Pour your drink. And was the food there when you arrived?

TERSTEEGE: I don't know. I don't know if it showed up afterwards. I just remember where it was at.

SHIRAISHI: Okay.

TERSTEEGE: And there - it wasn't immediately that we ate. It was a little bit after we had showed up that we ate.

SHIRAISHI: Okay. So what did you do when you – when you arrived after you poured your drink? Can't remember if the food was there or not but it didn't arrive - it wasn't there when you arrived?

TERSTEEGE: It wasn't – it wasn't set up.

SHIRAISHI: Wasn't set up? Okay. And so, you know, for the sake of exact times we'll say you got there around 5:00. Would that be a fair time?

TERSTEEGE: No.

SHIRAISHI: No?

TERSTEEGE: Five would be when I got to Kinney to go to the scene.

SHIRAISHI: Okay. Sorry. So about 6 o'clock.

((Crosstalk))

TERSTEEGE: It would be about 6:00 -

SHIRAISHI: Okay.

TERSTEEGE: - or a little bit after that.

SHIRAISHI: So walk me through 6:30, 6:00 to 6:30, what did you do?

TERSTEEGE: Couldn't tell you honestly. All I –

((Crosstalk))

SHIRAISHI: Did you go swim?

TERSTEEGE: - I do know that I drank. I did not swim at all.

SHIRAISHI: Okay. Did you ever – within - between 6:00 and 6:30 did you go inside the house?

TERSTEEGE: I have no idea.

SHIRAISHI: Okay. Is there a restroom in the backyard?

TERSTEEGE: I don't think so.

SHIRAISHI: Okay.

TERSTEEGE: I don't know. I did go in to use the restroom at one point but I don't know when that was -

SHIRAISHI: Okay.

TERSTEEGE: - exactly.

SHIRAISHI: And where's - I mean where's the restroom when you walk in? Is it directly off one of the doors off the back patio? Did you kind of have to walk through like a kitchen, dining room area to get to it?

TERSTEEGE: I don't know what I walked through. Don't know if it was the dining room. It was through the back door.

SHIRAISHI: Okay.

TERSTEEGE: I don't know if it was right there or where I went from there but I do remember using the –

((Crosstalk))

SHIRAISHI: Just inside? It wasn't - you didn't have to go very deep into the house (unintelligible) -

TERSTEEGE: I don't know how deep I went.

SHIRAISHI: Okay.

TERSTEEGE: I can't – I can't recall.

SHIRAISHI: Okay. But you remember going to the bathroom at least once?

TERSTEEGE: Mm-hmm.

SHIRAISHI: Do you remember if that was within that first hour - half hour of you arriving?

TERSTEEGE: I couldn't tell you.

SHIRAISHI: Okay. So from let's just say 6:30 to 7:00 the next half hour, is that the time that you would estimate the food arrived?

TERSTEEGE: My problem is you're throwing estimations on stuff I have no idea.

SHIRAISHI: Okay.

TERSTEEGE: It's – it's just so long ago and I was intoxicated at the time. I don't – I don't remember every detail. I was using alcohol to cope with the shooting. Like I'd just been through a traumatic event. I don't - I was more focused on that. I – I have no idea what timeframe.

SHIRAISHI: But you remember eating ribs, correct?

TERSTEEGE: That's it.

SHIRAISHI: Where were you - do you remember where you're standing or sitting?

TERSTEEGE: I was sitting at this table.

SHIRAISHI: At the home base –

((Crosstalk))

TERSTEEGE: At some point I was sitting at that table and I remember ribs is the only food -

SHIRAISHI: Okay.

TERSTEEGE: - that I remember. I know there was other food. I can like picture.

SHIRAISHI: Yeah.

TERSTEEGE: But I don't know what it was.

SHIRAISHI: And you said it was laid out on the table under the same awning that your table was? Is that correct?

TERSTEEGE: Yeah. Well this table wasn't under the awning. It was off to the side. It was under a tab - it was on the table right here under the awning.

SHIRAISHI: Okay.

TERSTEEGE: This - There was like a - there was seating in a circle or a square underneath here.

SHIRAISHI: Okay.

TERSTEEGE: But not a table.

SHIRAISHI: Not a table? Was it like – is it like a fire pit or something? Do you know?

TERSTEEGE: I don't – I don't know if there was anything in the center but there was like patio furniture either -

((Crosstalk))

SHIRAISHI: Oh okay.

TERSTEEGE: - in a circle or a square and that's where the spouses were sitting -

SHIRAISHI: Okay. I see.

TERSTEEGE: - when we showed up.

SHIRAISHI: And so you indicated on your diagram there on the left hand side of the awning is where the food was on a table.

TERSTEEGE: Yes.

SHIRAISHI: Can you estimate the distance from where the food was to where your home base was?

TERSTEEGE: No.

SHIRAISHI: Was it a mile?

TERSTEEGE: No. It wasn't a mile.

SHIRAISHI: I don't need you to be exact. So I mean are you talking like stone's throw? Ten feet, twenty feet, your typical lanes for a roadway are you know, twelve, fifteen feet.

TERSTEEGE: Well I got that but I was -

SHIRAISHI: How far away is that?

TERSTEEGE: I was intoxicated. I don't remember. It wasn't very far. I don't remember. I've only been to his house that one time.

SHIRAISHI: Okay.

TERSTEEGE: I can't give you - I mean my estimate would somewhere between ten feet and fifteen, twenty feet.

SHIRAISHI: Okay.

TERSTEEGE: I couldn't give you anything better than that.

SHIRAISHI: Okay. And then you mentioned that you recall being part of like a team photograph. Is that correct?

TERSTEEGE: Yes.

SHIRAISHI: Was that before or after you ate ribs?

TERSTEEGE: The only reason why I recall that is because I've seen the picture.

SHIRAISHI: Okay. And looking at that picture -

TERSTEEGE: I can tell you it was in there.

SHIRAISHI: Okay. Do you have any recollection of that photograph?

TERSTEEGE: No.

SHIRAISHI: Just after the fact looking at it?

TERSTEEGE: Yes.

SHIRAISHI: Okay. Where was the photograph taken?

TERSTEEGE: It had this, which was the air conditioning unit and we were right here with our backs to the fence.

BULLARD: So pretty much lining it - you got it. There you go.

SHIRAISHI: Okay.

BULLARD: Next to the pool and kind of lined up with the gate –

((Crosstalk))

TERSTEEGE: Yes.

BULLARD: - or after the gate.

SHIRAISHI: And what's - put like a - put a circle where the person who took the photograph would be standing to kind of give us an idea of the backdrop of the photograph if that makes sense.

TERSTEEGE: Well I don't - you want - I mean that person could be anywhere taking the picture. I can't tell you where the person was at because I didn't - I don't recall it and I have no idea who took the picture except for my wife had some pictures.

SHIRAISHI: Okay.

TERSTEEGE: I mean I – they –

((Crosstalk))

SHIRAISHI: You've seen the picture. I haven't. So that's the reason why I'm asking is to kind of get a better understanding –

((Crosstalk))

TERSTEEGE: Right. And that's the thing is like I don't – I don't know where the person specifically took the picture –

SHIRAISHI: Okay.

TERSTEEGE: - but it appeared to be a straight on shot. So I don't know if they were underneath the awning, next to the awning. I mean if I made a calculated assumption -

SHIRAISHI: Yeah. Let's do that.

TERSTEEGE: - it would be in this area.

SHIRAISHI: Okay. And it'd be facing to the -

((Crosstalk))

TERSTEEGE: To the fence line.

SHIRAISHI: - I see. Okay.

TERSTEEGE: We had our backs against the fence.

SHIRAISHI: Okay. And do you remember participating in any sort of presentation or team like debrief is the only term I can kind of correlate that to.

TERSTEEGE: No.

SHIRAISHI: No?

BULLARD: You had described with the Jack Daniels that you were drinking, you said that at one point your wife had taken the bottle from you?

TERSTEEGE: Yes.

BULLARD: Can you describe for me about that - how that happened, if something was said, what led up to that, what caused that?

TERSTEEGE: She told me I had had enough. She's never seen me drink that much. Not that night but after the shooting I was using alcohol to cope with everything. I was worried about my guys, making sure that they knew where they needed to be, make sure that they were okay. And I said I was fine. I wasn't. I was going home and I was drinking.

BULLARD: Where in the backyard were you here when your wife had taken the Jack Daniels bottle from you?

((Crosstalk))

TERSTEEGE: This X.

BULLARD: So at the – at this table with the umbrella?

TERSTEEGE: Yes. That's where I poured it.

BULLARD: And do you remember what was said regarding that bottle being -

TERSTEEGE: I have no idea. I just remember her taking it.

BULLARD: You don't recall if -

TERSTEEGE: She probably said something along the lines you don't need any more to drink.

BULLARD: Okay.

TERSTEEGE: I can't give you a for sure but that's -

SHIRAISHI: But you remember pouring?

TERSTEEGE: Oh yeah.

SHIRAISHI: Okay. And talk to me about that. Was the bottle brand new or was it - had it been opened?

TERSTEEGE: I don't know if it was brand new.

SHIRAISHI: Okay.

TERSTEEGE: It was full.

SHIRAISHI: It was full?

TERSTEEGE: It was full because I remember dumping it into my cup and I almost - I think I had spilled some of it because I didn't realize it was gonna come out as fast as it did.

SHIRAISHI: And what size bottle we talking about?

TERSTEEGE: It was a seven hundred – it was a fifth, seven hundred -

SHIRAISHI: Similar to that Jameson bottle? Okay.

TERSTEEGE: See, I don't drink dark liquor like I don't drink Jagermeister, Jack Daniels because I black out. That's specifically why I don't drink them. And that was what I had. I don't know why. I don't know where I got it from. But I picked up a bottle of Jack Daniels and I dumped it into this cup. And I started drinking. My wife took the bottle from me.

BULLARD: Can you estimate about what time you think that was at?

TERSTEEGE: I just know that it was getting dark.

BULLARD: Okay.

TERSTEEGE: That's all I can tell you.

SHIRAISHI: Was that your last –

((Crosstalk))

TERSTEEGE: I was intox – I was extremely drunk at this point. I know I was. I just - without whatever I gave my wife, I polished off that fifth.

BULLARD: Do you think that was your last drink that you had - alcoholic drink that you had had at this event that night?

TERSTEEGE: Which one?

BULLARD: When your wife had taken the bottle from you.

TERSTEEGE: Absolutely not. I wouldn't doubt that I had something else after that. So I can't tell you that I did. I don't know - I remember that. And then I remember waking up - I woke up the next day at my house. I don't know how I got home. I don't know what happened. And - but when I drink I - when I was drinking at that time, it was drink, drink, drink, drink, drink until I was gone.

SHIRAISHI: What was your last memory from that evening?

TERSTEEGE: Pouring that drink.

SHIRAISHI: That was the last memory?

TERSTEEGE: That's it.

BULLARD: Do you remember if you actually drank it when she had taken the bottle?

TERSTEEGE: I have no idea.

BULLARD: Okay. Anything else?

SHIRAISHI: No.

BULLARD: Okay. While you were present at this even at Sergeant [redacted] residence, did you say the word nigger, phonetically spelled Nora Ida George George Edward Robert or some variation of that?

TERSTEEGE: I don't – I don't know. I don't recall at all.

BULLARD: You don't know and you don't recall at all?

TERSTEEGE: No.

BULLARD: While you were present at this event did you refer to Sacramento Police Chief Hahn as a nigger?

TERSTEEGE: I do not recall.

BULLARD: While you were present at this event did you refer to the people or citizens of the Del Paso Heights or North Sacramento area as niggers?

TERSTEEGE: I do not recall.

BULLARD: Do you recall if anybody at this event told you not to say that word?

TERSTEEGE: I - no. I do not recall.

BULLARD: Did anyone at this event tell you to lower your voice or to quiet down as to what you were saying?

TERSTEEGE: I do not recall.

BULLARD: That word there that I asked you if you had said it or not, how would you categorize that word?

TERSTEEGE: Extremely hateful, discriminatory word. I mean nobody should be using it.

BULLARD: Do you think it could be interpreted as derogatory?

TERSTEEGE: Absolutely.

BULLARD: Do you think it could be interpreted as biased?

TERSTEEGE: Yes.

BULLARD: Do you think it could be interpreted as racist?

TERSTEEGE: Yes.

BULLARD: Is there ever a time where you believe that the use of that word would not be considered derogatory?

TERSTEEGE: I believe it depends on the context.

BULLARD: Okay. And can you elaborate on what you mean by that?

TERSTEEGE: If somebody's having a conversation with me and they keep saying that word, I can be like hey, don't - let's not talk like that. Don't say that word. I'm speaking the word but I'm not using it towards a person or a group of people.

BULLARD: While you were present at this event, did you say anything about Sergeant [redacted] neighbors about them not understanding English?

TERSTEEGE: I do not recall.

BULLARD: While you were present at this event did you make any kind of remarks about Sergeant [redacted] neighbors and being Asian or some other ethnic group where it could be interpreted as derogatory?

TERSTEEGE: I do not recall.

BULLARD: Would you agree that regardless of your intoxication level that you are responsible for all of your actions and what you say?

TERSTEEGE: Yes.

BULLARD: Have you ever said that word that I referred to earlier here since you've become a Police Officer?

TERSTEEGE: Yes.

BULLARD: And can you describe the context when that would have been and what it would have been about?

TERSTEEGE: Just in the example that I used. I had a suspect in the back of my car that kept calling me the N-word. And I told him, "Do not call me the N-word. You're a man. I'm a man. We're gonna have a conversation like men." That's the only time I've ever used it. I don't - I've never used it towards anybody or anything. I - I completely was raised opposite of that, any of that. I – I preached that stuff in the military. I've been in charge of people for the last 13 years. I don't - that stuff is not allowed to be spoken anywhere in our shop at all. Never has been, never will be. The fact that this is even brought up, it's – it's embarrassing. It's embarrassing that this would be said about me or that – that somebody said that I could actually say something like this.

BULLARD: This incident that you're describing where you said a suspect called you that word, can you estimate when and where that was?

TERSTEEGE: I was - I want to say it was Summer, earlier in the year. I think it was in Del Paso Heights. It was off of – I have to look at a map. It's near El Camino and - what's the main thoroughfare from Norwood – Norwood and Marysville? There's another one, goes north and south.

BULLARD: There's Rio Linda.

TERSTEEGE: Rio Linda. Rio Linda and El Camino, it's somewhere right in that area.

BULLARD: You said earlier this summer. Would that be this year 2019?

TERSTEEGE: I want to say earlier this year. I don't know if it was Summer 2019.

BULLARD: Okay. Estimate a time of day? If it was day or night or anything like that?

TERSTEEGE: It was daytime. He a - It was a stolen - abandoned vehicle in the back of a - in an alleyway. Vehicle came out to be stolen and I had seen somebody leaving the area and another officer picked him up and I was trying to talk to him and he kept calling me the N-word.

BULLARD: And he was in the back of your patrol car at the time?

TERSTEEGE: He was in the back of my - I don't know who actually was my partner that day or who was working but it was in the back of somebody else's car.

BULLARD: You recall if any kind of recording devices were on for this, whether your body worn camera or ICC video?

TERSTEEGE: Absolutely positive that my body camera was on and the ICC was on.

BULLARD: And do you recall approximately what month that would have been?

TERSTEEGE: I couldn't tell you.

BULLARD: Do you remember – do you recall the name of the individual that was detained that was calling you this?

TERSTEEGE: No.

BULLARD: You recall who else was on the call with you? What other officer?

TERSTEEGE: I want to say [redacted] was on the call with me. Because I remember, yeah, he was shocked that I had said that to him.

BULLARD: Do you know of a reason why multiple witnesses would say that you said the word nigger or niggers in reference to Sacramento Police Chief Hahn and the citizens of Del Paso Heights and north Sacramento area while at this event at Sergeant [redacted] residence?

TERSTEEGE: No. Absolutely not.

BULLARD: Do you think that you saying that word would be something that you would remember?

TERSTEEGE: If I said it? Yes.

BULLARD: Can you tell me why? Why you think you would remember that?

TERSTEEGE: Because I don't talk that way. I don't say anything derogatory about any race or creed at all. That's not how I speak. I'm not a racist. I never have been.

BULLARD: And the same question regarding Sergeant [redacted] neighbors. Do you know of a reason why multiple witnesses would say that you had made comments about his neighbors as to them not speaking English or being Asian or some other ethnic group that would be considered derogatory?

TERSTEEGE: No.

BULLARD: And again, the same question – follow-up question. Do you think that saying things like that would be something that you would remember?

TERSTEEGE: Yes.

BULLARD: And again, why?

TERSTEEGE: Because I don't speak like that. That's not how I talk. That's not how I was raised. That's not what's bred into me. I'm - It's completely against who I am and who I've been.

BULLARD: Do you know of whether or not Sergeant [redacted] neighbors heard anything that was said from his property or backyard that night of June 29th, 2019?

TERSTEEGE: No.

BULLARD: Do you know approximately what time you left the event?

TERSTEEGE: I have no idea.

BULLARD: And you said earlier that you don't recall how you got home?

TERSTEEGE: No.

SHIRAISHI: Do you recall interacting with anybody outside of Sergeant [redacted] property?

TERSTEEGE: Outside of his property? Like -

SHIRAISHI: Yeah his neighbors. Do you remember interacting with them at all, seeing them, waving to them, talking to them?

TERSTEEGE: No.

SHIRAISHI: When you arrived before you were feeling buzzed, do you remember talking to any of the neighbors as you walked into the property?

TERSTEEGE: No.

SHIRAISHI: Do you remember seeing any of his neighbors?

TERSTEEGE: No.

BULLARD: How would you describe your sobriety level when you left Sergeant [redacted] house?

TERSTEEGE: Probably should have gone to the hospital.

BULLARD: Can you describe why you say that, what you mean by that?

TERSTEEGE: I don't know how I walked out of there. I mean I was drinking a lot. I don't know what my sobriety level was. I was blacked out drunk. I don't recall - the last thing I remember is pouring that drink and that's it.

BULLARD: Following this event at Sergeant [redacted] residence, at any time did any of your co-workers talk with you about these alleged remarks made by you?

TERSTEEGE: I was pulled aside by Sergeant [redacted] and [redacted] told me that I needed to be careful about whatever stuff I say and my company.

BULLARD: Okay. And can you just give me some setting for that, when that was, was it in person?

TERSTEEGE: It was in person. And it was at Kinney Station.

((Crosstalk))

BULLARD: When approximately was this after this event at Sergeant [redacted] house?

TERSTEEGE: Like two weeks afterwards.

BULLARD: And again, give me some more details as to the conversation you had with Sergeant [redacted] can you reiterate that for me?

TERSTEEGE: He just told me I need to be careful about what I say and the company that I'm in presence or are in my presence. He didn't define that or say exactly what I said. He just said I had said some inappropriate things.

BULLARD: And did you have any other conversations with any other co-workers about these alleged remarks that you had made at Sergeant [redacted] residence?

TERSTEEGE: No. Just that they thought I was not dealing with my issues I'd say.

BULLARD: Do you recall if any of your patrol team members had met with you and talked with you and had brought this up to you about using as you've referred to earlier here as the "N-word"? Do you recall any of your patrol team members speaking to you about you saying that?

TERSTEEGE: No.

BULLARD: I provided you with General Order 210.04, revision date 7-12-17. Would you please read aloud the highlighted portions?

TERSTEEGE: Policy. It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of department employees both on and off duty and in keeping with the standards of the City Charter, Civil Service Rules and Regulations and established labor agreements. Professional conduct all employees. Employees on or off duty shall be governed by ordinary and reasonable rules of conduct and behavior. Not admit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the department or the city. Employees shall serve the public by direction, counsel and example that does not interfere with the discharge of their policy - police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the department. Not speak slightly or express humiliating discourtesies or derogatory comments to or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity. That's all you have highlighted.

BULLARD: Anything else?

TERSTEEGE: That's it.

BULLARD: Do you feel that General Order 210.04 would apply in this scenario given that this allegedly occurred off duty?

TERSTEEGE: Yes. Some parts of it yes.

BULLARD: And do you feel your alleged actions of you saying the word nigger or referring to Sergeant [redacted] neighbors in a derogatory way about them not speaking English could bring discredit to the Sacramento Police Department or the city?

TERSTEEGE: So like I said, I was coping with using alcohol after a traumatic event. I don't know if I said this. But if I had and I had - if I had said it? Then yes, I violated this general order.

BULLARD: Okay. So that was my follow up question to you is if you felt that you violated General Order 210.04 given the event that we have reviewed with you here.

TERSTEEGE: And like I said, I don't – I don't recall ever saying anything like this or remotely close to this. It's completely embarrassing that somebody would even say that I said this but if I had, it's a direct violation of this general order.

BULLARD: And do you believe that this is something that could bring discredit to the department or the city?

TERSTEEGE: Absolutely.

BULLARD: Witnesses at this event on June 29th, 2019 had described a tattoo that you had recently gotten on your arm after Officer O'Sullivan was murdered and this Facebook image that I provided you from the profile named "[redacted]". For the record, is this your profile?

TERSTEEGE: Yes. It was at the time.

BULLARD: And is this photo of your arm?

TERSTEEGE: Yes.

BULLARD: And which arm is that?

TERSTEEGE: My right arm.

BULLARD: And what part of your arm is it?

TERSTEEGE: My forearm.

BULLARD: And can you describe for me what the tattoo is?

TERSTEEGE: It's scripture. It's a quote made by a police officer.

BULLARD: And can you quote it for me of what it actually says?

TERSTEEGE: The only defense against evil violent men is good men who are more skilled at violence.

BULLARD: Okay. And can you explain for me the context of what that tattoo means?

TERSTEEGE: Well, I've been a firearms instructor and I've been in the military for 14 years. I've been a firearms instructor for a little over 11 years. And I train people and I teach people how to handle firearms and how to go into life or death situations and get themselves out. I went into this situation and the only reason why I got out was because of the things that I've been trained and the things that I do train. This was a direct reflection of - we had one of the greatest evils I've ever seen in my entire life. And because we had a majority of people that were more skilled that's the reason why we got out. And the fact that he only targeted one person but it's just a remembrance of that day.

BULLARD: Do you recall - when was the date that you got that tattoo?

TERSTEEGE: It was either the day - the 28th of June or the 29th. It was one of those days.

BULLARD: Do you recall telling anyone at Sergeant [redacted] residence on June 29th, 2019 or after that you didn't care if you got in trouble at work for having that tattoo exposed outside of SPD uniform policy?

TERSTEEGE: Yes, I did say that.

BULLARD: Okay. And can you explain why, what you would have said and who you would have said that to?

TERSTEEGE: I said it to [redacted]

BULLARD: And what specifically was said and when was this about that?

TERSTEEGE: I remember him asking me, "What are you gonna do about – now you gotta wear long sleeves" And I said, "No, I don't care. I'll wear short sleeves." That's all I remember, something along those lines.

BULLARD: Do you remember when that was?

TERSTEEGE: When what was?

BULLARD: When you had the discussion with Officer [redacted]

TERSTEEGE: It was sometime that night either before we ate or after we ate.

BULLARD: Okay. Do you recall is your - as this being your Facebook profile, do you recall if it's public or if it's private?

TERSTEEGE: I think some of it's public.

BULLARD: Okay. So referring back to General Order 210.04, do you feel posting a photo of this tattoo on your social media or showing it to anyone could bring discredit to the department or the city?

AVENT: I'm just gonna object based on beyond the scope of the notice.

BULLARD: Okay. Your objection's noted. Please answer the question.

TERSTEEGE: I'm sorry. What was the question again?

BULLARD: Do you feel in referencing General Order 210.04 that posting that photo of this tattoo on your social media or showing it to anybody could bring discredit to the department or the city?

TERSTEEGE: In today's times? Yes.

BULLARD: Can you explain why?

TERSTEEGE: I think that people don't want to understand the necessary evil that police officers have to face on a daily basis. And I think that seeing this that somebody would think that we have to be violent towards everybody. They're gonna take it out of context. And it's not the case. So yeah, it would - because they're only looking at the picture and they don't know the story behind it? It would be taken out of context, which would create an issue for the department.

BULLARD: I want to go back to a question I had asked you earlier. I had asked you do you know a reason why multiple people at this event would have said that they recall you using that word that we referred to earlier as the "N-word". And you said you did not know. Correct?

TERSTEEGE: Yes.

BULLARD: You had indicated also earlier that you did not have any personal issues with anybody on your team or anybody that was present at this event. Is that accurate?

TERSTEEGE: Well, that's how I felt before this interview.

BULLARD: So is there any reason - you're just saying you don't know. Do you think anybody would be making a false alleg - would lie about you in some way of you saying these remarks or that remark?

TERSTEEGE: I honestly have no idea. I don't know why somebody would say this. I come to work, I do my job. I enjoy doing my job because I get to - I've worked in Del Paso Heights for two reasons. And we talked about this yesterday. One reason is it's busy. Who doesn't like to work? I love to work. That's my attitude. But the biggest thing is I get to go out and show people that just because I'm a white cop doesn't mean that I'm gonna do anything stupid. I'm here to help you out. That's one of the greatest things that I get to show these OG's and all these gang bangers out here is that yeah, I get it, you're a criminal and you have your life and that's – that's your job. But I - this is my job too and it's great that I can sit there and be that face of the department, which in my eyes helps not just me but it helps the department and it helps other officers that are coming up behind me as in younger officers. So I don't understand what I would have done to piss somebody off so much that this would – this would be said. I don't – I don't get it - I'm not a racist. Anybody that knows me would know that I'm not a racist. I have - I just had one of my good friends that I worked with in the Navy who's Hispanic. He just came over to my house for Thanksgiving. [redacted] for almost three years now through the department, she's black. She knows more about me than my wife does. So how can you call me a racist or that I would say stuff like this? The week I got walked out there's an elderly black lady having a problem with her - her son because her son won't leave. And I'm holding her hand consoling her trying to let her know like I wish there was more to do to help you but there's not. If I was a racist, I hated black people or this is what I believe, I wouldn't be out there doing this shit. Sorry for the language.

BULLARD: It's all right. I can see that this is tough to talk about.

TERSTEEGE: Yeah. I have issues with the chief and how he handled things. I wish he would have handled things differently but I can't control him. I can't control anybody. Did it hurt? Yeah. It still hurts. Doesn't mean it's gonna be a personal vendetta on my end.

SHIRAISHI: So when Sergeant Bullard asks you about that specific term in how it was relayed to us via, you know, witnesses on scene at this social gathering, you said the word, "It's embarrassing." Why is it embarrassing?

TERSTEEGE: It's embarrassing because people are now gonna think that I'm a racist. People that know about whatever's going on are gonna have that feeling that I'm a racist. It's embarrassing because the one person that I work for thinks that I'm a fucking racist. The one person that I wish would have handled things differently thinks that this is who I am and he doesn't even know me.

BULLARD: Are you referring to Chief Hahn?

TERSTEEGE: Yeah. I don't care what your fucking race is. It's actions that matter.

SHIRAISHI: And so you made it very clear -

AVENT: You okay? You want to take a breather?

TERSTEEG: No.

SHIRAISHI: You've made it very clear that you feel the chief should have done things differently in handling this whole incident.

TERSTEEGE: And what incident are you talking about?

SHIRAISHI: Just the entire June 19th.

TERSTEEGE: Yeah. I think – I think everything could have been handled differently, absolutely.

SHIRAISHI: Sure. And I don't want to rehash that. You've laid it out and I believe I understand your frustration and it's very evident in talking to you now, right? Just sitting here listening it's difficult to - it's difficult to stay focused on our job in getting all the facts out in your statement. But I kind of want to take you away from that a little bit and explain to me what is your relationship with the chief prior to June 19th? Had you ever run across him off duty? Did you ever work for him while he's at another agency? Did you - I understand you were like a pre-hire. Did you work for him as a pre-hire or any other capacity or assignment?

TERSTEEGE: No, I didn't – I didn't know him. The only time I had seen him was when he was at Kinney filling up his personal vehicle. That's the only time I had seen him. And only one time did he even acknowledge that I was there, which I didn't have a problem with.

SHIRAISHI: So that's the only time you interacted with the chief prior –

((Crosstalk))

TERSTEEGE: Beforehand -

SHIRAISHI: - was when he was at the police station?

TERSTEEGE: That I can think of.

SHIRAISHI: Okay.

TERSTEEGE: I don't recall any other times. I mean I've seen him and that's just in passing. I don't recall any other time before June 19th.

SHIRAISHI: Okay.

TERSTEEGE: And I didn't have an issue with him before then. I know a lot of people do. Well he was under fire for a lot of stuff. Good on him for standing on his two feet. I have no issues with that. And I don't expect him to know every line level officer but when your officers – one gets murdered and the rest almost get assassinated, I mean come on. It's nothing personal. It's just - wish he would have handled it differently. Something that I learned, you know it - if I wouldn't – as shitty as it is to say if - sorry for the language. If I wouldn't have been put on admin leave, I wouldn't have had the forethought to go to WCPR and take care of my issues with the shooting. Because I was putting it aside. I stopped drinking. But then I was - I went back to patrol like nothing was wrong. I'd still be sitting here on patrol pretending like nothing's wrong. So although it sucks, I mean at least something good came out of it because I was finally able to deal with some of the -

SHIRAISHI: That's kind of what I want to talk about next is since June 29th and having been placed on administrative leave, what have you been doing? Because it sounds like you admittedly have issues with alcohol. You said – you said many times that you're coping with the incident –

TERSTEEGE: Mm-hmm.

SHIRAISHI: - by using alcohol. What are some of the things you've done and what are you currently doing and what's your plan moving forward?

TERSTEEGE: Every week I go to an AA JFU meeting, which -

BULLARD: I'm sorry what is it?

TERSTEEGE: AA JFU. It's a thing that was started at SAC Sheriff's Department. So I've done that every week. I skipped a couple weeks because of Thanksgiving and WCPR. So I go to that once a week. [redacted]. I was [redacted] And -

AVENT: Can you explain for what WCPR is?

TERSTEEGE: Yeah. And then I went - I requested to go to WCPR, which is the West Coast Post-trauma Retreat, which in their explanation is basically six months of counseling in six days. So I went and stayed there for six days and I thought I was fine with the shooting but I didn't realize I had just survivor's guilt because I'd walked by the door multiple time - well, I walked by once and then I had to run by it the second time. But I'd walked by that same door that she got killed where he was standing behind. So I went there. And it helped me. Teach me a lot of - it gave me a lot of tools. I was very angry with this entire situation. I was very pissed off at the entire department like why would they do this or how could this happen? And then after WCPR I learned – I learned that now I could say I wish you would have made different decisions instead of just saying he's a coward for making those decisions because that's what I believed. I believed that he was a coward. Now it's like no, he just - I think he just made mistakes. That's all. I think it's a learning lesson for not just him but it's gonna be a learning lesson for us and for the entire department like hey, these are some things we need to look at afterwards and do and - my ultimate goal is to get back to the department, get back to work, be with my team. But more so I want to work in peer support so I can make sure that there are support for the people that go through incidents like what we went through because there was a lot of breakdown and there still is a lot of breakdown. That's why there was a meeting yesterday with the all brass to discuss how the department is handling these situations because it's a lot of okay, you've had a couple days off, get back to work, which works for some situations but this situation was - which I'm sure you guys understand it was - I can't even think. It was insane. Nobody - it lasted several hours. I remember I was on the scene for 53 minutes while this guy's still shooting the whole time. [redacted]l. I want to make sure that if anybody ever goes through something even just like what we had yesterday or anything worse than what I've been through I can help them get through that. I can help the department grow from this situation. I can't take back this if this - I did this. I can't. But it wouldn't be hard to sit here and say hey, look, you know, we got to make sure that we're watching ourselves while we're off duty and be that example. I would also - I wouldn't have an issue if I was able to sit down - I thought about a sit down and talk to the chief. Hey, these are the issues that I

had. Tell me your feelings. I don't – I wouldn't see a problem in that. Why wouldn't we? Why would we not hash this out and understand each other? It's the same thing we got to do with the community. We got to understand each other in order to move forward. So why wouldn't we do it internally? I'm not upset that you guys are investigating this. I'm not - you guys have a job to do. I'm 100% behind it. Just sucks that I have to be – have to be a part of that investigation.

BULLARD: Zach, given the event here that we reviewed today at Sergeant [redacted] house, if you had to do it over again, is there anything that you would have done differently?

TERSTEEGE: I would have asked for help. I wouldn't have been drinking as much as I was. And I probably would have reached out to the chief and told him hey, we need to talk before I spiraled out of hand. Crappy thing is is it - you tend to learn things after the fact.

BULLARD: You have anything?

AVENT: I do have a follow-up question. You know, I think we can all tell you have a lot of frustrations and hurt in you. Do you foresee any issues or problems with going back to work in the department?

TERSTEEGE: I can see because it's – it's obviously what's being said is targeted mostly towards the chief. I can see that I could get targeted. But I just - I hope that - like I said, if we could sit down and hash this out, we can move forward. That's what I would hope - like I honestly don't know. I just - I don't want to have that fear. If I sit there and have that fear that that's what's gonna happen now, then I won't be able to come back to the department. And I like this department. I've enjoyed my employment. I enjoy the people in this community even though there are some that don't like us. That's part of the job. So. I don't -

AVENT: Just to clarify, you want to go back to work, right?

TERSTEEGE: Absolutely.

AVENT: Okay.

TERSTEEGE: I hate being out. I mean I'm – I'm not gonna lie. I'm gonna tell you it's great seeing my family and being with my son because I was - I'm not a huge family man and which is a part of my issues with me and my wife because I'm very big about whatever my job is. I'm - I get too much into my job and I want to be a

very good employee. And it's been nice to step back and see the other side of my life that I'm missing, but I need to be back at work.

BULLARD: Anything else?

AVENT: I have nothing else.

BULLARD: Do you have anything else that you want to add or anything in closing before we do our official close out?

TERSTEEGE: No. Thank you for your time.

SHIRAISHI: I had it right in front of me. Is there anything else relating to this matter that we have not asked that needs to be added, clarified or -

BULLARD: Changed.

SHIRAISHI: - or changed? If so, I'm ordering you to provide that information now.

TERSTEEGE: No.

SHIRAISHI: Okay. After you leave this interview should you remember anything that is different from or in addition to any of the information you provided here today I am ordering you to contact Sergeant Bullard immediately. I am also ordering you not to discuss this matter with any other department employee. Do you understand these orders?

TERSTEEGE: Yes.

SHIRAISHI: Okay. We'll call it 1416 hours.

End of recording.

The transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed Sgt. Ryan Bullard

Sgt. Ryan Bullard

Sacramento Police Department
Internal Affairs Division

Investigative Log

Compl2019-001

Investigator: Sgt. Ryan Bullard #3135

8/9/2019, Friday:

1540 hrs, I, IAD Sgt. Ryan Bullard (#3135) received an email CC'ed by IAD Lt. Harrington regarding a Whistleblower complaint that routed through OPSA (Office of Public Safety and Accountability) regarding SPD Ofc. Zachariah Tersteege making racist remarks at a patrol team party at SPD Sgt. [redacted] residence. The complaint did not specify a date other than Whistleblower received the complaint on 7/5/19 (email attached).

8/14/19, Wednesday:

0945 hrs, I was advised in person by IAD Lt. Harrington to noticed SPD Sgt. [redacted] for an interview tomorrow, 8/15/19. Lt. Harrington advised me that "Conduct Unbecoming" would be the allegation applied to Ofc. Tersteege's case.

1057 hrs, I notified Sgt. [redacted] via email for a scheduled Internal Affairs interview w/him on 8/15/19, 1430 hrs (attached). [redacted] later replied to confirm via email (attached).

1843 hrs, SPOA Representative Mick Boyd requested via email to Sgt. [redacted] and I to re-schedule tomorrow's interview to 1300 hrs instead which was agreed (email attached).

8/15/19, Thursday:

1309 hrs, Sgt. Shiraishi (#3093) and I interviewed Sgt. [redacted] at IAD (*See audio / transcript of statement*). I attached a hand-drawn diagram of [redacted] back-yard area.

1415 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/her tomorrow at 1430 hrs (email attached).

1455 hrs, Sgt. Shiraishi and I briefed DC Peletta, DC Lester, and OOC Captain Joy of details from the above interview.

1505 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him tomorrow at 1630 hrs (email attached).

1509 hrs, Ofc. [redacted] called me back and left a message indicating he was out of town training and would be back tomorrow afternoon/evening. I immediately called Ofc. [redacted] back and advised him that we could arrange for a later time tomorrow and he would get back to me via email w/a proposed later time.

1550 hrs, I was notified by Lt. Harrington that per DC Peletta, Ofc. Tersteege would be placed on admin leave in light of the circumstances known in this investigation at the Kinney Station (3550 Marysville Blvd) at approx. 1730 hrs. IAD Det. Alonso (#505), IAD Det. Brown (#891), Sgt. Shiraishi, and I coordinated to facilitate this.

1628 hrs, Sgt. [redacted] emailed me further details about his statement clarifying that no one else aside from Ofc. Tersteege was intoxicated at the social gathering at his residence on 6/29/19 (attached).

1650 hrs, I coordinated via email w/Ofc. [redacted] to tentatively schedule an interview w/him tomorrow (8/16/19) at 1930 hrs (email attached).

1720 hrs, Ofc. Tersteege arrived in Lt. Heinlein's office at 3550 Marysville Blvd where Lt.

Heinlein, Lt. Halstead, Sgt. [redacted] Sgt. Shiraishi and myself were present. At Lt. Heinlein's request, Ofc. Tersteege removed his duty belt and vest carrier which contained his service pistol which was collected by Lt. Halstead and Sgt. Shiraishi. Lt. Heinlein read aloud an administrative leave admonishment (SPD 334 / attached) to Ofc. Tersteege. I clarified certain things about the admonishment to Ofc. Tersteege regarding his check-in at IAD, what was expected of him for staying at home, time-off requests, and subpoena/court appearance process. Ofc. Tersteege inquired what this was about and I advised him that I could only advise him that it was an internal affairs investigation. I advised Ofc. Tersteege that Peer Support would be reaching out to him and he could reach out to SPOA in advising them of his admin leave status (audio recorded/attached).

After an inventory had been conducted on Ofc. Tersteege's locker/patrol vehicle (photos attached as "IMG_0280 through IMG_0287" .jpg files), he dressed out and drove home in his personal vehicle.

Det. L. Alonso (#505) conducted an equipment inventory of Ofc. Tersteege's assigned lockers at the Kinney Police Station. Locker #14 and #15 were labeled with his name and were located along the north wall of the locker room. The doors were closed but the locks were found unsecured. Det. Alonso photographed the outside and the inside of both lockers before inventorying the content. Det. Alonso also removed Ofc. Tersteege's duty bag, Less Lethal Shotgun and Rifle from his patrol vehicle and secured them in his lockers. Det. Alonso found a personal pistol GLOCK23 .40Cal Serial #[redacted] and a personal flat badge in his locker, both items were secured and listed as part of the inventory.

Lt. Heinlein provided me w/Ofc. Tersteege's watch file so that I could later copy and return it (scanned copies attached "Tersteege Watch File 1 & 2".

8/16/19, Friday:

[redacted]

1437 hrs, Sgt. Shiraishi and I interviewed Ofc. [redacted] at IAD (*see attached audio / transcript of statement*). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

1540 hrs, I called DC Peletta to update him of the information revealed in Ofc. [redacted] interview.

1548 hrs, I left a voicemail for Sgt. [redacted] wife, [redacted] asking for a callback (audio attached).

2018 hrs, Sgt. Shiraishi and I interviewed Ofc. [redacted] (*see attached audio / transcript of statement*). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

2130 hrs, I called DC Peletta to update him of the information revealed in Ofc. [redacted] interview.

8/20/19, Tuesday:

1000 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him tomorrow (8/21/19) at 1430 hrs (email attached).

1003 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him on 8/22/19 at 1430 hrs (email attached). SPOA Rep. Ofc. Mick Boyd later re-scheduled w/me for Ofc. [redacted] interview to 8/22/19, 1300 hrs (email attached).

8/21/19, Wednesday:

1230 and 1239 hrs, Attorney Chelsea Avent both left me a voice message as well as an email respectively advising she was legally representing Ofc. Tersteege and asked for a callback (audio and email attached).

1258 hrs, I called Avent who advised she was clarifying for Ofc. Tersteege as to whether or not he needed to use sick leave for his work-related doctor's visits (audio attached). After checking on this, I emailed Avent back and advised her that he did not need to use sick leave (email attached).

1435 hrs, Sgt. [redacted] and I interviewed Ofc. [redacted] at IAD (see attached audio recording / transcript of statement). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

1520 hrs, I briefed DC Peletta in person of information from Ofc. [redacted] interview.

8/22/19, Thursday:

0700 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him tomorrow (8/23/19) at 1430 hrs (email attached). SPOA Ofc. Mick Boyd later coordinated w/me via email to change this interview time to 1200 hrs (email attached).

1300 hrs, [redacted] and I interviewed Ofc. [redacted] at IAD (see attached audio recording / transcript of statement). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

1400 hrs, Sgt. [redacted] and I briefed Chief Hahn, DC Peletta, DC Lester, and Captain Joy in person in the OOC regarding details from Ofc. [redacted] interview.

1436 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him tomorrow (8/23/19) at 1445 hrs (email attached).

8/23/19, Friday:

1205 hrs, Sgt. [redacted] and I interviewed Ofc. [redacted] at IAD (see attached audio recording / transcript of statement). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

1255 hrs, I briefed DC Peletta of information from Ofc. [redacted] interview via phone.

1506 hrs, Sgt. [redacted] and I interviewed Ofc. [redacted] at IAD (see attached audio recording / transcript of statement). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]

1550 hrs, I briefed DC Peletta of information from Ofc. [redacted] interview via phone.

1715 hrs, I noticed SPD Ofc. [redacted] of a scheduled interview w/him for 8/29/19 at 1430 hrs (email attached). SPOA Ofc. Mick Boyd later coordinated w/me via email to change this interview to 8/28/19 at 1430 hrs (email attached).

8/28/19, Wednesday:

1440 hrs, Sgt. Shiraishi and I interviewed Ofc. [redacted] at IAD (see attached audio recording / transcript of statement). I attached a hand-drawn diagram of Sgt. [redacted] backyard drawn by [redacted]. I later updated DC Peletta via phone of information from Ofc. [redacted] interview.

8/29/19, Thursday:

1453 hrs, I noticed Sgt. Jeff Morris via email of a non-doc waiver/questionnaire regarding this case (attached).

8/30/19, Friday:

0941 hrs, I left another voice message for [redacted], asking for a callback (audio attached).

1231 hrs, I left a voice message for [redacted] ([redacted] fiancée) asking for a callback (audio attached).

9/3/19, Tuesday:

1317 hrs, Sgt. Jeff Morris replied to the above non-doc questionnaire via email (attached).

1500 hrs, Lt. Harrington provided me w/a mailed letter from the Sacramento County DA's Office regarding Ofc. Tersteege being placed on the Brady index, dated 8/23/19 (attached).

9/6/19, Friday:

0959 hrs, DC Peletta emailed me regarding an audit conducted by Program Analyst Lindsey Mendoza on Ofc. Tersteege's body worn camera video (see attached email and "ZT Project.xlsx" spreadsheet file).

9/11/19, Wednesday:

1349 hrs, attempted a phone call to [redacted] ([redacted] wife) which indicated it was a disconnected number (audio attached).

1352 hrs, I left a voice message for [redacted] ([redacted] wife) asking for a callback (audio attached).

1356 hrs, I emailed Ofc. [redacted] asking if he had a better number to contact his wife at. [redacted] later replied via email w/the correct number of [redacted] (attached).

1513 hrs, I left a voice message for [redacted] asking for a callback (audio attached).

9/26/19, Thursday:

1030 hrs, I reviewed Ofc. Tersteege's SPD background packet and academy records (attached).

10/2/19, Wednesday:

1100 hrs, I located a facebook profile of "[redacted]" w/a web link of [redacted] that appeared to belong to Ofc. Tersteege as there were several photos of him. I took several screenshots from the profile and attached them to this case. The profile indicated that he was a "Public Works Technician at City of Sacramento". These screenshots/posted photos included that of Ofc. Tersteege in SPD uniform, an SPD patrol vehicle, and a photo of a forearm w/a tattoo w/an inscription reading, "The only defense against evil violent men is good men who are more skilled at violence". This profile and it's attached/posted images were publicly viewable and not privatized.

10/4/19, Friday:

1146 hrs, Ofc. Tersteege emailed me to update his new personal email address to be reached at [redacted]

10/8/19, Tuesday:

An Accurint, DMV, and Versadex records check for a [redacted] ([redacted] ex-girlfriend) revealed a possible address of [redacted] Versadex records for that address showed a call for service on 4/19/19 (CAD 19-120965) w/the caller listed as [redacted] and a phone number of [redacted]

1411 hrs, I left a voice-mail for [redacted] asking for a callback (audio attached).

10/10/19, Thursday:

1021 hrs, I notified SPD Lt. Heinlein (#4085) via email of an interview I scheduled w/him for 10/17/19, 0830 hrs (attached).

10/17/19, Thursday:

0846 hrs, Sgt. Shiraishi and I interviewed Lt. Heinlein regarding this investigation (audio / transcript attached).

10/23/19, Wednesday:

1532 hrs, I submitted a POST records request for Ofc. Tersteege to Phil Caporale (POST) via email (attached).

1538 hrs, I submitted a request via email to Emmett Bradshaw for any/all training records for Ofc. Tersteege on Target Solutions (attached). Bradshaw later replied this day w/a spreadsheet of the requested training records (email / "Tersteege_Completions_20191023.xlsx" file attached). I later requested any training materials pertaining to "Equal Employment Opportunity Policy" and "CPT Annual Training" relating to "biased based policing" or "racial profiling".

10/24/19, Thursday:

0855 hrs, Phil Caporale (POST) emailed me POST training records for Ofc. Tersteege (attached). I further requested to Caporale any training materials related to: 4890-23272-14-055 - CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY) and 2320-23287-18-008 - RACIAL PROFILING UPDATE.

Attached General Order 210.04 – General and Professional Conduct.

0944 hrs, I left another voice message for [redacted] (audio attached).

0948 hrs, I left another voice message for [redacted] (audio attached).

0951 hrs, I left another voice message for [redacted] (audio attached).

0954 hrs, I left another voice message for [redacted] (audio attached).

1356 hrs, Emmett Bradshaw email me a spreadsheet of courses in response to me request ("Tersteege_Completions_20191024.xlsx "attached).

1411 hrs, I emailed Lt. Murrietta a non-doc questionnaire and waiver regarding this case (email attached).

1455 hrs, Phil Caporale (POST) emailed me two pdf files regarding the above requested course outlines/materials for 4890-23272-14-055 - CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY) and 2320-23287-18-008 - RACIAL PROFILING UPDATE (attached as "Cultural Diversity ECO 23272" and "Racial Profiling Update ECO 23287").

10/25/19, Friday:

1136 hrs, Emmett Bradshaw emailed me several PDF files regarding RIPA (Racial and Identity Profiling Act) training and policy regarding it. Bradshaw indicated that any course materials relating to "Equal Employment Opportunity Policy" would have to be requested from Don Demavivas, City EEO Manager. (email attached).

1326 hrs, I emailed Demavivas requesting training materials pertinent to EEO training (email attached). I later clarified via email that the EEO in person course that I was inquiring about was for 9/8/17 (as per Ofc. Tersteege's training records). Demavivas later emailed me a pdf of the course outline for that time (attached as "EEO Training 9/8/17").

10/30/19, Wednesday:

0432 hrs, Lt. Murrietta emailed me his non-doc answers to the above questionnaire I sent him (email and answers attached).

10/31/19, Thursday:

2054 hrs, [redacted] ([redacted] fiancé) left me a voice message indicating that she did not want to be involved in this investigation (audio attached).

11/7/19, Thursday:

1332 hrs, I spoke w/Sgt. [redacted] via phone and asked him if he would be able to speak w/his wife about possibly leaving my desk line a voice message as to whether or not she is willing to give a statement in this case. [redacted] advised he would relay the message (audio attached).

1627 hrs, [redacted] left me a voice message asking for a callback (audio attached).

2327 hrs, [redacted] left me a voice message indicating that she "declined to be a part" of this investigation (audio attached).

11/8/19, Friday:

1401 hrs, [redacted] left me another voice message (audio attached).

11/12/19, Tuesday:

0809 hrs, I called [redacted] phone [redacted] which rang and led to a greeting indicating that the "voicemail box had not been set up" (audio attached).

1303 hrs, I attempted again to call [redacted] w/the same above results (audio attached).

11/13/19, Wednesday:

1201 hrs, I called [redacted] again and spoke w/her via phone where I obtained an audio-recorded statement from her (See [redacted] statement / audio for details).

Sacramento Police Department
Internal Affairs Division

Investigative Log

Compl2019-001

11/19/19, Tuesday:

1307 hrs, I called Ofc. [redacted] and asked if he could reach out to his wife to have her leave me a voice message at the minimum as to whether or not she is willing to give a statement in this case (audio attached).

12/10/19, Tuesday:

1356 hrs, I notified Ofc. Tersteege via email of a scheduled Internal Affairs interview for him on 12/17/19, 1230 hrs (attached).

12/13/19, Friday:

0904 hrs, Ofc. Tersteege's attorney, Chelsea Avent confirmed w/me that she would be available to represent Ofc. Tersteege on 12/19/19 (email attached).

0907 hrs, I sent an email notification to Ofc. Tersteege, re-scheduling our interview to 12/19/19, 1230 hrs due to a scheduling conflict (email attached).

12/19/19, Thursday:

1242 hrs, Sgt. Shiraishi and I interviewed Ofc. Tersteege (See statement / audio recording for details).

1/23/20, Thursday:

0641 hrs, I emailed SPD Academy clerk Rhodes asking for field training evaluation records for Ofc. Tersteege (email attached).

1/28/20, Tuesday:

0622 hrs, I received an email from SPD Reserve Ofc. Tod Barnes (Field Training Unit) w/a pdf copy of Ofc. Tersteege's field training evaluation records (email / Tersteege Field Training Evals.pdf attached).

2/5/20, Wednesday:

1445 hrs, CIU Sgt. Baptista (#3030) provided me in person w/a memorandum of the Criminal Intelligence Unit's findings in reviewing Ofc. Tersteege's historical body worn camera footage (attached as "CIU Body Worn Camera Memorandum").

MEMORANDUM **SACRAMENTO POLICE DEPARTMENT**

To: **Captain Dan Monk**
Office of The Chief

Date: 02/04/20

Lieutenant Aaron Wallace
Internal Affairs Unit

Sergeant Ryan Bullard
Internal Affairs Unit

From: **Sergeant Chris Baptista**
Criminal Intelligence Unit

Subject: Body Worn Camera Review

Approximately four months ago, the Sacramento Police Department's Criminal Intelligence Unit (CIU) started to review Officer Zack Tersteege's body worn camera (BWC) video for any potential bias or racially derogatory comments. Officer Zack Tersteege has 4,017 body worn camera videos stored in Axon Evidence. Axon Evidence.com is a cloud-based digital evidence management system that allows police departments to manage, review, and share digital evidence, particularly video evidence captured with Axon-branded cameras.

The following officer(s) reviewed Officer Tersteege's BWC footage: Sergeant Chris Baptista, Detective Jon Gresham, Detective Ben Spencer, Detective [redacted] and Officer [redacted]. It should be noted, all the areas highlighted in bold are comments made by Officer Zack Tersteege. After reviewing 4,017 videos', the following videos listed below were of note.

08/13/2019: 19-261477: 971 Weapons (15m 50s video)

Officer Tersteege responded to a family disturbance and is told by half of the argument (MWA) that he was in a verbal argument with his 17-year-old cousin (FWA). The father of the 17-year-old also explained that there was an argument in which the male half of the argument was making fun of how the 17-year-old FWJ says the slang word, "Brah" often.

At approx. the 13:00 minute mark, Officer Tersteege explains to another officer on scene that the call was unfounded and that the FWJ was being a brat. He further explained the 17-year-old FWJ's behavior to the assisting officer, saying: **"She comes in here and starts talking like…she's black, saying I wanna smoke weed, I wanna do this, brah, brah. So, he starts making fun of her."**

04/26/2019: 19-129293: Traffic Stop (7m 40s video)

Officer Tersteege and his partner make a traffic stop in the area of Lexington Street and El Camino Ave. While his partner is in the patrol vehicle running records checks, Ofc. Tersteege remains at the car and engages the two Hispanic occupants in conversation.

At approx. the 5:50 minute mark, Ofc. Tersteege makes the following statement:
"The worst ones of them all are white people, dude. The white people out here are fucking crazy, dude. I'm telling you dude. Every single white person out here needs to go to jail, dude. They're all out here nuts. Fucking crazy. It's true dude. Do a ride-a-long and you will see. You will be like what the fuck are these people doing out here. It makes no sense. Their crazy man."

03/16/2019: 19-80036: "N-word" (35m 59s video)

Ofc. Tersteege was on scene of a call for service regarding transients camping in the alley of Santiago Ave and Rio Linda Blvd. While on-scene, Officer Tersteege runs a record check on a vehicle parked in the alley. The vehicle later returned stolen and a subject was seen walking away from the stolen vehicle and later detained by Officer [redacted]. The subject was a male, black adult detained in the back seat of a Officer [redacted]'s patrol car.

At approx. the 08:15 minute mark, the detained subject uses the "N-word" when addressing Ofc. Terstegee. Ofc. Tersteege responds angrily, saying, **"I'm not a nigger dude don't fucking call me that you piece of shit. Don't fucking call me that, you understand? You want to be respected then don't fucking call me that."**

2/27/2019: 19-61696: (7m 22s video) "N-word"

Officer Tersteege was dispatched to [redacted] Norwood Ave regarding a male subject causing a disturbance. He is described as a male-black 40's, red sweatshirt, black pants and refusing to leave. The complainant states the subject is being verbally aggressive.

Officer Tersteege arrives on-scene and contacts a subject matching the description on the call sitting on the ground.

At approx. the 0:54 second mark, Officer Tersteege states the following:

Tersteege: **Grab your stuff and go. Somewhere besides here.**

Subject: I'm tired (unintelligible)

Tersteege: **What am I lying about?**

Subject: (unintelligible) Everywhere I fuck-n go is where a zillion bombs is. God is a liar.

Tersteege**: I didn't say anything about a bomb. They called about you. I know who you are. You're on probation and this is what I tell you. Leave!**

Subject: The fuck for what nigger?

Tersteege: **Don't call me a fuck-n nigger dude. I'm giving you the opportunity.**

Subject: (arguing) What would I call you a nigger for? I've been called a nigger and (unintelligible).

Tersteege: **You just called me a nigger. Don't call me a nigger. Grab your stuff and leave. I'm being real cool with you.**

Officer Tersteege is ordering the subject to get on his knees and he's going to conduct a probation search. The subject is arguing with Officer Tersteege telling him he is tired. The subject is picking up his belongings then Officer Tersteege tells the subject to, "Get the fuck out of here and go." The subject gathers some of his belongings and starts walking. Officer Tersteege says, **"Get the fuck off this property or you're going to jail. I'm not going to play with you."** The subject is walking away yelling at Officer Tersteege.

11/20/2018: 18-370134: 242 call (14m 11s video)

Officers are dispatched to [redacted] Perktel Street regarding a misdemeanor assault-in-progress at. The complainant's daughter is assaulting her husband.

At approximately 9m 50s mark, Officer Tersteege is standing around other officers and explaining when you can violate someone's probation Officer McCann. At the end of the explanation, Officer Tersteege says the following:

"This seems like their nice people, right? You don't find too many people like that in Del Paso. So, these are ones you want to do whatever you can to help them out."

01/09/19: 19-9620: 415 call (13m 0s video)

Officers were dispatched to a disturbance at an apartment complex ([redacted] Rio Linda Blvd). Officer Tersteege is speaking with a woman who appears intoxicated. She is slurring her words and is mildly upset at the situation. The woman appears to be describing the problems her neighbor is causing and uses the "N" word. Officer Tersteege makes the following statement:

At approximately 8m 15s mark: **"Now you're being rude. I'm just having a conversation with her. I didn't call anyone a nigger so don't fucking bring that shit up with me. You guys are extremely rude. I don't understand why because I've been nothing but nice to you. "**

Respectfully,

Sergeant Chris Baptista #3030
Criminal Intelligence Unit

Chris Baptista #3030

Ryan Bullard

From: James Harrington
Sent: Friday, August 09, 2019 15:40
To: Ryan Bullard; Dennis Joy; Dave Peletta; Daniel Hahn
Subject: FW: OPSA2019-0305 Complaint (Whisleblower Hotline)
Attachments: Whistleblower Hotline Complaint Letter.pdf

It looks like this occurred prior to July 5th, and the memo from the City Auditor's Office is dated July 22nd. We just received it from OPSA today.

-James

Lieutenant James Harrington
Sacramento Police Department
Internal Affairs & Professional Standards
(916) 808-2292
jharrington@pd.cityofsacramento.org

From: Mandy Holm [mailto:MHolm@cityofsacramento.org]
Sent: Friday, August 09, 2019 3:12 PM
To: James Harrington
Cc: Francine Tournour
Subject: OPSA2019-0305 Complaint (Whisleblower Hotline)

Lt. Harrington,

Attached is a complaint letter from the City Auditor's office regarding SPD employee Zach Tersteege.

Allegation: Conduct Unbecoming

Thank you,

Mandy Holm
OPSA Analyst
Office of Public Safety Accountability
915 I Street, HCH 3rd Floor
Sacramento, CA 95814
Direct: (916) 808-7529
Main Line: (916) 808-7525

City of SACRAMENTO
Office of Public Safety Accountability
cityofsacramento.org/opsa

Ryan Bullard

From: [redacted]
Sent: Wednesday, August 14, 2019 11:47
To: Ryan Bullard
Subject: Re: Internal Affairs Interview

Thanks Ryan, I copy the email and will advise Lt Heinlein and the backfill Sgt to see if they are able to do rollcall since Jeff Morris is doing his TDY with you guys.

Is it all all possible to pushback the interview time? If not, I'll figure it out.

Thanks,
[redacted]

Sent from my iPhone

On Aug 14, 2019, at 10:57 AM, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

> Sergeant [redacted]
>
> You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Thursday, August 15th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.
>
> Please contact me if you have any questions.
>
> Sgt. Ryan Bullard #3135
> Sacramento Police Department
> Internal Affairs Division
> 916-808-2297
> 5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Wednesday, August 14, 2019 13:30
To: Ryan Bullard
Subject: Re: Internal Affairs Interview

Ryan,

I got Kurt Wilhite to come in and do rollcall for me. I'll be there at 1430.

Thanks,
[redacted]

Sergeant [redacted] #3002
Sacramento Police Department
North Command - Mid Watch
Office: [redacted]
[redacted] sacpd.org

From: [redacted]
Sent: Wednesday, August 14, 2019 11:46:58 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Internal Affairs Interview

Thanks Ryan, I copy the email and will advise Lt Heinlein and the backfill Sgt to see if they are able to do rollcall since Jeff Morris is doing his TDY with you guys.

Is it all all possible to pushback the interview time? If not, I'll figure it out.

Thanks,
[redacted]

Sent from my iPhone

On Aug 14, 2019, at 10:57 AM, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

> Sergeant [redacted]
>
> You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Thursday, August 15th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.
>
> Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Wednesday, August 14, 2019 19:55
To: Ryan Bullard; Michael Boyd
Subject: Re: IA

I'll be there at 1300.

Sergeant [redacted] #3002
Sacramento Police Department
North Command - Mid Watch
Office: [redacted]
[redacted]sacpd.org

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, August 14, 2019 7:00:52 PM
To: Michael Boyd <MBoyd@pd.cityofsacramento.org>
Cc: [redacted] <[redacted]@pd.cityofsacramento.org>
Subject: Re: IA

That's fine with me.

On Aug 14, 2019, at 18:43, Michael Boyd <MBoyd@pd.cityofsacramento.org> wrote:

> Gents,
>
> Due to some unforeseen circumstances, is it possible to move the interview up a bit. I have to be somewhere at 3. 1pm?
>
> Mick
>
> Get Outlook for Android

Ryan Bullard

From: Ryan Bullard
Sent: Wednesday, August 14, 2019 10:57
To: [redacted]
Cc: Tim Davis Sr.
Subject: Internal Affairs Interview

Sergeant [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Thursday, August 15th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Thursday, August 15, 2019 16:28
To: Ryan Bullard
Subject: RE: Tersteege Investigation

Sgt. Bullard,

I'm not sure if the question was asked, but I just wanted to clarify that nobody else beside Tersteege was intoxicated on the evening of my "team get-together" at my house.

Sergeant [redacted] #3002
Sacramento Police Department
North Command - Mid Watch
Office: [redacted]
[redacted]sacpd.org

Ryan Bullard

From: [redacted]
Sent: Thursday, August 15, 2019 16:50
To: Ryan Bullard
Cc: Tim Davis Sr.; Mick Boyd
Subject: Re: Internal Affairs Interview

Okay that sounds good. I will call you as we are leaving here tomorrow. Thank you for accommodating my schedule.

[redacted]

Get Outlook for iOS

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, August 15, 2019 4:48:31 PM
To: [redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Mick Boyd <mboyd@spoa.org>
Subject: Re: Internal Affairs Interview

Let's call it 1930 hrs tomorrow for now. If you're running late due to traffic I understand, just call my cell [redacted] and keep me posted. We'll s/b at IAD for you when you get in.

On Aug 15, 2019, at 16:33, [redacted]@pd.cityofsacramento.org> wrote:

> Sgt. Bullard,
>
> The training in San Francisco is scheduled until 1700 hrs (which could get out earlier). With traffic, it could be between 2-4 hours to get back. I want to do everything I can to get back in a timely manner. I understand this is a large gap of time but I carpooled with the PRCS team to their training. I am willing to come in after we get back into town, although it may be later in the evening if that is ok. I cannot give an exact arrival time due to the above circumstances but will certainly contact you when we leave the city to give you a better estimate. Sgt. Josh Kirtlan has been advised and is aware that you have requested my attendance tomorrow. I have also CC'd Mick Boyd who said he is going to find out if there is a rep available for tomorrow evening.
>
> Respectfully,
> [redacted]
> [redacted]
>
> Get Outlook for iOS
>
> ---
>
> **From:** Ryan Bullard <RBullard@pd.cityofsacramento.org>
> **Sent:** Thursday, August 15, 2019 15:05
> **To:** [redacted]
> **Cc:** Tim Davis Sr.
> **Subject:** Internal Affairs Interview
>
> Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 16th, 2019 @ 1630 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Thursday, August 15, 2019 15:21
To: Ryan Bullard
Subject: Re: Internal Affairs Interview

Hey Sgt!

I copy. I will be there tomorrow,

[redacted]
Sacramento Police Department
[redacted]@pd.cityofsacramento.org
[redacted]

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, August 15, 2019 2:15:19 PM
To: [redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>
Subject: Internal Affairs Interview

Officer[redacted]-

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 16th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Ryan Bullard
Sent: Thursday, August 15, 2019 15:05
To: [redacted]
Cc: Tim Davis Sr.
Subject: Internal Affairs Interview

Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident that involved SPD Officer Zachariah Tersteege on or before July 5th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 16th, 2019 @ 1630 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Bryce Heinlein
Sent: Friday, August 16, 2019 02:53
To: Ryan Bullard
Subject: FW: Memo
Attachments: Complete Memo.docx

From: Zachariah Tersteege <ztersteege@pd.cityofsacramento.org>
Sent: Friday, June 14, 2019 1:15 PM
To: Bryce Heinlein <BHeinlein@pd.cityofsacramento.org>
Subject: Memo

Lt,

See attached.

Very Respectfully,

Zack

Ryan Bullard

From: Michael Boyd
Sent: Tuesday, August 20, 2019 15:51
To: Ryan Bullard; [redacted]
Subject: IA time

Per our last conversation, the interview is moved to 1300hrs on Thursday. See you gents then.

Mick

Get Outlook for Android

Ryan Bullard

From: [redacted]
Sent: Tuesday, August 20, 2019 10:36
To: Ryan Bullard
Subject: Re: Internal Affairs interview

Copy that sir, I'll see you on Wed 8/21 at 1430 hours.

Respectfully,

[redacted]
[redacted]@pd.cityofsacramento.org
North Patrol

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Tuesday, August 20, 2019 10:00:03 AM
To: [redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Paul Brown <PBrown@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Wednesday, August 21st, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Tuesday, August 20, 2019 10:12
To: Ryan Bullard
Cc: Tim Davis Sr.; Paul Brown
Subject: Re: Internal Affairs interview

Copy that, I will see you then.

Thank you

Get Outlook for iOS

From: Ryan Bullard <rbullard@pd.cityofsacramento.org>
Sent: Tuesday, August 20, 2019 10:02
To: [redacted]
Cc: Tim Davis Sr.; Paul Brown
Subject: Internal Affairs interview

Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for Thursday, August 22nd, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Michael Boyd
Sent: Thursday, August 22, 2019 11:08
To: [redacted] Ryan Bullard
Subject: IA tomorrow

This is to confirm we are on for noon tomorrow for the interview.

Mick

Get Outlook for Android

Ryan Bullard

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 12:39
To: Ryan Bullard
Subject: Officer Zack Tersteege

Hi Sergeant Bullard,

I am representing Officer Zack Tersteege in the pending administrative investigation. I am following up on a voicemail I just left on your office phone. Could you please call me at my cell phone number listed below at your earliest convenience?

Thank you,

Chelsea R. Avent | Associate
MASTAGNI HOLSTEDT, A.P.C.
Labor and Employment Department
1912 I Street | Sacramento, CA 95811
Main: (916) 446-4692 | Fax: (916) 447-4614
Direct: (916) 318-4600 | Cell: [redacted]
www.mastagni.com

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Ryan Bullard

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 13:44
To: Ryan Bullard
Subject: RE: Officer Zack Tersteege

Thank you for getting back to me so quickly on this, I appreciate it. I will relay this information to Officer Tersteege.

Chelsea R. Avent | Associate
MASTAGNI HOLSTEDT, A.P.C.
Labor and Employment Department
1912 I Street | Sacramento, CA 95811
Main: (916) 446-4692 | Fax: (916) 447-4614
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From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, August 21, 2019 1:19 PM
To: Chelsea R. Avent <cavent@mastagni.com>
Subject: RE: Officer Zack Tersteege

Ok, I double checked on this about whether Ofc. Tersteege has to burn sick time for his doctor's visits. He does NOT have to burn sick leave time for his doctor's appointments if the appointments are work-related/worker's comp based as opposed to doctor's visits that would be personal and unrelated to work or worker's comp. At the minimum what Ofc. Tersteege needs to do for these work-related doctor's visits/appointments is to check in w/IAD at the main line 916-808-2290 (like he's already been doing in the morning M-F) when he's leaving the house and when he's back home. Thanks for checking with me on that. Let me know if you have any further questions.

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 12:39
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Officer Zack Tersteege

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Thank you,

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Ryan Bullard

From: Michael Boyd
Sent: Thursday, August 22, 2019 11:08
To: [redacted] Ryan Bullard
Subject: IA tomorrow

This is to confirm we are on for noon tomorrow for the interview.

Mick

Get Outlook for Android

Ryan Bullard

From: Ryan Bullard
Sent: Thursday, August 22, 2019 07:00
To: [redacted]
Cc: Michael Boyd; Paul Brown; Tim Davis Sr.
Subject: Internal Affairs interview

Officer[redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 23rd, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Ryan Bullard
Sent: Thursday, August 22, 2019 14:36
To: [redacted]
Cc: Tim Davis Sr.; Michael Boyd; Paul Brown
Subject: Internal Affairs interview

Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 23rd, 2019 @ 1445 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Ryan Bullard
Sent: Thursday, August 29, 2019 14:53
To: Jeff Morris
Cc: Tim Davis Sr.
Subject: IAD Non-doc
Attachments: WRITTEN DOC NON WAIVER Morris.docx; Morris non-doc.docx

Sergeant Morris,

You have been identified as a potential **witness** in an Internal Affairs investigation. The allegation pertaining to Compl2019-001 is conduct unbecoming. Please complete the attached questions and non-waiver and return them to me by **Thursday, September 5th, 2019**. If you would like, you can have a representative review your answers.

Since this is an active investigation you are ordered not to discuss this with any other Department employee. Please call me if you have any questions.

Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 12:39
To: Ryan Bullard
Subject: Officer Zack Tersteege

Hi Sergeant Bullard,

I am representing Officer Zack Tersteege in the pending administrative investigation. I am following up on a voicemail I just left on your office phone. Could you please call me at my cell phone number listed below at your earliest convenience?

Thank you,

Chelsea R. Avent | Associate
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Labor and Employment Department
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Ryan Bullard

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 13:44
To: Ryan Bullard
Subject: RE: Officer Zack Tersteege

Thank you for getting back to me so quickly on this, I appreciate it. I will relay this information to Officer Tersteege.

Chelsea R. Avent | Associate
MASTAGNI HOLSTEDT, A.P.C.
Labor and Employment Department
1912 I Street | Sacramento, CA 95811
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From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, August 21, 2019 1:19 PM
To: Chelsea R. Avent <cavent@mastagni.com>
Subject: RE: Officer Zack Tersteege

Ok, I double checked on this about whether Ofc. Tersteege has to burn sick time for his doctor's visits. He does NOT have to burn sick leave time for his doctor's appointments if the appointments are work-related/worker's comp based as opposed to doctor's visits that would be personal and unrelated to work or worker's comp. At the minimum what Ofc. Tersteege needs to do for these work-related doctor's visits/appointments is to check in w/IAD at the main line 916-808-2290 (like he's already been doing in the morning M-F) when he's leaving the house and when he's back home. Thanks for checking with me on that. Let me know if you have any further questions.

From: Chelsea R. Avent <cavent@mastagni.com>
Sent: Wednesday, August 21, 2019 12:39
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Officer Zack Tersteege

Hi Sergeant Bullard,

I am representing Officer Zack Tersteege in the pending administrative investigation. I am following up on a voicemail I just left on your office phone. Could you please call me at my cell phone number listed below at your earliest convenience?

Thank you,

Chelsea R. Avent | Associate
MASTAGNI HOLSTEDT, A.P.C.

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Ryan Bullard

From: [redacted]
Sent: Thursday, August 22, 2019 14:58
To: Ryan Bullard
Subject: RE: Internal Affairs interview

Sgt. Bullard,

I will be there.

[redacted]

[redacted]
Sacramento Police Department
North Command – Neighborhood Crimes Unit
(916) 808-1263

From: Ryan Bullard
Sent: Thursday, August 22, 2019 2:36 PM
To: [redacted] <[redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>; Paul Brown <PBrown@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Officer [redacted] -

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for tomorrow, Friday, August 23rd, 2019 @ 1445 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Paul Brown
Sent: Thursday, August 22, 2019 14:54
To: Ryan Bullard; [redacted]
Cc: Tim Davis Sr.; Michael Boyd
Subject: RE: Internal Affairs interview

Hi [redacted],

I see you are being called into IA as a WITNESS.

I will be your SPOA representative to attend with you. I will arrive there a few minutes early at about 0215 pm.

Once you arrive, you and I can discuss the interview and address any questions you might have.

If you wish to talk even sooner, feel free to let me know.

Paul Brown
[redacted]

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, August 22, 2019 2:36 PM
To: [redacted] <[redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>; Paul Brown <PBrown@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Officer [redacted] -

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Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: [redacted]
Sent: Friday, August 23, 2019 20:42
To: Ryan Bullard
Cc: Tim Davis Sr.; Michael Boyd
Subject: Re: Internal Affairs interview

Received and am available during my normal work week if it needs to be rescheduled (Tues-Fri Dayshift). However, I have court Tuesday morning.

Get Outlook for iOS

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, August 23, 2019 7:15:22 PM
To: [redacted] <[redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Officer [redacted]

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for Thursday, August 29th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Michael Boyd
Sent: Friday, August 23, 2019 19:53
To: Ryan Bullard; [redacted]
Cc: Tim Davis Sr.
Subject: Re: Internal Affairs interview

Unfortunately SPOA has contract negotiations that day. Can it be rescheduled to Wed?

Mick

Get Outlook for Android

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, August 23, 2019 7:15:22 PM
To: [redacted] <[redacted]@pd.cityofsacramento.org>
Cc: Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Officer [redacted] -

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for Thursday, August 29th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Ryan Bullard
Sent: Sunday, August 25, 2019 13:55
To: [redacted]
Cc: Michael Boyd; Tim Davis Sr.
Subject: Re: Internal Affairs interview

See you then.

On Aug 25, 2019, at 13:18, [redacted] <[redacted]@pd.cityofsacramento.org> wrote:

> I am.
>
> Get Outlook for iOS
>
> ---
>
> **From:** Michael Boyd <MBoyd@pd.cityofsacramento.org>
> **Sent:** Sunday, August 25, 2019 1:13:25 PM
> **To:** [redacted] <[redacted]@pd.cityofsacramento.org>; Ryan Bullard <RBullard@pd.cityofsacramento.org>
> **Cc:** Tim Davis Sr. <TADavis@pd.cityofsacramento.org>
> **Subject:** Re: Internal Affairs interview
>
> Is everyone avail Wed at 1430hrs?
>
> Get Outlook for Android
>
> ---
>
> **From:** [redacted] <[redacted]@pd.cityofsacramento.org>
> **Sent:** Friday, August 23, 2019 8:41:55 PM
> **To:** Ryan Bullard <RBullard@pd.cityofsacramento.org>
> **Cc:** Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>
> **Subject:** Re: Internal Affairs interview
>
> Received and am available during my normal work week if it needs to be rescheduled (Tues-Fri Dayshift). However, I have court Tuesday morning.
>
> Get Outlook for iOS
>
> ---
>
> **From:** Ryan Bullard <RBullard@pd.cityofsacramento.org>
> **Sent:** Friday, August 23, 2019 7:15:22 PM
> **To:** [redacted] <[redacted]@pd.cityofsacramento.org>
> **Cc:** Tim Davis Sr. <TADavis@pd.cityofsacramento.org>; Michael Boyd <MBoyd@pd.cityofsacramento.org>
> **Subject:** Internal Affairs interview
>
> Officer [redacted]
>
> You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege on or around June 29th, 2019. I need to interview

you regarding this investigation and I am going to set the interview for Thursday, August 29th, 2019 @ 1430 hours, in the Internal Affairs Office. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
916-808-2297
5760 Freeport Blvd, Sacramento CA 95822

Ryan Bullard

From: Jeff Morris
Sent: Tuesday, September 03, 2019 13:17
To: Ryan Bullard
Subject: Non-Doc: ZT
Attachments: Morris non-doc zt.docx; Morris Non-doc waiver zt.pdf

Hi Ryan-
Please see the attachments that are included in this email.

Please let me know if you have any questions.

Jeff

Ryan Bullard

From: Dave Peletta
Sent: Friday, September 06, 2019 09:59
To: Ryan Bullard
Subject: Audit
Attachments: ZT Project.xlsx

Morning Ryan,

For your investigative log;

On 08/22/19, I assigned Program Analyst Lindsey Mendoza the task of auditing Officer Zach Tersteege BWC video(s) to listen for any occurrences in his contacts with the public/other officers that was consistent with this internal affairs complaint/allegation. I asked Mendoza to only focus on the period of time when Officer Tersteege returned back to work on patrol (full duty: 08/06/19) and until he was placed on administrative leave. A similar audit was assigned to the Criminal Intelligence Unit; but focused on his work dates prior to June 19, 2019.

On 08/30/19, Mendoza completed an audit of forty-six calls. She listened to the entirety of those calls and found no concerning comments/conversation made by Officer Tersteege that needed further investigation.

On 09/06/19, I forward this summary and an Excel spreadsheet of the audit completed by Mendoza to Sergeant Ryan Bullard.

Ryan Bullard

From: Ryan Bullard
Sent: Wednesday, September 11, 2019 14:46
To: [redacted]
Subject: RE: phone number

Thank you.

From: [redacted]
Sent: Wednesday, September 11, 2019 14:42
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Cc: Paul Brown <PBrown@pd.cityofsacramento.org>
Subject: Re: phone number

Sgt. Bullard,

Her number is [redacted]. My apologies if I did not annunciate well enough.

Sent from my iPhone

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>

Sent: Wednesday, September 11, 2019 13:56

To: [redacted]

Subject: phone number

[redacted],

I attempted to contact your wife [redacted] via the phone number you provided me of [redacted] however it indicated that it was disconnected. Do you have a better number where I can reach her at? Thanks.

Sgt. Ryan Bullard #3135

Sacramento Police Department

Internal Affairs Division

916-808-2297

5760 Freeport Blvd, Sacramento CA 95822

Reply Reply All Forward

RB

Ryan Bullard [redacted] 11:46 AM

FW: Subpoenas

Got the new email, thanks.

From: Zack Tersteege [mailto:[redacted]
Sent: Friday, October 4, 2019 9:21 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Subpoenas

Sgt,

As of tomorrow I will be discontinuing this email address. My new email will be [redacted]

Very Respectfully,
Zack

On Oct 3, 2019, at 15:52, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

> Got your message about court being cancelled tomorrow. CLU dropped the ball and didn't notify/email me about it. You're off the hook for tomorrow at court.

From: Ryan Bullard
Sent: Wednesday, September 18, 2019 12:41 PM
To: [redacted]
Subject: FW: Subpoenas

See attached Subpoena for you re: 19-187292. I've attached the CAD call and Ofc. Stone's supp for reference. You didn't have any supps on this. You're served.

From: SPD CLU
Sent: Tuesday, September 17, 2019 16:07
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: FW: Subpoenas

Good Afternoon,

WE received this subpoena for Officer Tersteege. Please let us know when he is served.

Thanks,

Renee Mandras

Ryan Bullard

From: Bryce Heinlein
Sent: Thursday, October 10, 2019 1:43 PM
To: Ryan Bullard
Subject: RE: Internal Affairs interview

Copy, thanks.
-Bryce

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 10, 2019 10:21 AM
To: Bryce Heinlein <BHeinlein@pd.cityofsacramento.org>
Cc: James Harrington <JHarrington@pd.cityofsacramento.org>; Tim Davis Sr. <TADavis@pd.cityofsacramento.org>
Subject: Internal Affairs interview

Lieutenant Heinlein -

You have been identified as a **witness** in an Internal Affairs case that I am investigating. This is regarding an off-duty incident involving Ofc. Zachariah Tersteege which is believed to have been brought to your attention after June 29th, 2019. I need to interview you regarding this investigation and I am going to set the interview for Thursday, October 17th, 2019 @ 0830 hours, in the Internal Affairs Office at 5760 Freeport Blvd. This should be during your normal work hours so please advise your supervisor of the appointment. I am CC'ing the SPOA, but you will have to contact them to confirm their participation if you wish. I am ordering you not to discuss this matter with any other department employee. Once you receive this email please respond to confirm receipt.

Please contact me if you have any questions.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ron Chesterman
Sent: Thursday, October 10, 2019 10:13 AM
To: Ryan Bullard
Subject: RE: Officer Tersteege

Ryan, let me make a couple of calls and I will get back to you as soon as I can get the info you need.
Ron

-----Original Message-----
From: Ryan Bullard
Sent: Thursday, October 10, 2019 9:47 AM
To: Ron Chesterman
Subject: FW: Officer Tersteege

Ron,

Can you confirm for me on this as to the schedule/hours so I can report back to Harrington? Thanks.

-----Original Message-----
From: James Harrington
Sent: Thursday, October 10, 2019 9:46 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Cc: Betty Barnes <BBarnes@pd.cityofsacramento.org>
Subject: FW: Officer Tersteege

For your case file. We'll need to confirm with SPOA or Peer Support what the exact schedule for the retreat is so we know what dates he won't be calling in.

-James

Lieutenant James Harrington
Sacramento Police Department
Internal Affairs & Professional Standards
(916) 808-2292
jharrington@pd.cityofsacramento.org

-----Original Message-----
From: James Harrington
Sent: Wednesday, October 9, 2019 5:17 PM
To: Tim Davis <tdavis@spoa.org>
Subject: Re: Officer Tersteege

That works. We'll still enter admin leave on his time card, he just won't call in for those dates.

Sent from my iPhone

> On Oct 9, 2019, at 3:42 PM, Tim Davis <tdavis@spoa.org> wrote:
>

> Officer Tersteege has been accepted to attend the West Coast Post-Trauma Retreat the week of October 20. I am requesting that the department allow him to attend using A time.
>
> Thanks
>
> Timothy Davis
> President
> Sacramento Police Officers Association CA Bar #312048
> 550 Bercut Drive
> Sacramento, CA 95811
>[redacted]

Ryan Bullard

From: Ryan Bullard
Sent: Wednesday, October 23, 2019 3:38 PM
To: Emmett Bradshaw
Subject: Target Solutions training history

Sir,

Are you able to look up and pull all Target Solutions training/certification for SPD Ofc. Zachariah Tersteege #425? Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Sent: Wednesday, October 23, 2019 4:22 PM
To: Ryan Bullard
Subject: Re: Target Solutions training history
Attachments: Tersteege_Completions_20191023.xlsx

Good afternoon Sgt. Bullard,

Please see the attached and let me know if you have any questions or if I can further assist.

Best,
Emmett

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:37 PM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: Target Solutions training history

Sir,

Are you able to look up and pull all Target Solutions training/certification for SPD Ofc. Zachariah Tersteege #425? Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Wednesday, October 23, 2019 3:32 PM
To: Caporale, Phil@POST
Subject: CPRA Request

Hello,

I am currently assigned to the Sacramento Police Department's Internal Affairs Division. I am investigating and incident that requires the identification of one SPD employee's training records.

In accordance with the California Public Records Act, as defined by Government Code 6250 et seq., I respectfully request the following information for:

Officer Zachariah John Tersteege - dob: [redacted] POST ID# C49-N42

To include, but not limited to, information contained in a "POST profile" of recorded certificates, training courses, and corresponding completion dates, hours, agency, school, and course name.

Please contact me with any questions. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Thursday, October 24, 2019 2:11 PM
To: Roman Murrietta
Cc: James Harrington
Subject: Non-doc questionnaire re: Compl2019-001
Attachments: WRITTEN DOC NON WAIVER Murrietta.docx; Murrietta non-doc.docx

Lieutenant Murrietta,

You have been identified as a potential **witness** in an Internal Affairs investigation. The allegation pertaining to Compl2019-001 is conduct unbecoming. Please complete the attached questions and non-waiver and return them to me by **Thursday, October 31st, 2019**. If you would like, you can have a representative review your answers.

Since this is an active investigation you are ordered not to discuss this with any other Department employee. Please call me if you have any questions.

Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Sent: Thursday, October 24, 2019 1:56 PM
To: Ryan Bullard
Subject: Re: Target Solutions training history
Attachments: Tersteege_Completions_20191024.xlsx

Hi Sgt. Bullard,

Please see the attached. I found two completions relating to EEO, one relating to RIPA that I suspect applies here, and one CPT completion in case it's applicable.

Hope this helps - let me know if I can further assist.

Best,
Emmett

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 24, 2019 9:40 AM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: RE: Target Solutions training history

No rush. When you're available to do it.

From: Emmett Bradshaw [mailto:EBradshaw@cityofsacramento.org]
Sent: Thursday, October 24, 2019 9:40 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Target Solutions training history

Good morning Sgt. Bullard,

I'm out of the office for most of the day but I'll get it to you as soon as I'm able- what's your timetable look like? If needed, I can try to pass this along to someone.

Best,

Emmett Bradshaw
Environmental Health & Safety Specialist
CITY OF SACRAMENTO
HUMAN RESOURCES - RISK MANAGEMENT
DESK - 916.808.5452
MOBILE - [redacted]
EBRADSHAW@CITYOFSACRAMENTO.ORG

Sent from my iPhone

On Oct 24, 2019, at 9:18 AM, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

Emmett,

Thank you. Are you able to provide me with any training materials for the following in his Target Solutions completed records?

- Equal Employment Opportunity Policy
- CPT Annual Training as it relates to “biased based policing” or “racial profiling”.

From: Emmett Bradshaw [mailto:EBradshaw@cityofsacramento.org]
Sent: Wednesday, October 23, 2019 4:22 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Target Solutions training history

Good afternoon Sgt. Bullard,

Please see the attached and let me know if you have any questions or if I can further assist.

Best,
Emmett

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:37 PM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: Target Solutions training history

Sir,

Are you able to look up and pull all Target Solutions training/certification for SPD Ofc. Zachariah Tersteege #425? Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Sent: Thursday, October 24, 2019 9:07 AM
To: Ryan Bullard
Subject: Re: CPRA Request

We have our Commission meeting today and I will check when it's over and advise you.

Get Outlook for iOS

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 24, 2019 9:02:02 AM
To: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Subject: RE: CPRA Request

Thank you. Do you have any training materials related to the following courses on his record?

- 4890-23272-14-055 - CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
- 2320-23287-18-008 - RACIAL PROFILING UPDATE

From: Caporale, Phil@POST [mailto:Philip.Caporale@post.ca.gov]
Sent: Thursday, October 24, 2019 8:55 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Cc: Sherwood, Elizabeth@POST <Elizabeth.Sherwood@post.ca.gov>
Subject: RE: CPRA Request

Good morning Sgt. Bullard; attached are the cover letter and redacted POST profile report for Officer Tersteege you requested. If you need anything else, let me know.

Sincerely,

Phil Caporale, Bureau Chief
Strategic Communications & Research Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Office (916) 227-4832
Cell [redacted]
pcaporale@post.ca.gov

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:32 PM
To: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Subject: CPRA Request

Hello,

I am currently assigned to the Sacramento Police Department's Internal Affairs Division. I am investigating and incident that requires the identification of one SPD employee's training records. In accordance with the California Public Records Act, as defined by Government Code 6250 et seq., I respectfully request the following information for:

Officer Zachariah John Tersteege - dob: [redacted] POST ID# C49-N42

To include, but not limited to, information contained in a "POST profile" of recorded certificates, training courses, and corresponding completion dates, hours, agency, school, and course name.

Please contact me with any questions. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Sent: Thursday, October 24, 2019 2:55 PM
To: Ryan Bullard
Cc: Sherwood, Elizabeth@POST
Subject: RE: CPRA Request
Attachments: Cultural Diversity ECO 23272.pdf; Racial Profiling Update ECO 23287.pdf

Good afternoon Sgt. Bullard; attached are the expanded course outlines for the two requested courses below.

Sincerely,

Phil Caporale, Bureau Chief
Strategic Communications & Research Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Office (916) 227-4832
Cell ([redacted]
pcaporale@post.ca.gov

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 24, 2019 9:02 AM
To: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Subject: RE: CPRA Request

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Phil Caporale, Bureau Chief

Strategic Communications & Research Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Office (916) 227-4832
Cell [redacted]
pcaporale@post.ca.gov

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Please contact me with any questions. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Sent: Thursday, October 24, 2019 8:55 AM
To: Ryan Bullard
Cc: Sherwood, Elizabeth@POST
Subject: RE: CPRA Request
Attachments: Sgt. Bullard Sacramento PD Response Letter 102419.pdf; Zachariah Tersteege Profile Report.pdf

Good morning Sgt. Bullard; attached are the cover letter and redacted POST profile report for Officer Tersteege you requested. If you need anything else, let me know.

Sincerely,

Phil Caporale, Bureau Chief
Strategic Communications & Research Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Office (916) 227-4832
Cell [redacted]
pcaporale@post.ca.gov

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:32 PM
To: Caporale, Phil@POST <Philip.Caporale@post.ca.gov>
Subject: CPRA Request

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Please contact me with any questions. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Friday, October 25, 2019 1:26 PM
To: Don Demavivas
Subject: EEO training materials

Sir,

Emmett Bradshaw (Human Resources – Risk Management) advised me that you might have copies of any training materials pertinent to EEO training for Sacramento Police Officers. Are you able to assist me with this as I have an internal investigation that relates to this. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Don Demavivas <DDemavivas@cityofsacramento.org>
Sent: Friday, October 25, 2019 2:52 PM
To: Ryan Bullard
Subject: RE: EEO training materials
Attachments: OLDHandout.pdf

Please see attached.

Thanks,
Don

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, October 25, 2019 2:42 PM
To: Don Demavivas <DDemavivas@cityofsacramento.org>
Subject: RE: EEO training materials

The in person training would have been completed on 9/8/17 and it was submitted (for tracking reasons I'm guessing) on 9/15/17.

From: Don Demavivas [mailto:DDemavivas@cityofsacramento.org]
Sent: Friday, October 25, 2019 2:10 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: RE: EEO training materials

I suspect some took online training through Target Solutions.

Do you know when the employee took the in-person training? There are different versions of it, as our contractor updates the training from time to time.

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, October 25, 2019 2:08 PM
To: Don Demavivas <DDemavivas@cityofsacramento.org>
Subject: RE: EEO training materials

Yes, unless there is something else out there that our SPD Officers received.

From: Don Demavivas [mailto:DDemavivas@cityofsacramento.org]
Sent: Friday, October 25, 2019 1:55 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: RE: EEO training materials

Hi Sgt.,

Are you looking for the training materials for the in-person 2-hour EEO class that was presented by Shaw Law Group?

Thanks,

Don

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, October 25, 2019 1:26 PM
To: Don Demavivas <DDemavivas@cityofsacramento.org>
Subject: EEO training materials

Sir,

Emmett Bradshaw (Human Resources – Risk Management) advised me that you might have copies of any training materials pertinent to EEO training for Sacramento Police Officers. Are you able to assist me with this as I have an internal investigation that relates to this. Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Sent: Friday, October 25, 2019 11:36 AM
To: Ryan Bullard
Subject: RE: Target Solutions training history
Attachments: 210.09.pdf; FAQs.pdf; PPT.pdf; Reserves.pdf; sworn.pdf; RCTP65.pdf

Hi Sgt. Bullard,

The only materials that were attached to the EEO completions were sign-in sheets. If you'd like to retrieve actual course materials relating to those completions, you'll want to request them from Don Demavivas, City EEO Manager.
The RIPA Completion was comprised of a "review and acknowledge" assignment of each of the attached PDFs, one of which is a PowerPoint.

Hope this helps.

Best,

Emmett Bradshaw
ENVIRONMENTAL HEALTH & SAFETY SPECIALIST
CITY OF SACRAMENTO
HUMAN RESOURCES – RISK MANAGEMENT
O: 916.808.5452
[redacted]
EBRADSHAW@CITYOFSACRAMENTO.ORG

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Friday, October 25, 2019 8:43 AM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: RE: Target Solutions training history

Thanks. Do you have any of the training materials, power points, course outlines for any of those for reference?

From: Emmett Bradshaw [mailto:EBradshaw@cityofsacramento.org]
Sent: Thursday, October 24, 2019 1:56 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Target Solutions training history

Hi Sgt. Bullard,

Please see the attached. I found two completions relating to EEO, one relating to RIPA that I suspect applies here, and one CPT completion in case it's applicable.

Hope this helps - let me know if I can further assist.

Best,
Emmett

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 24, 2019 9:40 AM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: RE: Target Solutions training history

No rush. When you're available to do it.

From: Emmett Bradshaw [mailto:EBradshaw@cityofsacramento.org]
Sent: Thursday, October 24, 2019 9:40 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Target Solutions training history

Good morning Sgt. Bullard,

I'm out of the office for most of the day but I'll get it to you as soon as I'm able- what's your timetable look like? If needed, I can try to pass this along to someone.

Best,

Emmett Bradshaw
Environmental Health & Safety Specialist

CITY OF SACRAMENTO

HUMAN RESOURCES - RISK MANAGEMENT

DESK - 916.808.5452

MOBILE - [redacted]

EBRADSHAW@CITYOFSACRAMENTO.ORG

Sent from my iPhone

> On Oct 24, 2019, at 9:18 AM, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:
>
> Emmett,
>
> Thank you. Are you able to provide me with any training materials for the following in his Target Solutions completed records?
>
> - Equal Employment Opportunity Policy
> - CPT Annual Training as it relates to "biased based policing" or "racial profiling".
>
> ---
>
> **From:** Emmett Bradshaw [mailto:EBradshaw@cityofsacramento.org]
> **Sent:** Wednesday, October 23, 2019 4:22 PM

To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Target Solutions training history

Good afternoon Sgt. Bullard,

Please see the attached and let me know if you have any questions or if I can further assist.

Best,
Emmett

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Wednesday, October 23, 2019 3:37 PM
To: Emmett Bradshaw <EBradshaw@cityofsacramento.org>
Subject: Target Solutions training history

Sir,

Are you able to look up and pull all Target Solutions training/certification for SPD Ofc. Zachariah Tersteege #425? Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Roman Murrietta
Sent: Wednesday, October 30, 2019 4:32 AM
To: Ryan Bullard
Cc: James Harrington
Subject: RE: Non-doc questionnaire re: Compl2019-001
Attachments: Murrietta non-doc.docx

Ryan,
Attached are my answers. I'll stop by today and turn in the non-waiver.

Roman Murrietta, Lieutenant
Sacramento Police Department, North Command
3550 Marysville Bl. Sacramento, CA 95838
916-808-4258
RMurrietta@sacpd.org

From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, October 24, 2019 2:11 PM
To: Roman Murrietta <RMurrietta@pd.cityofsacramento.org>
Cc: James Harrington <JHarrington@pd.cityofsacramento.org>
Subject: Non-doc questionnaire re: Compl2019-001

Lieutenant Murrietta,

You have been identified as a potential **witness** in an Internal Affairs investigation. The allegation pertaining to Compl2019-001 is conduct unbecoming. Please complete the attached questions and non-waiver and return them to me by **Thursday, October 31st, 2019**. If you would like, you can have a representative review your answers.

Since this is an active investigation you are ordered not to discuss this with any other Department employee. Please call me if you have any questions.

Thank you.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Tuesday, December 10, 2019 1:56 PM
To: Zack Tersteege
Cc: James Harrington; Aaron Wallace; Tim Davis Sr.
Subject: Internal Affairs Interview

Officer Tersteege,

You have been identified as an **accused employee** of an Internal Affairs Division (IAD) investigation, related to an off-duty incident on/around June 29th, 2019.

The following allegation of misconduct has been identified as part of this complaint:

- *Conduct Unbecoming*

I need to interview you, so I am setting the interview for **Tuesday, December 17th, 2019** at **1230 hours** at the IAD office, 5760 Freeport Blvd.

The SPOA has been copied on this correspondence, but you will have to contact and coordinate their participation.

I am ordering you not to discuss this matter with any other department employee.

Respond to this email to confirm receipt.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Zack Tersteege [redacted]
Sent: Tuesday, December 10, 2019 2:36 PM
To: Ryan Bullard
Subject: Re: Internal Affairs Interview

Received.

On Dec 10, 2019, at 13:56, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

Officer Tersteege,

You have been identified as an **accused employee** of an Internal Affairs Division (IAD) investigation, related to an off-duty incident on/around June 29th, 2019.

The following allegation of misconduct has been identified as part of this complaint:

- *Conduct Unbecoming*

I need to interview you, so I am setting the interview for **Tuesday, December 17th, 2019** at **1230 hours** at the IAD office, 5760 Freeport Blvd.

The SPOA has been copied on this correspondence, but you will have to contact and coordinate their participation.

I am ordering you not to discuss this matter with any other department employee.

Respond to this email to confirm receipt.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Friday, December 13, 2019 9:07 AM
To: Zack Tersteege
Cc: Chelsea R. Avent
Subject: FW: Internal Affairs Interview

Ofc. Tersteege,

Due to a scheduling conflict, I am changing our interview appointment to **Thursday, December 19th, 2019** at 1230 hrs at the IAD office, 5760 Freeport Blvd. Please respond to this email to confirm receipt. Thank you.

From: Zack Tersteege [mailto:[redacted]
Sent: Tuesday, December 10, 2019 2:36 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Internal Affairs Interview

Received.

> On Dec 10, 2019, at 13:56, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:
>
> Officer Tersteege,
>
> You have been identified as an **accused employee** of an Internal Affairs Division (IAD) investigation, related to an off-duty incident on/around June 29th, 2019.
>
> The following allegation of misconduct has been identified as part of this complaint:
> - *Conduct Unbecoming*
>
> I need to interview you, so I am setting the interview for **Tuesday, December 17th, 2019** at **1230 hours** at the IAD office, 5760 Freeport Blvd.
>
> The SPOA has been copied on this correspondence, but you will have to contact and coordinate their participation.
>
> I am ordering you not to discuss this matter with any other department employee.
>
> Respond to this email to confirm receipt.
>
> Sgt. Ryan Bullard #3135
> Sacramento Police Department
> Internal Affairs Division
> 5760 Freeport Blvd, Sacramento CA 95820
> 916-808-2297

Ryan Bullard

From: Zack Tersteege [redacted]
Sent: Friday, December 13, 2019 9:21 AM
To: Ryan Bullard
Subject: Re: Internal Affairs Interview

Received

On Dec 13, 2019, at 09:07, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

Ofc. Tersteege,

Due to a scheduling conflict, I am changing our interview appointment to **Thursday, December 19th, 2019** at 1230 hrs at the IAD office, 5760 Freeport Blvd. Please respond to this email to confirm receipt. Thank you.

From: Zack Tersteege [mailto[redacted]
Sent: Tuesday, December 10, 2019 2:36 PM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Subject: Re: Internal Affairs Interview

Received.

On Dec 10, 2019, at 13:56, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:

Officer Tersteege,

You have been identified as an **accused employee** of an Internal Affairs Division (IAD) investigation, related to an off-duty incident on/around June 29th, 2019.

The following allegation of misconduct has been identified as part of this complaint:

- *Conduct Unbecoming*

I need to interview you, so I am setting the interview for **Tuesday, December 17th, 2019** at **1230 hours** at the IAD office, 5760 Freeport Blvd.

The SPOA has been copied on this correspondence, but you will have to contact and coordinate their participation.

I am ordering you not to discuss this matter with any other department employee.

Respond to this email to confirm receipt.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Ryan Bullard
Sent: Friday, December 13, 2019 9:04 AM
To: 'Chelsea R. Avent'
Subject: RE: Tersteege interview re-schedule

Ok thanks. I'll send another email to him, CC'ing you.

From: Chelsea R. Avent [mailto:cavent@mastagni.com]
Sent: Friday, December 13, 2019 8:59 AM
To: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Cc: Jon P. Davis <jdavis@mastagni.com>
Subject: RE: Tersteege interview re-schedule

Hi Sergeant Bullard,

I confirmed with Officer Tersteege and we are both available anytime on Thursday, 12/19. Please let me know what time you would like to schedule the interview for.

Respectfully,

Chelsea R. Avent | Associate
MASTAGNI HOLSTEDT, A.P.C.
Labor and Employment Department
1912 I Street, Sacramento, CA 95811
Main: (916) 446-4692 | Fax: (916) 447-4614
Direct: (916) 318-4600 | Cell: [redacted]
www.mastagni.com

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From: Ryan Bullard <RBullard@pd.cityofsacramento.org>
Sent: Thursday, December 12, 2019 3:10 PM
To: Chelsea R. Avent <cavent@mastagni.com>
Subject: Tersteege interview re-schedule

Just a reminder to let me know tomorrow when you can what day next week will work after 12/17. Thanks.

Sgt. Ryan Bullard #3135
Sacramento Police Department
Internal Affairs Division
5760 Freeport Blvd, Sacramento CA 95820
916-808-2297

Ryan Bullard

From: Tod Barnes
Sent: Tuesday, January 28, 2020 6:22 AM
To: Ryan Bullard
Subject: Tersteege File
Attachments: Zach Tersteege Evals.pdf

Good Morning Sgt. Bullard,

I have attached the training evaluation file for Tersteege. Please let me know if I can assist you with anything else.

Reserve Officer Tod Barnes
Field Training Unit
Sacramento Police Department
300 Richards Blvd.
Sacaramento, CA 95811

Re: Meeting with Captain Oliveira

Zack Tersteege <[redacted]>

Wed 5/20/2020 12:44 PM

To: Ryan Bullard <RBullard@pd.cityofsacramento.org>

Received.

> On May 20, 2020, at 12:29, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:
>
> Ofc. Tersteege,
>
> I have scheduled an appointment for you to meet North Command Captain Oliveira at our Internal Affairs Division office (5760 Freeport Blvd) on Thursday 5/28/20, 1300 hrs regarding the disposition of your formal Internal Affairs Investigation (Compl2019-001). Please respond to this email to confirm your receipt and attendance.

Ryan Bullard

From: Robert McCloskey
Sent: Wednesday, June 24, 2020 2:57 PM
To: Daniel Hahn; Kathy Lester; Robert McCloskey
Cc: Daniel Monk; Aaron Wallace; Ryan Bullard
Subject: Skelly Hearing Memo - Officer Zachariah Tersteege
Attachments: Skelly Hearing Memo - Officer Zachariah Tersteege.pdf

Please see the attached Skelly hearing memorandum for **IAD Case #19-001**. I will forward the original letter, with the case binders, back to Internal Affairs for filing. If there are any questions, please let me know. Additionally, since this is my first Skelly hearing, I welcome any comments/constructive criticisms back from any of you.
Thanks,

Bob

Captain Bob McCloskey
Sacramento Police Department
Office of Investigations
Training, Research & Development Division
(916) 808-2461
RMcCloskey@pd.cityofsacramento.org

Reply Delete Junk Block ···

Re: Final Letter service appointment

Label: Default 2 year delete (1 year, 11 months) Expires: Sat 6/25/2022 10:55 AM

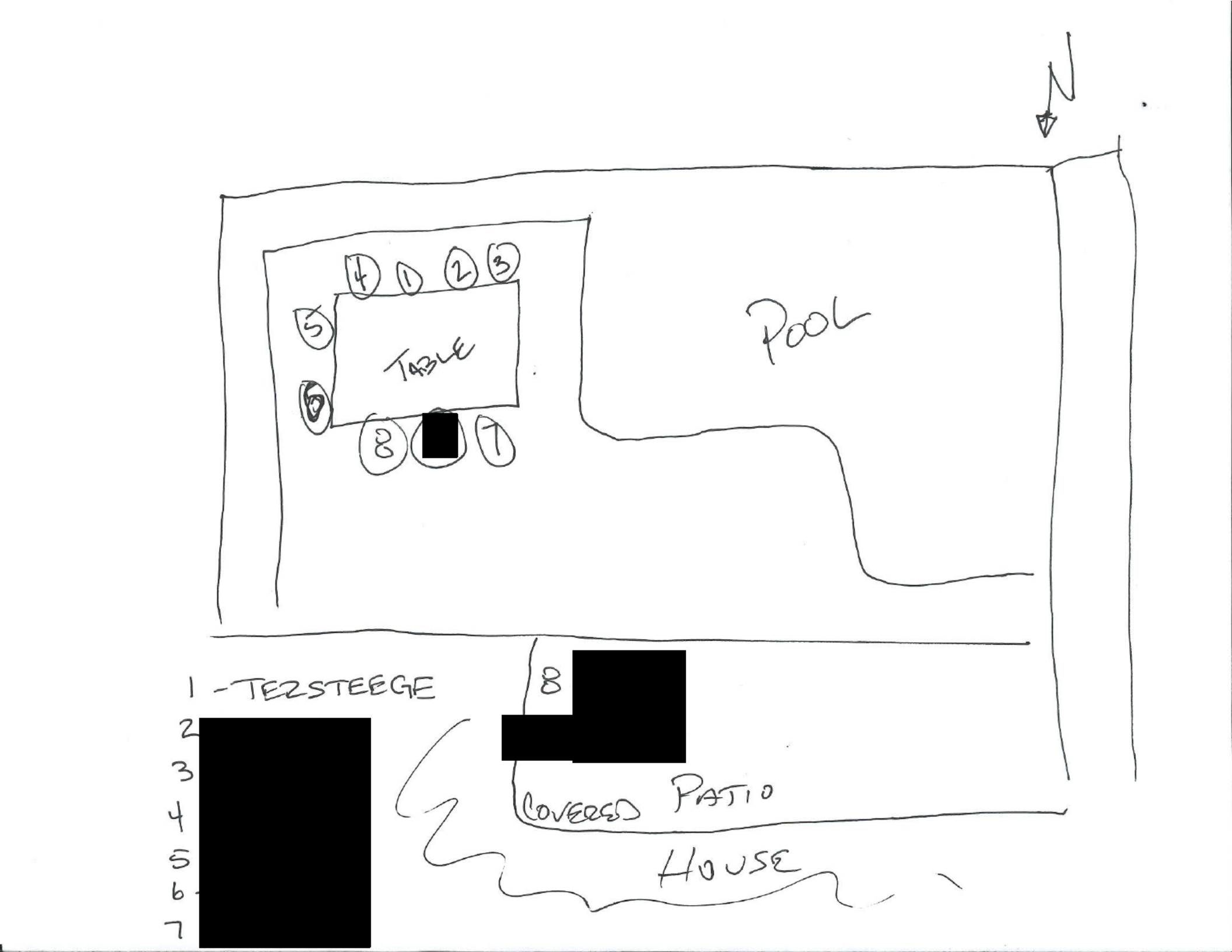
ZT

Zack Tersteege [redacted]>
Thu 7/9/2020 10:55 AM
To: Ryan Bullard

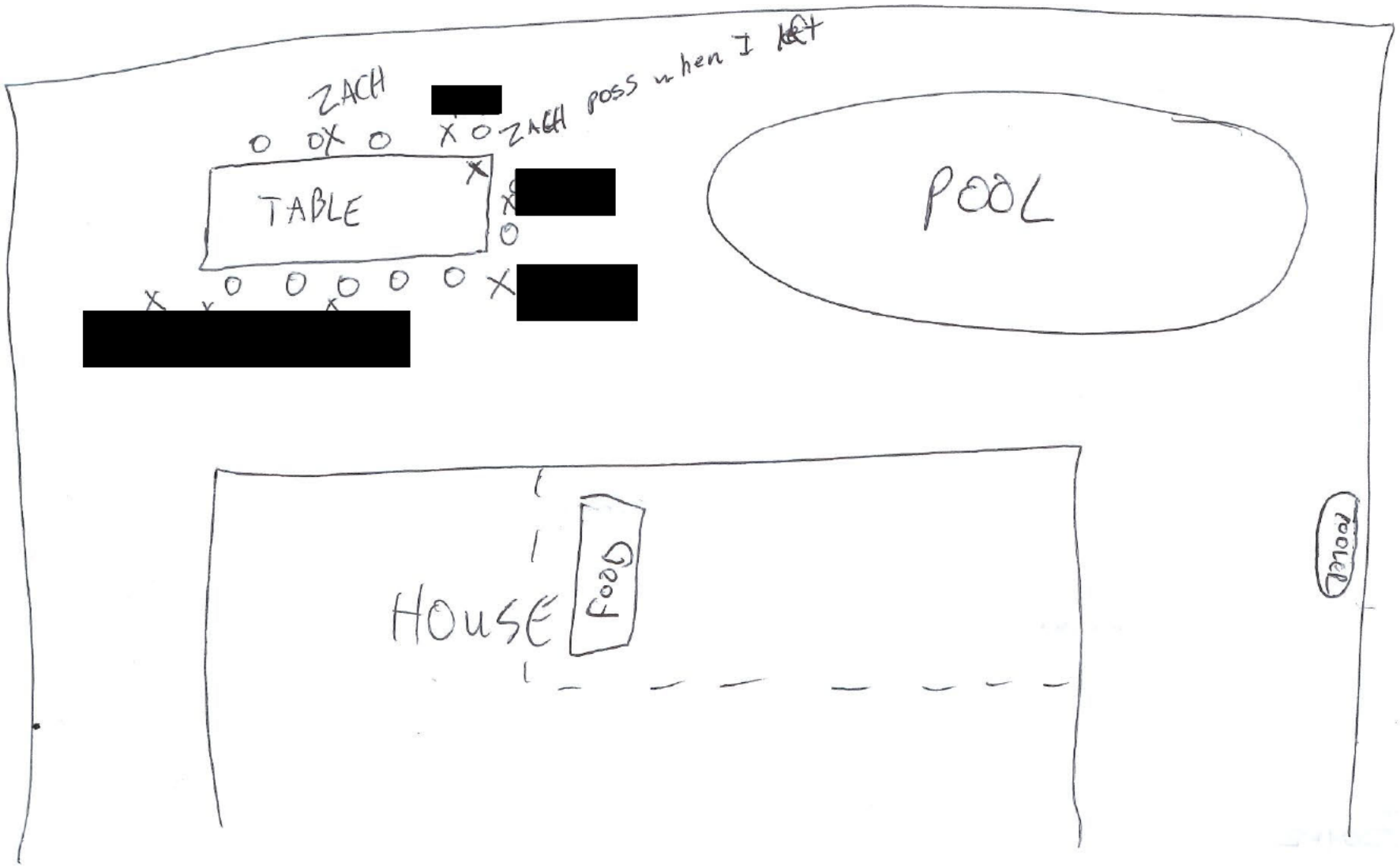
Received.

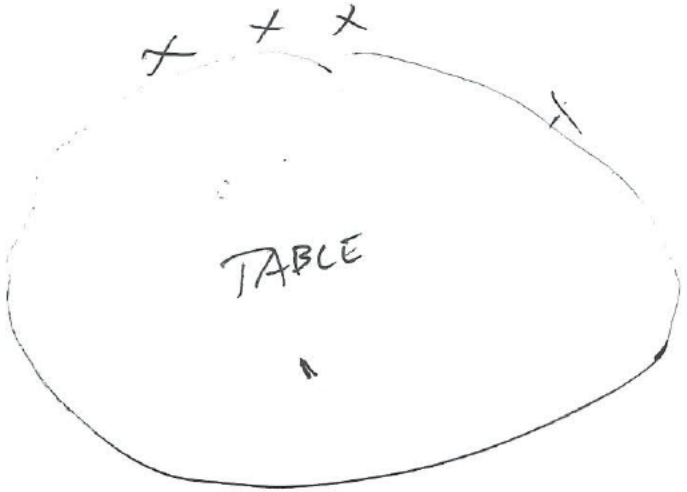
> On Jul 9, 2020, at 10:35, Ryan Bullard <RBullard@pd.cityofsacramento.org> wrote:
>
> Ofc. Tersteege,
>
> I have scheduled an appointment for you to meet with Captain Oliveira at the Internal Affairs Division office, 5760 Freeport Blvd, Sacramento CA 95822 on **Thursday, July 16th, 2020** at **1000 hrs** regarding your Final Letter of Discipline in your formal case; Compl2019-001. Please respond to this email to confirm receipt and appointment.
>
> Sgt. Ryan Bullard #3135
> Sacramento Police Department
> Internal Affairs Division
> 916-808-2297

Words 1825

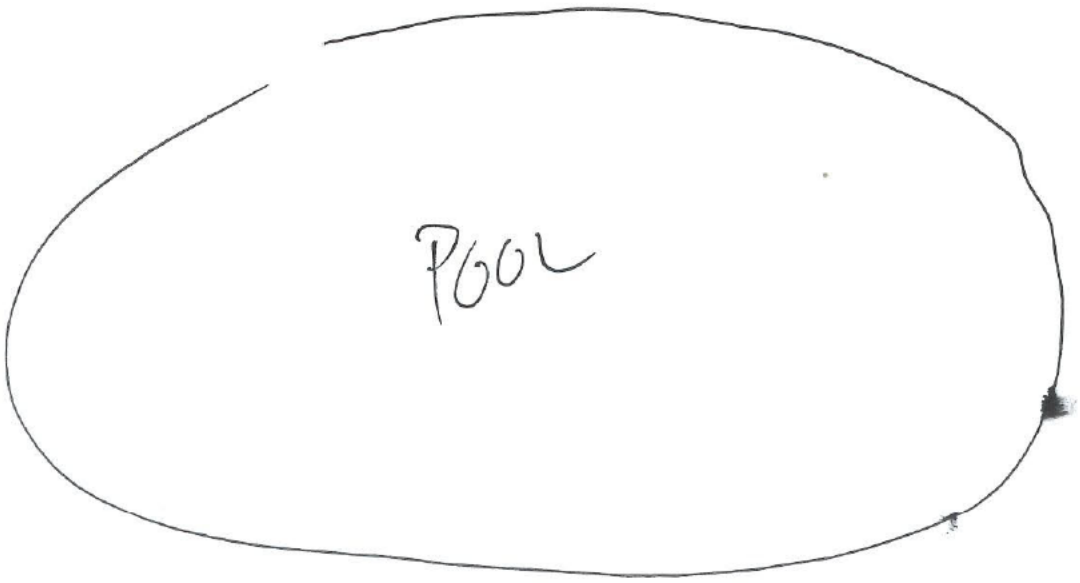

N
4
1
2
3
5
TABLE
6
8
7
POOL
1 - TERSTEEGE
2
3
4
5
6
7
8
COVERED PATIO
HOUSE

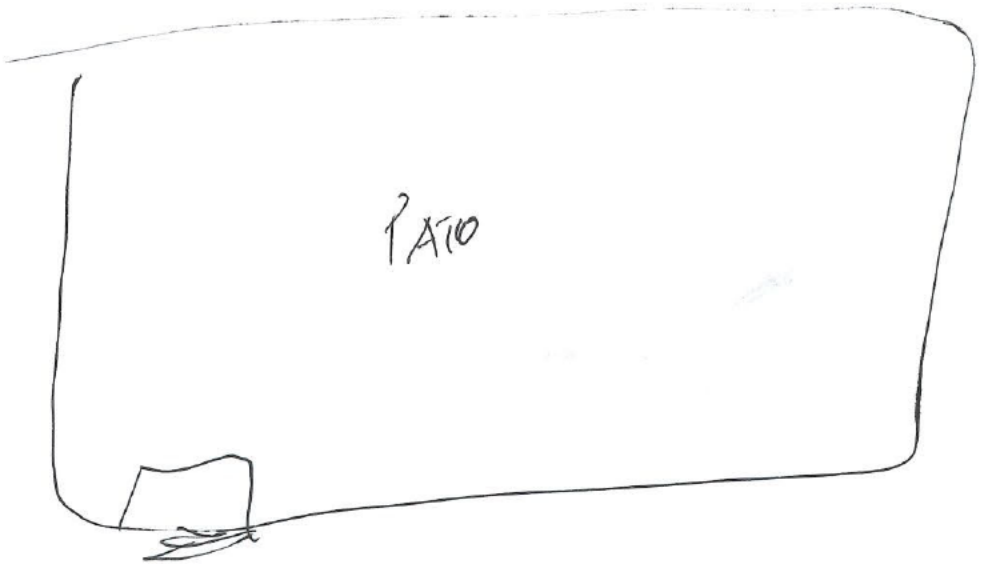
[redacted]
Zach
Patio
Mo
[redacted]
L L L L L
House
Pool


ZACH
ZACH poss when I
TABLE
POOL
HOUSE
FOOD
POOL



TABLE


POOL


PATIO

HOUSE

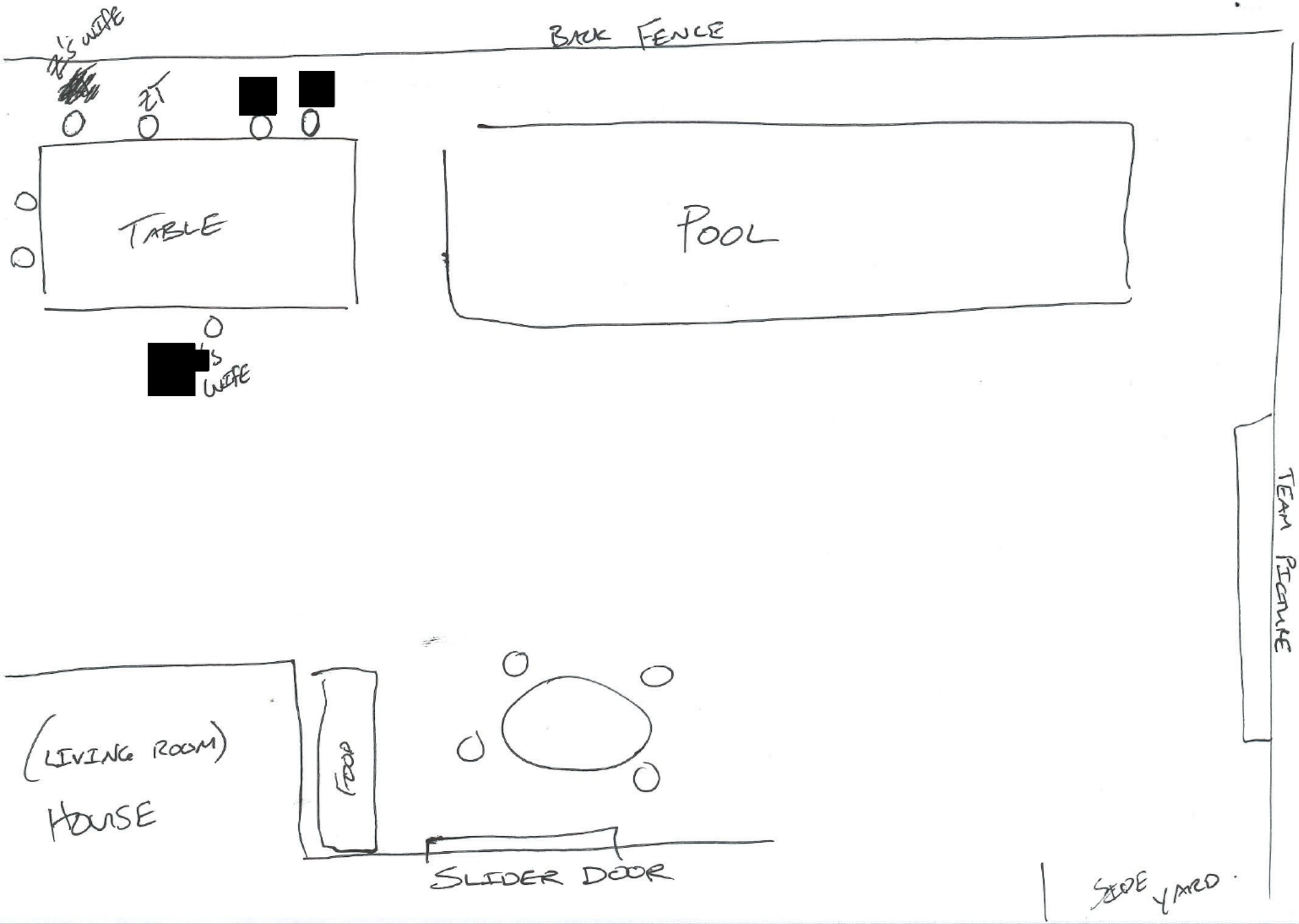
BRICK 4 4m 2m

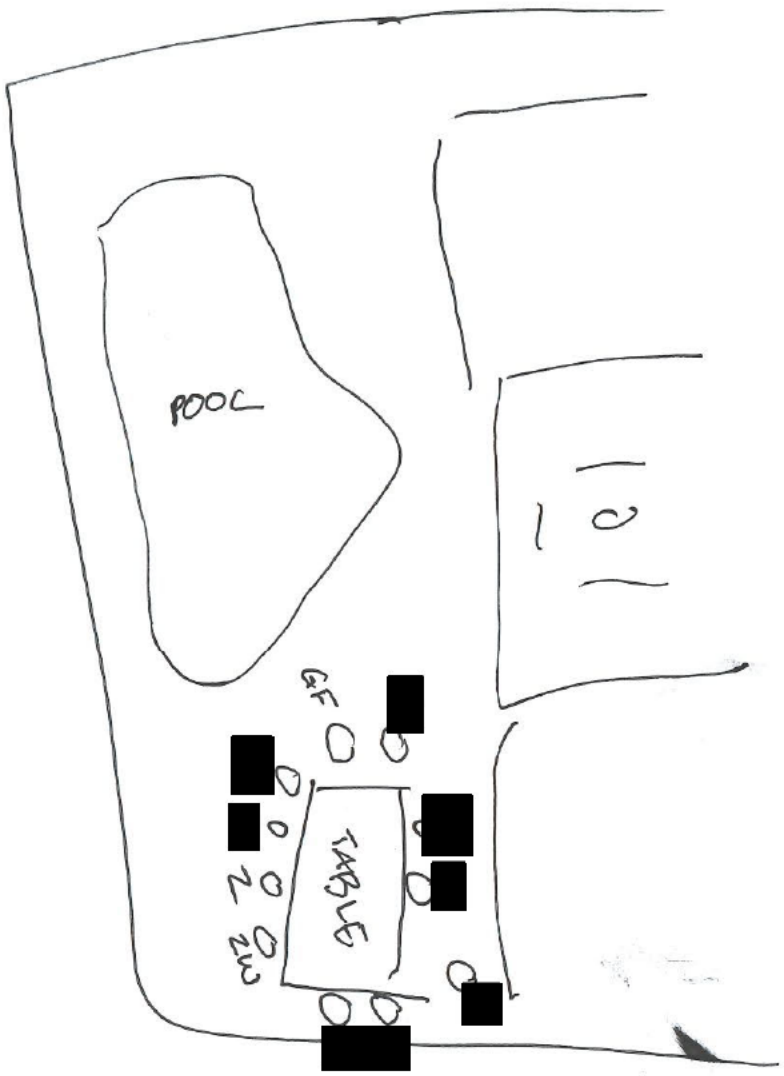
TABLE

[redacted]

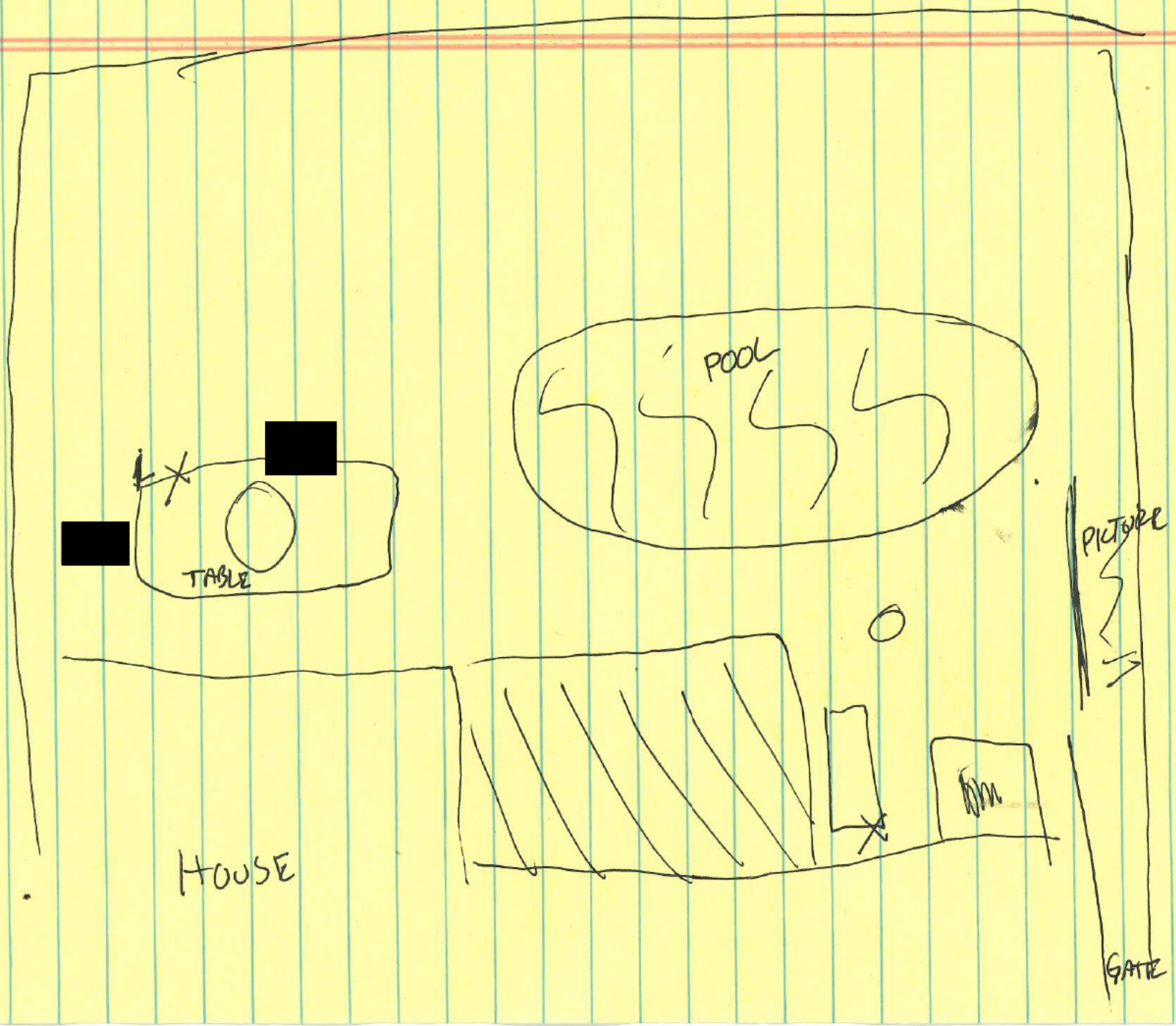
[redacted]

[redacted]


BACK FENCE
's WIFE
ZT
TABLE
POOL
's WIFE
TEAM PICNIC
(LIVING ROOM)
HOUSE
FOOD
SLIDER DOOR
SIDE YARD


POOL
GF
TABLE
ZW

FENCE
[redacted]
ZT
TABLE
SCT
House
TABLE
Pool
FENCE
FENCE


POOL
TABLE
PICTURE
HOUSE
GATE

[redacted]

Timeline | About | Friends 35 Mutual | Photos | More

DO YOU KNOW ZACK?

To see what he shares with friends, send him a friend request.

Add Friend

35 Mutual Friends

Intro

Public Works Technician at City of Sacramento

Lives in [redacted]

From [redacted]

Things in Common

[redacted]

Photos

[redacted]

[redacted] — with [redacted]

[redacted]

[redacted] s with [redacted] and 2 others.

[redacted] September 21 at 11:40 AM ·

In honor of National Thank a Police Officer Day I would like to give special thanks to my husband [redacted] and three of his fellow officers, along with Tara O'Sullivan.

[redacted]

1 Comment

[redacted] updated his cover photo.

September 19 at 9:05 PM ·

8

Share

[redacted] updated his cover photo.

September 10 at 9:19 PM ·

18 5 Comments

Share

[redacted] U get a bike?

2w

[redacted] nah those are my friends bikes. I have a bike.m but not a cruiser

2w

[redacted] Ah get a Harley bro

2w

[redacted] I know I need to

1

2w

[redacted] Do it then

[redacted] updated his profile picture.

September 10 at 9:16 PM ·

[redacted]

Share

[redacted] updated his cover photo.

September 6 at 3:27 PM ·

[redacted]

Share

[redacted] updated his profile picture.

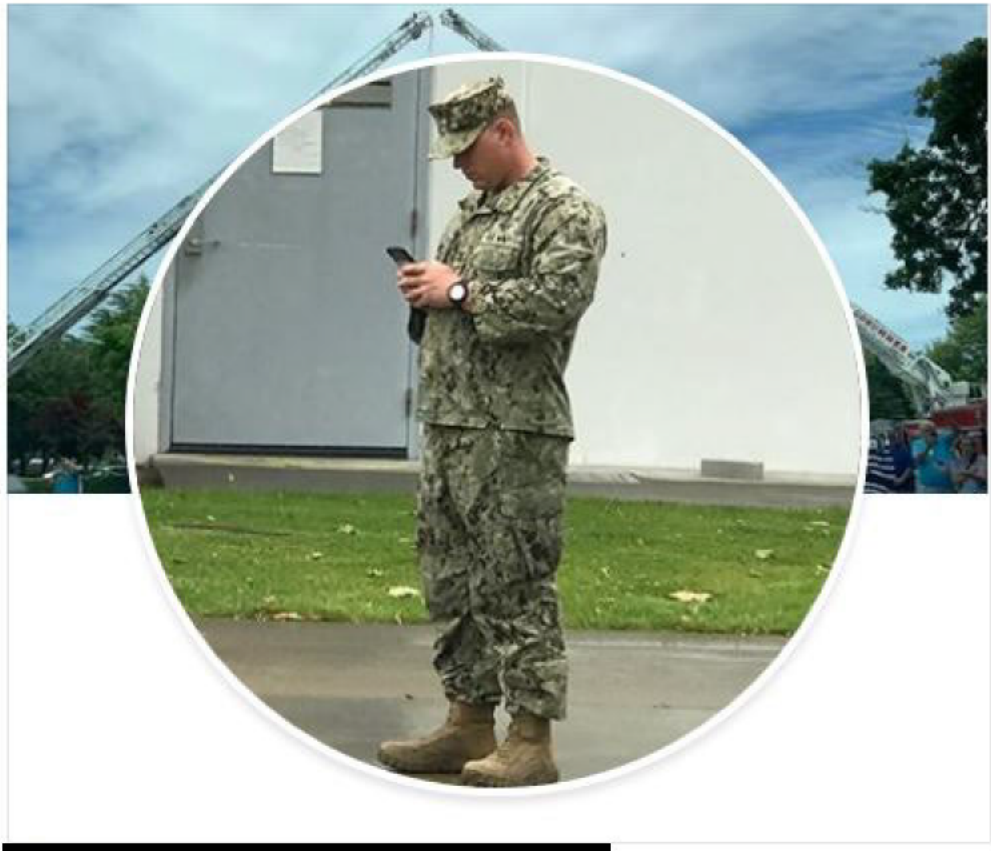
September 11 at 4:10 PM ·

[redacted]

Share

[redacted] updated his profile picture.

September 9 at 9:06 PM ·



[redacted]

4 Comments

Share

[redacted] My baby boy. 💙

1

3w

[redacted] Great pic, Zachariah!

1

3w

[redacted] On guard?

3w

[redacted] replied · 1 Reply

13

CHAN, R.

14

TERSTEEGE, Z.

MORGAN, T.

[redacted]

SHEPARD, J.

MANNING, D.

KELLY, L.

KING, R.

KORZENIEWSKI, A.

DAVIS, T.

BAD PIG
MURRAY'S
POLICE

POLICE
SACRAMENTO, CAL.
ORGANIZED JAN. 1, 1850
THE 103.5 BOMB

AEDEC

SACRAMENTO POLICE DEPARTMENT EQUIPMENT INVENTORY/CHECK LIST

NAME: ZACHARIAH TERSTEEGE	BADGE: 425	ABRA: 4199	DATE: 8.15.19
ASSIGNMENT: PATROL	SHIFT: MID	SUPERVISOR: SGT. [redacted]	

ARMORY EQUIPMENT	I	R	NA
Pelican Flash Light	X		
Serial Number: 60000098			
Naloxone (Narcan) Kit		X	
Uniform Holster	X		
Model: GLOCK			
Exp Baton s/n:	X		
Exp Baton Holder, Uniform	X		
Wood Baton & Baton Ring			
Ballistic Helmet		X	
Ballistic Helmet Bag #			
Gas Mask Kit Size:		X	
Serial Number:			
OC MkIV Uniform	X		
OC Holder Uniform	X		
Handcuffs w/keys	X		
Handcuff Case, Uniform	X		
Ammo Case, Model:	X		
Duty Belt, Uniform, Size	X		
Duty Belt Liner, Size	X		
Body Armor	X		
Keepers	X		
Key Holder			X
Hobbles	X		
Reflector Vest			X
Gloves, Leather, size			X
Resuscitation Mask	X		
Plainclothes Holster			X
Plainclothes Handcuff Case			X
Plainclothes Ammo Case			X
Handgun: GLOCK **Caliber:** 9MM	X		
Model: 17 GEN5			
Serial Number: [redacted]			
CED	X		
Model: X26			
Serial #: X13000 ROF			
Cartridge Serial #: C3105FAFX			
Cartridge Serial #: C3100RFWF			
Rifle: COLT	X		
Model: AR-15			
Serial Number: [redacted]			
Less Lethal Shotgun REMINGTON			
Model:			
Serial Number: [redacted] / [redacted]			

PERSONNEL EQUIPMENT	I	R	NA
Badge	X		
Cap Ornament			X

FORENSICS EQUIPMENT	I	R	NA
ID Card and Access Card Key	X		

FLEET EQUIPMENT	I	R	NA
Building Door Keys			X
Vehicle Keys	X		
Gas Credit Card #:			X

MOTOR OFFICER EQUIPMENT	I	R	NA
Motorcycle Helmet, Modular - Size			
Motorcycle Helmet, 3/4 - Size			
Kevlar Jacket			
Kevlar Pants			
Class A Boots			
Danner Leather Boots			
Class A Pants			
Rain Jacket			
Rain Pants			
Lidar Unit			
PVP Bluetooth Paddle Mic			

COMM CENTER EQUIPMENT	I	R	NA
Motorola Radio	X		
P Number: P25580			
2 Batteries	X		
Antenna	X		
Charger base	X		
Power cord for charger	X		
Antenna	X		
Radio holster case w/belt clip	X		
Lapel Mic	X		

PUBLIC SAFETY IT EQUIPMENT	I	R	NA
MRE Laptops			X
Laptops			X
Key Fob	X		
Knock Box Key	X		
Body Worn Camera - Serial #: 0015053	X		
Body Camera Docking Station	X		
Motorola MC75A Electronic Ticket Device (ECITE)	X		
Motorola Biometric Thumb Print Scanner (ECITE)	X		
Zebra RW420 Mobile Printer (ECITE)	X		

OTHER ITEMS	I	R	NA
PERSONAL - GLOCK 23 [redacted] 40 CAL			
PERSONAL - FLAT BADGE			

OFFICER'S LOCKER #:	IAD LOCKER #:	IAD LOCKER #:
15 + 14	15 - #8	14 - 3A

*Versadex shows 115 CFS between 08/06/19 @ 1400 and 08/16/19 @ 0100
*Evidence.com shows 83 videos between the above time frame

Date	Rpt#	ID	Call Type	Notes
8/6/2019	19-252292	3SM2	981	
8/6/2019	19-252388	3SM2	TStop	
8/6/2019	19-252522	3SM2	415	
8/6/2019	19-252568	3SM2	245P	
8/7/2019	19-253589	1C24	971	
8/7/2019	19-253665	1C24	952	
8/7/2019	19-253700	1C24	972	
8/7/2019	19-253705	1C24	415	
8/7/2019	19-253861	1C24	927P	
8/7/2019	19-253871	1C24	ATTPU	
8/7/2019	19-253976	1C24	927P	
8/7/2019	19-254066	1C24	242PA	
8/8/2019	19-254919	1C24	TStop	
8/8/2019	19-254945	1C24	TStop	
8/8/2019	19-255166	1C24	273.5	
8/8/2019	19-255189	1C24	415DV	
8/8/2019	19-255206	1C24	927W	
8/8/2019	19-255262	1C24	245T	
8/8/2019	19-255276	1C24	981	
8/9/2019	19-256061	2C22	927P	
8/9/2019	19-256073	2C22	971	
8/9/2019	19-256228	2C22	273.5	
8/9/2019	19-256176	2C22	D0	
8/9/2019	19-256284	2C22	211A	
8/12/2019	19-259747	2C23	971	
8/12/2019	19-259838	2C23	245T	
8/12/2019	19-260006	2C23	273.5P	
8/12/2019	19-260017	2C23	496	
8/12/2019	19-260044	2C23	415W	
8/12/2019	19-260077	2C23	415F	
8/12/2019	19-260111	2C23	952	
8/12/2019	19-260177	2C23	TStop	
8/13/2019	19-260988	1C24	415	
8/13/2019	19-261092	1C24	981	
8/13/2019	19-261153	1C24	910	
8/13/2019	19-261359	1C24	242PA	
8/13/2019	19-261477	1C24	971W	
8/14/2019	19-262397	1C24	TStop	
8/14/2019	19-262451	1C24	415	
8/14/2019	19-262475	1C24	415DV	
8/14/2019	19-262528	1C24	952	
8/14/2019	19-262635	1C24	273.5W	
8/14/2019	19-262689	1C24	981	

8/14/2019	19-262578	1C24	971
8/14/2019	19-262759	1C24	927P
8/14/2019	19-262866	1C24	5150V

No BWC footage for 08/15/19 but on the schedule as 1C24

First Name	Last Name	Employee I	ABRA	Badge Num
Zachariah	Tersteege	16540	4199	425
Zachariah	Tersteege	16540	4199	425
Zachariah	Tersteege	16540	4199	425
Zachariah	Tersteege	16540	4199	425
Zachariah	Tersteege	16540	4199	425

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Equal Employment Opportunity Policy	Policy Revi	Create Nev
EEO In-Person Training	Policy Revi	Record Con
CPT - Annual Training	Training	Record Con
AB 953 - Racial and Identity Profiling Act (RIPA) Compliance	Policy Revi	Create Nev

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Snyder, Chı	########	########	8:00 AM	########
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npletions		########	5:00 PM	########
Farrell, Tim	########	########	9:30 AM	########

Tools for Tolerance® for Law Enforcement
Changing Role of Law Enforcement – Cultural Diversity
P.O.S.T. Expanded Course Outline

The goal of the Tools for Tolerance® for Law Enforcement program is to assist law enforcement professionals, as front line service providers, explore the evolving role of law enforcement in an increasingly democratic and diverse society.

Tools for Tolerance® is an educational program with the following specific objectives:

* To utilize the impactful, inter-active learning experience of the Museum of Tolerance in order to expose the dynamics of racism and bigotry, prejudice and discrimination in both an historic and contemporary context.
* To engage participants in a facilitated discussion around issues of tolerance, diversity, personal values and responsibility, and their relevance to the work of a peace officer.
* To increase participants' awareness of the evolving role of law enforcement and the tools necessary for an effective response.

I. Introduction (30 min)

A. Introduce liaisons, presenters, faculty and roles
B. Review background and context, clarify objectives
    1. Background
        a. Training for frontline professionals
        b. Numbers and professionals trained, statewide to federal audience
        c. State funding
    2. Evolution of Law Enforcement Profession
        a. Changes in law enforcement
            i. Technology
            ii. Equipment
            iii.Workplace
            iv. Community
            v. Expectations
    3. The profession of law enforcement is evolving. Changes are taking place including the expectations from the communities.
    4. The Goal of the Program
        a. The goal of the Tools for Tolerance® for Law Enforcement program is to examine the expanding role of law enforcement to meet the changing expectations from an increasingly diverse and democratic society
    5. Museum Themes to Explore
        a. Personal Responsibility
        b. Individual Choice
        c. Power of Words
    6. Using the Holocaust as an example
        a. The Holocaust is a universal story
        b. 11.5 million people killed – 6 million Jews, 5.5 million non-Jews

c. Abundant and meticulous record keeping

C. Things to Consider
1. Not a panacea, but a beginning of process
2. Personal interpretation of themes

D. Preview schedule

II. Tour of Museum (3 hours)

A. The Simon Wiesenthal Center's Museum of Tolerance (MOT) Educational Experience
1. Holocaust Section-We will use the historic context of the Holocaust to examine issues of Tolerance
   a. Stereotyping
   b. Prejudice
   c. Discrimination
   d. Power of words
2. Tolerance Section-We will use contemporary contexts to examine issues of Tolerance including:
   a. The power of words
   b. Intolerance in the American experience
   c. Patterns of human behavior and conditions which support them
   d. P.O.V. (Point of View) Diner, challenging participants to think about:
      i. issues of personal responsibility
      ii. free speech
      iii. ethical decision making

III. Debrief (45 min)

A. Participants are asked for written answers to questions for reflection on museum experience covering:
1. one word reaction to museum experience
2. strongest impressions of the day
3. additional examples of personal experiences of tolerance
4. Small groups with pairs of trained facilitators including a law enforcement professional will share and discuss the questions covered above

IV. Workshop (2 hours)

A. Interactive discussion with presenter on one or more of the following topics:

1. Changing Role of Law Enforcement Workshop

The workshop materials and concepts outlined in the following Extended Course Outline are copyrighted by Strategic Business Ethics

a. Exploring the Fundamental Ethical Differences Between Genocide, War, and Law Enforcement
b. The Protection Principle – Whom or what are we protecting?
c. Definition of Terms – Culture, Values, Ethics
d. Values-Ethics Gap
e. Benefits of Diminishing the Value-Ethics Gap
    i. For the Profession -- Can help in maintaining the professionalism for all law enforcement
    ii. Activities in other parts of the country can have an impact on people's perception of local law enforcement
    iii. For the Agency -- Can help to maintain the reputation and integrity of the department

For the individual officer -- Maintaining individual integrity for and respect from the community can impact officer safety

V. Facilitated Discussion (30 min)

A. Application of lessons learned to police work. With the help of facilitators, participants will continue the discussing the application of the various themes to their work in law enforcement. (Can be included as part of workshop)

VI. Personal Testimony (1 hour)

A. The testimony portion makes personal connection as a participant in historical events

B. It also provides an eyewitness account of the ultimate consequences of intolerant situations /communities

C. The individual gives examples of how he/she has attempted to uphold their personal values and responsibilities in the midst of difficult situations

D. Personal testimonies are given by (among others)

1. A survivor of the Holocaust OR
2. A liberator of a concentration camp OR
3. One of the Little Rock Nine

VIII. Evaluation/Adjourn (15 min)

Support follow-up activities and advanced training, process continuing education units, and departmental paperwork.

Racial Profiling Update

Sacramento Police Department

CPT 2014

Expanded Course Outline

1. Introduction:
    a. Racial Profiling Defined
        i. Biases
        ii. Stereotypes
        iii. Prejudices
        iv. Discrimination
    b. Class discussion
        i. Personal accounts of biased interactions
        ii. Importance of ethical community interactions
2. Legal Considerations
    a. California Law
        i. PC 13519, SB 1102
    b. Federal Law
        i. 4th and 14th amendments
        ii. Whren vs. United States
    c. Practical application of the law: Scenario Activities
3. Negative impact of Biases, prejudices, and stereotyping on effective Law Enforcement practices
    a. Historical perceptions of discriminatory enforcement
        i. Law Enforcement relations with minority communities
        ii. Perspectives of diverse local constituency groups and experts on particular cultural and police/community relations in Sacramento
    b. Racial Profiling common Law Enforcement controversies
        i. Limiting effectiveness
        ii. Racial profiling as racism
        iii. Racial profiling is a myth
        iv. Race specific criminal patterns
    c. SPD Vehicle stop data collection recording
        i. Data / Statistics
        ii. Impact
4. The role of the Civil Rights Movement on Law Enforcement interactions
    a. Desegregation of the profession

    b. Community oriented policing practices
    c. Partnerships and relationship building
5. Criminal Profiling vs Racial Profiling
6. The Officer's role in preventing, reporting and responding to biased practices of fellow officers
    a. Impact of Racial Profiling
    b. Prevention strategies

MAINTAINING A RESPECTFUL WORK ENVIRONMENT: EEO COMPLIANCE (AB 1825/1661)

Presented by: Eric Glassman

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SHAW LAW GROUP PC
WORKPLACE ADVICE • TRAINING • INVESTIGATIONS
We Solve Workplace Problems.™

MAINTAINING A RESPECTFUL WORK ENVIRONMENT: EEO COMPLIANCE (AB 1825/1661)

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ADDITIONAL MATERIALS

City of Sacramento's Equal Opportunity Policy (Discrimination/Harassment Complaint Procedure) and Charge of Discrimination Form

Excerpts from Relevant Federal and State EEO Laws

Department of Fair Employment and Housing Handout, "Sexual Harassment"

Department of Fair Employment and Housing Handout, "Discrimination is Against the Law"

Department of Fair Employment and Housing Handout, "Employment Discrimination Based on Disability"

WHY ARE WE HERE?

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PREVENTING DISCRIMINATION, HARASSMENT, AND RETALIATION

- Comply with the City's EEO policies and the law
- Understand and respect the internal complaint process
- Take responsibility for your actions/conduct
- Be a "leader"

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THE STANDARD FOR WORKPLACE CONDUCT: RESPECT AND PROFESSIONALISM

Every employee is entitled to be treated with dignity and respect, even if the law does not require it.

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EQUAL EMPLOYMENT OPPORTUNITY LAWS

- Title VII, ADEA, ADA, GINA, § 1981, Rehabilitation Act of 1973, Vietnam Era Veterans Readjustment Assistance Act, Uniformed Services Employment and Reemployment Rights Act
- FEHA, Unruh Civil Rights Act, California Labor Code
- Don't forget about local laws!

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DISCRIMINATION

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WHAT IS DISCRIMINATION?

- A personnel decision
- Motivated by an employee's protected status
- For which there is no legitimate business reason

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QUIZ

True or False:

1. Harassment and discrimination are separate issues.
2. Anyone can claim discrimination under the law.
3. Employers grant reasonable accommodation to employees with disabilities or religious practices to ensure equal employment opportunity.
4. A manager should consider the number of women in the department when hiring to ensure a good gender balance.

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12 PROTECTED CHARACTERISTICS WE ALL HAVE

- Race
- Color
- Ancestry
- National origin
- Genetic characteristics
- Marital status
- Political affiliation
- Religion
- Sex
- Gender identity
- Gender expression
- Sexual orientation

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AND FIVE MORE WE MAY HAVE …

- Age (if 40 or over)
- Mental disability
- Physical disability
- Medical condition (including pregnancy, childbirth and breastfeeding)
- Military/veteran status

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SO, DOES AN EMPLOYER "DISCRIMINATE" IF IT…

1. Only hires physically attractive people?
2. Has a dress code based on gender?
3. Allows employees with kids to opt out of traveling for work?
4. Requires employees to stand while the National Anthem is performed?
5. Refuses to hire people with "heavy" accents?
6. Inquires about a job applicant's salary history?

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HARASSMENT

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TRUE OR FALSE?

1. The primary goal of anti-harassment policies should be to prevent lawsuits.
2. A supervisor may make a valid harassment complaint against a subordinate.
3. Employees may sue co-workers personally for unlawful harassment.
4. A supervisor must immediately report conduct that may violate EEO policies.

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CONDUCT THAT MAY VIOLATE HARASSMENT PREVENTION POLICIES

Inappropriate verbal, physical, or visual conduct based on or related to a protected characteristic

- Could be a one-time incident ("zero-tolerance")
- Could be based on a perceived characteristic

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A NEW JOB…

Kelly and Jim are co-workers. Jim has worked for the employer since 2000. Kelly is new and wants to do well. Earlier today, Kelly's manager assigned her a project with Jim.

Which of the following situations could violate the employer's harassment prevention policy?

1. **Jim walks into Kelly's office and says, "Let's get lunch today."**
2. **Jim sees Kelly at the copier. He puts his hand on her shoulder and says, "I see we will be working together. Let's get lunch today and talk."**

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A NEW JOB…(cont.)

3. **At the end of the day, Jim asks Kelly if she wants to work over dinner. Kelly politely declines. Jim texts Kelly throughout the evening, asking several questions about the project. His last text says, "Let's get lunch tomorrow 😉"**

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WHAT'S IN A (NICK)NAME?

Nathan is Audrey's supervisor. They are very friendly to each other. Nathan recently started referring to Audrey as his "work wife" in front of other employees. Audrey thinks the term is funny. However, Tony, another employee, is offended.

True or False: Because Audrey is not offended by the term, Nathan can still use it.

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TWO KINDS OF UNLAWFUL HARASSMENT

- "Hostile Work Environment"
  - Related to a protected category;
  - Unwelcome;
  - Objectively and subjectively offensive; and
  - "Severe" or "pervasive"
- "Quid Pro Quo"
  - Demand for sexual favor(s)
  - Tangible job detriment or benefit
  - Carried out

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A DAY AT THE BALLPARK

A group of employees plan a trip to a baseball game. No one is required to attend. Many employees bring friends who do not work for the employer. As the game goes on, one of the employees, Joe, gets drunk and makes a number of crude sexual comments about other fans. Tom, a co-worker, is offended and complains to his manager.

True or False: Tom does not have a valid claim under the employer's harassment prevention policy because Joe's conduct was not work related.

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FREEDOM OF EXPRESSION?

Steve records a video of his attendance at a white supremacist rally and posts it on several social media platforms. Thuy works with Steve and follows his social media posts. Thuy is offended by the video, and sends a copy of the video to her supervisor.

True or False: Thuy does not have a valid claim under the employer's policy because Steve's conduct is protected speech.

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GENDER ISSUES AND SEXUAL HARASSMENT

- There is a difference under California law among:
  - Sex
  - Gender identity
  - Gender expression
  - Sexual orientation
- Employers and co-workers may have individual perspectives about these characteristics, but that does not change the protections provided under the law

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FIRST IMPRESSIONS…

Sarah and Kate are talking about a new employee, Joyce. Kate is uncomfortable when Sarah tells her, "Everyone thinks Joyce used to be a guy. If he comes into the women's restroom, I'm reporting him to HR."

True or False: Kate must report Sarah's conduct to someone in management.

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DRESSING UP

Aaron is Meg's boss. One day, Aaron tells Meg, "I think your sales numbers would go up if you dressed more like a lady. You know, maybe paint your nails, wear a little more makeup?" Meg is offended.

True or False: Aaron's comment does not violate the employer's harassment prevention policy because he is simply suggesting ideas to help Meg improve her sales numbers.

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WORKPLACE SEXUAL HARASSMENT

48 – Percentage of women stating that they have received an unwelcome sexual advance or other verbal or physical harassment of a sexual nature at work

41 – Percentage of men stating that they have observed inappropriate sexual conduct directed to women at work

63 – Percentage of Americans who believe sexual harassment occurs in most workplaces (October 1991 Poll)

66 – Percentage of Americans who believe sexual harassment occurs in most workplaces (October 2017 Poll)

(Source: NBC/Wall Street Journal Poll October 2017)

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ADDRESSING WORKPLACE HARASSMENT

- Embrace diversity and inclusion
- Be an Upstander, not a Bystander
- Get buy-in from top to bottom
- Focus on the power of words
- Promptly, thoroughly, and fairly investigate complaints

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RETALIATION

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WHAT IS RETALIATION?

- Negative treatment
- Directed at an employee
- Because of that employee's "protected activity"

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EXAMPLES OF PROTECTED ACTIVITY

- Threatening to file or filing an EEO complaint
- Participating in an interview, investigation, hearing, trial, or other proceeding
- Requesting a reasonable accommodation for religion or disability
- Taking sick leave

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TRUE OR FALSE?

1. Sexual harassment claims far outnumber retaliation claims in California.
2. Most retaliation claims are made against supervisors.
3. An employee who mistakenly complains that a co-worker harassed him based on his age is protected from retaliation.
4. If an employee is uncomfortable with a co-worker's sexual orientation, the best approach is to ignore the co-worker.
5. Fifty percent of employees who believe they are the victims of workplace harassment never speak up.

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WHAT TO DO ABOUT BOB?

Bob is a senior manager. Female employees secretly keep a list of male employees titled "Top Ten Creepers." Bob's name is #1 on the list. Bob hears rumors about the list.

True or False: Because Bob is the alleged perpetrator, he has no right to complain about the list.

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EFFECTIVE MANAGEMENT OR RETALIATION?

Jane often arrives to work 10-15 minutes late. Her supervisor, Tom, has counseled her several times. Jane recently complained that Tom is "harassing" her because of her gender. Jane was late again today.

1. **Given Jane's complaint, may Tom still discipline Jane for her tardiness?**
2. **Does it matter if Jane's complaint is still under investigation?**

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ADDRESSING "ABUSIVE" BEHAVIOR

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COFFEE IS FOR CLOSERS

Debra is a sales manager. During weekly meetings, she often refers to the sales staff as "stupid" or "morons" if they failed to close a sale. Debra also routinely uses profanity during the meetings, and on occasion throws things when she is particularly upset.

True or False:

1. **Debra's conduct violates the law.**
2. **Debra's conduct is otherwise a concern.**

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AVOIDING "ABUSIVE CONDUCT"

Defined under the law as:

1. "Conduct of an employer or employee in the workplace"; and
2. Committed with "malice" ("hatred" or "ill will"); and
3. "That a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests"

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AVOIDING "ABUSIVE CONDUCT" (cont.)

Examples:

- "Verbal or physical conduct that is threatening, intimidating, or humiliating" (derogatory remarks, insults, and epithets)
- "Repeated infliction of verbal abuse"
- "Gratuitous sabotage or undermining of a person's work performance"

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SO WHAT?

- Morale
- Retention
- Productivity
- Leaves of absence
- Sick time
- What else?

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PREVENTING "ABUSIVE CONDUCT" AND HARASSMENT

- Strong policy
- Leadership
- Mutual respect

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THE INTERNAL EEO COMPLAINT PROCESS

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YOUR INTERNAL EEO COMPLAINT PROCESS

- Reporting options
  - Your immediate supervisor or a higher ranking supervisor or manager
  - Department Head
  - Human Resources Director
  - Civil Rights' staff
  - Labor Relations' staff
- The difference between "need to know" and absolute confidentiality
- No chain-of-command or "off-the-record" complaints

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CONTACT INFORMATION

Don Demavivas
Work: 916-808-5825
DDemavivas@cityofsacramento.org

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SUPERVISORS' REQUIRED RESPONSE TO WORKPLACE EEO ISSUES

- Remain fair and impartial
- Get the basic facts
- Report the basic facts immediately (15 minutes would be great!)
- Exercise discretion
- When in doubt, report

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WHAT HAPPENS WHEN THE CITY LEARNS OF A POTENTIAL EEO ISSUE?

- If necessary, it will conduct a thorough, prompt, and fair investigation of the issue to determine whether anyone violated policy
- If someone violated policy, the City must take appropriate corrective action to stop the current misconduct and prevent future occurrences

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LEGAL REMEDIES

- Claims may be filed with the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, and the courts
- If the law is violated, damages, attorneys' fees, and costs may be ordered

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10 THINGS TO KEEP IN MIND

1. Mutual respect
2. "Platinum Rule" (not the "Golden Rule")
3. Respect your EEO policies
4. Intent is not required for an EEO policy violation; it's all about impact
5. It's not where you are, but who you are with
6. No such thing as "off-the-record" complaints
7. "Get-out-of-your-chair"
8. Beware of employee-on-employee retaliation
9. Managing is not retaliation
10. Everything you need to know you learned in kindergarten

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QUESTIONS/COMMENTS?

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City of Sacramento's Equal Opportunity Policy (Discrimination/Harassment Complaint Procedure) and Charge of Discrimination Form

City of SACRAMENTO

Equal Opportunity Policy

(Discrimination/Harassment Complaint Procedure)

Scope: CITYWIDE

Policy Contact

Melissa Chaney
Director of Human Resources
Department of Human Resources
(916) 808-7173
mdchaney@cityofsacramento.org

Table of Contents

01-Policy
02-Discrimination Complaint Resolution Procedure
03-Equal Opportunity Policy Definitions
04-Charge of Discrimination Form

Regulatory References

California Government Code § 12900 et seq.
Title VII of the 1964 Civil Rights Act et al.

Supersedes

- Policy Statement on Discrimination and Harassment
  Effective: 2012
- Policy Statement on Sexual Harassment
  Effective: 2012
- Policy Statement on Disability Discrimination
  Effective: 2012

Reviewed/Effective: November 17, 2016

SACRAMENTO

Charter Officer Review and Acknowledgement

Equal Opportunity Policy

City Manager

e-Signed by Howard Chan
on 2016-11-17 21:00:32 GMT

November 17, 2016

Interim City Manager

City Attorney

e-Signed by Brett Witter
on 2016-11-17 20:01:36 GMT

November 17, 2016

Supervising Deputy City Attorney

City Clerk

e-Signed by Shirley Concolino
on 2016-11-17 21:19:55 GMT

November 17, 2016

City Clerk, MMC

City Treasurer

e-Signed by John Colville
on 2016-11-17 21:21:01 GMT

November 17, 2016

City Treasurer

POLICY STATEMENT

The City of Sacramento is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discrimination and harassment, including sexual harassment, retaliation, and malicious false accusation. In furtherance of this commitment, the City will consider any report of harassment, discrimination, retaliation, or malicious false accusation to be deserving of investigation.

All employees, applicants, and independent contractors working with the City of Sacramento are to be treated with dignity and respect, and the City will not tolerate discrimination or harassment in the hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. Further, the City will not tolerate harassment or discrimination of its workers by others with whom the City has a business, service, or professional relationship.

The non-discrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates these policies may not violate state or federal law but still could subject an employee to discipline. The City will take preventive and corrective action, up to and including termination, to address any of the following, but not exhaustive, list of behaviors:

- Failure to follow any provision of this policy and/or for behavior that violates this policy or the rights it is designed to protect.
- Making unfounded allegations of harassment or discrimination.
- Purposely impeding an investigation involving harassment or discrimination.
- Retaliation related to the reporting or investigation of harassment or discrimination.

The Director of Human Resources is the City Manager's designee to direct, coordinate, and supervise the activities associated with the City's Equal Opportunity Policy and the Discrimination/Harassment Complaint Procedure.

All new hires shall receive training on harassment and discrimination.

1. Policy Statement on Discrimination and Harassment

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or worker and is based on any protected classification identified in this policy, including age, ancestry, color, physical or mental disability, gender, gender expression, gender identity, genetic information, marital status, medical condition, military and veteran status, national origin, race, religious creed, sex, sexual orientation, and any other classification protected by law. The City's commitment to equal opportunity and non-discrimination extends to all job applicants, employees, and all aspects of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination, as well as to the provision of reasonable accommodation to qualified persons with disabilities.

The City prohibits discrimination against an individual for having a driver's license obtained without proof of lawful presence in the United States. The City cannot require an employee to present a driver's license unless required by state or federal law or when otherwise

permitted by law (e.g., a driver's license is needed to perform an essential function of the job).

Harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

2. Additional Policy Statement on Sexual Harassment

Sexual harassment is a form of harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the worker.
- Such conduct has the purpose or effect of substantially interfering with a worker's work performance or creating an intimidating, hostile, or offensive work environment.

Conduct which seems innocent or trivial to some people may constitute unlawful sexual harassment.

Some examples are:

- Physical: Assault, touching, leering, impeding movement;
- Visual: Derogatory or sexually explicit posters, photographs or drawings; written slurs, "bumper stickers" and the like;
- Verbal: Slurs, derogatory sexual comments, requests for sexual favors, invitations to engage in sexual activities, which need not be based on genuine sexual interest or desire.

3. Additional Policy Statement on Racial Harassment

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in any aspect of employment on the basis of race. The City will not tolerate any racial harassment. Examples of racial harassment include derogatory remarks based on race, discriminatory behavior based on race, and any act which places the employee at a deliberate disadvantage based on race.

4. Additional Policy Statement on Disability Discrimination

Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability by a supervisor, management employee or coworker will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including, but not limited to: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff reinstatement, benefits, education, termination and also in the provision of City programs, services and activities.

a. Discrimination on the basis of disability includes, but is not limited to, the following:

1. Limiting, segregating, or classifying a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's real, perceived, or history of disability.

2. Participating in a contract which could subject an applicant or employee with a disability to discrimination.

3. Using any standards, criteria or method of evaluation which could have the effect of discriminating on the basis of disability.

4. Denying equal jobs or benefits because of a disability or the perception of a disability.

5. Failing to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship or create a direct threat.

6. Using selection criteria which exclude persons with disabilities unless the criteria is job-related and consistent with business necessity; and

7. Failing to use employment tests in a manner that ensures that the test results accurately reflect the applicant's or employee's skills or aptitude for a particular job.

Other Considerations

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or general standards of professional decorum including but not limited to:

- Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Department of Fair Employment and Housing guidelines.
- Reasonable requests or demands by a supervisor that a worker improve his/her work quality or output, that the worker report to the job site on time, that the worker comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and worker.

5. Policy Guidance

Responsibilities

This policy applies to all workers. All workers shall follow the intent of this policy in a manner that reflects professional work-place standards and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor, whether that conduct is directed at that employee, or the employee has observed such conduct directed at another employee. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Department Head, the Human Resources Director, Civil Rights' staff, or Labor Relations' staff.

A. Individual Employees

- Any worker who believes that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

- Workers who believe they are experiencing discrimination, harassment or retaliation are encouraged to inform the individual that his/her behavior is unwelcome. However, this step is not required. If the worker feels uncomfortable, threatened or has difficulty expressing his/her concern, or if doing so does not resolve the concern, assistance should be sought from a supervisor or manager who is at least one level higher than the alleged transgressor. Human Resources may also assist.

- Any worker who observes others engaging in harassing or discriminating behavior towards another employee shall report the actions to a supervisor or manager, even if the person harassed does not complain.

B. Management and Supervisory Personnel

Each supervisor and manager shall:

- Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

- Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

- Ensure their subordinates understand their responsibilities under this policy.

- Ensure workers who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

- Notify Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation as soon as possible and no later than the next business day.

- Because of differences in individuals, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

    - Behavior of supervisors and managers should represent the mission, vision, values and goals of the City and professional work-place standards.

    - False accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent workers.

    - Supervisors and managers must act promptly and responsibly in the prevention, reporting, and resolution of any form of discrimination, harassment or retaliation.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining work assignments, evaluating or counseling workers or issuing discipline, in a manner that is consistent with established procedures.

C. Human Resources

The Director of Human Resources or his/her designee is responsible for:

- Keeping records of all harassment complaints for a minimum of two years. No destruction should be made without compliance with the City's records destruction resolution.

- Taking all complaints seriously and coordinating an unbiased investigation of complaints.

- Tracking each investigation into each complaint to ensure that the investigation is concluded in a timely fashion, and that the complaining party receives an appropriate and timely response.

- Initiating appropriate disciplinary action based on the finding of an investigation undertaken in consultation with the Department Head and/or supervisor.

- Taking appropriate action to prevent retaliation against a complaining party.

Further Considerations/Information

To achieve the goals of this City policy, it is necessary that each worker understand the importance of the policy and his or her individual responsibility to contribute toward its maximum fulfillment. Workers are encouraged to report any and all incidents of harassment and are assured that there will not be any retaliation for having reported, in good faith, any incident of suspected harassment or discrimination.

Anyone having questions regarding the meaning of any of the terms or provisions of this policy should immediately contact the Director Human Resources.

Training

All new workers shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new worker. The worker shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All workers shall receive information on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

Complaint Procedure

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor, whether the conduct is directed at that employee or the employee has observed such conduct directed at another employee. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Department Head, the Human Resources Director, Civil Rights' staff, or Labor Relations' staff.

Anyone receiving a complaint of harassment, discrimination, or retaliation shall immediately document the complaint in writing and refer the complaint to the Human Resources Department, who will ensure that a timely, effective, thorough, and objective confidential investigation of the allegation(s) is undertaken. In addition, Human Resources will fully inform the employee of:

- His or her rights to complain and redress the harassment or discrimination;
- The worker's own obligations to secure his or her rights; and
- Any assistance available under City policies.

All complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing employees should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

The assigned investigator has the full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any workers involved. No influence will be used to suppress any complaint and no worker will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

During the pendency of any investigation, the supervisor/manager of the involved workers should, in cooperation with the Office of Civil Rights or Labor Relations, take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency, dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

If it is determined that harassment, discrimination, or retaliation has occurred, effective remedial action will be taken in a manner consistent with the circumstances. Discipline ranging from verbal or written warnings and up to and including termination may be administered.

After the investigation and findings have been concluded, the City will communicate the confidential finding to the complainant, alleged harasser, and any other concerned party. No provision of this policy shall be construed to prevent any worker from seeking legal redress outside the Department. Workers who believe they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements. Additionally, if a worker thinks he or she has been harassed, discriminated against, or that he or she has been retaliated against for complaining, that person may file a complaint or obtain additional information from the State of California Department of Fair Employment and Housing at 800-884-1684 and/or U.S. Equal Employment Opportunity Commission, 800-669-4000.

Human Resources Information

Office of the Director – 916-808-7173
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814

Civil Rights – 916-808-5270
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814

Labor Relations – 916-808-5541
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814

Human Resources Administration – 916-808-5731
Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814

DISCRIMINATION/HARASSMENT

Discrimination

Treating, considering or making a distinction in favor of or against an employee, job applicant or group based on their actual or perceived protected status in relation to a decision or the terms and conditions of employment, that is reasonably likely to negatively affect prospects for hire, advancement, promotion or job performance. Discrimination includes treatment that deprives, or tends to deprive, the employee or job applicant of employment opportunities or employment status. It is also discrimination to fail to provide reasonable accommodation to an employee or applicant with a disability unless doing so creates an undue hardship or direct threat.

Harassment

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Protected Group Member

An individual who falls within a group that is identified in the City Equal Employment Opportunity Policy. Those groups include:

- Age - Any individual who has reached their 40th birthday.
- Ancestry – One's family or ethnic descent, lineage. A person's origin or background.
- Color – Based on skin pigmentation (lightness or darkness of skin) complexion, shade, or tone. May occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.
- Gender - Refers to sex, gender identity, gender expression, and transgender.
- Gender Expression –A person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.
- Gender Identity – A person's identification as male, female, a gender different from the person's sex at birth, or transgender.
- Genetic Information - Any information with respect to genetic test of an individual or test of their family member or the manifestation of a disease or disorder in family members. Excludes information on sex or age.
- Marital Status - Either married or unmarried.
- Medical Condition - Cancer and genetic characteristics - Any health impairment related to or associated with a diagnosis, record or history of cancer or any scientifically or medically identifiable gene or chromosome that is known to be a cause of a disease or disorder or a statistically increased risk of developing a disease or disorder.

- Military and Veteran Status - A member or veteran of any US armed force or reserve or US or California National Guard.
- National Origin –Ancestors from a particular country, ethnicity or accent, or particular ethnic background, or marriage or association with someone of a particular nationality based on birthplace, surname or linguistic characteristic, including language use restrictions.
- Physical or Mental Disability - Any physiological disease, disorder or condition, including HIV and AIDS, cosmetic disfigurement or anatomical loss. Also includes any mental or psychological disorder or condition. Excludes any sexual behavior disorder, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorder resulting from the current illegal use of a controlled substance or other drug.
- Race –Ancestry or cultural characteristics associated with a certain group of people such as skin color, hair texture or style or certain facial features.
- Religious Creed - All aspects of religious belief, observation and practice. Includes dress and grooming practices. Very broadly defined covers traditional, organized religions and new, uncommon beliefs that are not part of a formal church or sect.
- Sex –Gender, but also includes pregnancy, childbirth, breastfeeding, and any related medical conditions, and gender identity and expression.
- Sexual Orientation –Heterosexuality, homosexuality and bisexuality.
- Transgender – A person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

SEXUAL HARASSMENT

Sexual Harassment

Any unsolicited and unwelcomed sexual advances, request for sexual favors, or other verbal, visual or physical conduct of a sexual nature by an employee, supervisor, or manager when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment.
- Submission or rejection of such conduct is used as a basis for employment decisions affecting the employee.
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment can occur in Verbal, Physical or Visual Forms. While it is not possible to list all circumstances that may constitute sexual harassment, the following are some samples of conduct and offensive behavior, which, if unsolicited and unwelcomed, may constitute sexual harassment:

- Sexually suggestive jokes, propositions or comments about a person's body
- Physical contact such as unwelcomed or unsolicited touching, patting, pinching, hugging, grabbing, cornering, or brushing against another person's body, assaults or threats of assault
- Explicit or implicit statements that suggest an employee's lack of submission to another's sexual advances will effect a term or condition of employment
- Leering, sexual looks or gestures with hands or through body movement
- Sexually suggestive visual displays, objects including electronic media or pictures

DISABILITY DISCRIMINATION

Direct Threat

Is a significant risk of substantial harm to the health or safety of the employee or others, which cannot be eliminated or reduced by a reasonable accommodation.

Disability

A person is recognized as disabled if he/she:

- has a physical or mental impairment that limits (i.e., it makes the achievement of the major life activity difficult) one or more major life activities (construed broadly to include physical, mental, social activities and working)
- has a history of such an impairment known to the employer; or is incorrectly regarded or treated as having or having had such an impairment
- is regarded or treated as having or having had such an impairment that presently has no disabling effects, but may become a qualifying impairment in the future

Perceived Disability

Means being regarded as, perceived as, or treated as having a physical or mental impairment.

Qualified Individual with a Disability

Is an applicant or employee who has the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desired, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable Accommodation

Is any change in the work environment or in the way things are customarily done that enables an individual with a disability to perform the essential functions of a job, enjoy an equal

opportunity or that accommodates an individual's religious beliefs. There are four types of reasonable accommodations:

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position that the applicant desires
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position
- Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities
- Modifications or adjustments that allow an individual to exercise a "sincerely held" religious belief or practice

Undue Hardship

When a reasonable accommodation causes significant difficulty or expense. This determination focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation.

ADDITIONAL DEFINITIONS

Malicious False Accusation

Malicious means to knowingly lie about someone or something with the intent to cause damage to them. To accuse means to make a charge of wrongdoing against another. An accusation that is contrary to fact or truth is a false accusation.

Retaliation

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

City of
SACRAMENTO

Charge of Discrimination Form

Name | Home Phone Number

Address | Job Title

City | State | Zip Code

Indicate the person or persons who discriminated against you. (If more than one, list on Page 2 of this form.)

Name | Work Phone Number

Work Address | Job Title

City | State | Zip Code

Cause of discrimination is based on (check the appropriate boxes).

- ☐ Race
- ☐ Age
- ☐ Color
- ☐ Sex
- ☐ Sexual Orientation
- ☐ Gender
- ☐ Religion
- ☐ National Origin
- ☐ Religious Creed
- ☐ Ancestry
- ☐ Gender Identity
- ☐ Breastfeeding
- ☐ Veteran Status
- ☐ Political Affiliation
- ☐ Medical Condition
- ☐ Genetic Information
- ☐ Pregnancy-Related Condition
- ☐ Physical or Mental Disability
- ☐ Marital Status Unrelated to Job Requirements
- ☐ Other (please specify)

Date of most recent act of discrimination (month, day, year) Date:

Indicate the remedy you seek.

Give a concise statement on how you have been discriminated against.

I declare that the above charge is true to the best of my knowledge, information and belief.

Signature

Date

Please note that failure to complete and submit a Charge of Discrimination Form shall not preclude an inquiry/investigation.

Submit Form

Excerpts from Relevant Federal and State EEO Laws

Excerpts from Relevant Federal and State EEO Laws

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Discrimination: 42 U.S.C. § 2000e-2

It shall be an unlawful employment practice for an employer--
(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

Retaliation: 42 U.S.C. § 2000e-3

It shall be an unlawful employment practice for an employer to discriminate against any of his employees...because he has opposed any practice made an unlawful employment practice by this [title] or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this [title].

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Discrimination: 29 U.S.C. § 623(a)

Employer practices. It shall be unlawful for an employer--
(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
(3) to reduce the wage rate of any employee in order to comply with this [Act].

Retaliation: 29 U.S.C. § 623(d)

It shall be unlawful for an employer to discriminate against any of his employees... because such individual...has opposed any practice made unlawful by this section, or because such individual...has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this [Act].

AMERICAN WITH DISABILITIES ACT (ADA)

Reasonable Accommodation: 42 U.S.C. § 12111

The term "reasonable accommodation" may include--
(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Discrimination: 42 U.S.C. § 12112

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

Retaliation: 42 U.S.C. § 12203

No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this [Act] or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this [Act].

GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

Discrimination: 42 U.S.C. § 2000ff-1

It shall be an unlawful employment practice for an employer--
(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or
(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

Retaliation: 42 U.S.C. § 2000ff-6

No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this [title] or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this [title].

42 U.S.C. § 1981, THE CIVIL RIGHTS ACT OF 1866

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

REHABILITATION ACT OF 1973

Discrimination: 29 U.S.C. § 793

Any contract in excess of $10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with disabilities.

Retaliation: 28 C.F.R. § 41.52(c)

The prohibition against discrimination in employment applies to...any other term, condition, or privilege of employment.

VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT: 38 U.S.C. § 4212

Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Discrimination: 38 U.S.C. § 4311(a)

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

Retaliation: 38 U.S.C. § 4311(b)

An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (FEHA)

Discrimination: Cal. Gov't. Code § 12940(a)

It is an unlawful employment practice…[f]or an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment.

Harassment: Cal. Gov't. Code § 12940(j)

It is an unlawful employment practice…[f]or an employer…because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or

supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, where the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

Retaliation: Cal. Gov't. Code § 12940(h)

It is an unlawful employment practice...[f]or any employer, labor organization, employment agency, or person to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part or because the person has filed a complaint, testified, or assisted in any proceeding under this part.

Reasonable Accommodation: Cal. Gov't. Code § 12940(m)

It is an unlawful employment practice...[f]or an employer or other entity covered by this part to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this subdivision or in paragraph (1) or (2) of subdivision (a) shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship to its operation, as defined in subdivision (u) of Section 12926, to its operation.

Interactive Process: Cal. Gov't. Code § 12940(n)

It is an unlawful employment practice...[f]or an employer or other entity covered by this part to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

Undue Burden: Cal. Gov't. Code § 12926

"Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility,

and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

UNRUH CIVIL RIGHTS ACT: CAL. CIVIL CODE § 51

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

CALIFORNIA LABOR CODE: CAL. LAB. CODE § 1101

No employer shall make, adopt, or enforce any rule, regulation, or policy:

(a) Forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office.

(b) Controlling or directing, or tending to control or direct the political activities or affiliations of employees.

CALIFORNIA LABOR CODE: CAL. LAB. CODE § 1102.5

(a) An employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(b) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry,

if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(c) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

116106.3.99999.006

Department of Fair Employment and Housing Handout, "Sexual Harassment"

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. *Unwanted sexual advances*
2. *Offering employment benefits in exchange for sexual favors*
3. *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
4. *Derogatory comments, epithets, slurs, or jokes*
5. *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
6. *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

DFEH-185-ENG / April 2017

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. *"Quid pro quo"* (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. *"Hostile work environment"* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:

1. *Damages for emotional distress from each employer or person in violation of the law*
2. *Hiring or reinstatement*
3. *Back pay or promotion*
4. *Changes in the policies or practices of the employer*

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.

② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."

③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:

- Be in writing.
- List all protected groups under the FEHA.
- Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
- Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
- Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
- Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).
- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

Department of Fair Employment and Housing Handout, “Discrimination is Against the Law”

HATE VIOLENCE:

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence and human trafficking.

DISCRIMINATION IS AGAINST THE LAW
CIVIL RIGHTS
IN CALIFORNIA

Under the Ralph Civil Rights Act, it is against the law for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, marital status, medical condition, genetic information, disability, sex/gender, gender identity, gender expression, sexual orientation, political affiliation, or position in a labor dispute.

IF YOU BELIEVE YOU ARE VICTIM OF ILLEGAL DISCRIMINATION, HATE VIOLENCE, OR HUMAN TRAFFICKING, YOU CAN FILE A COMPLAINT WITH THE DEPARTMENT.

To File a Pre-Complaint Inquiry you may select one of the following methods:

⇒ Use the Department's online system at http://www.dfeh.ca.gov

⇒ Call the Communication Center at **800-884-1684** (voice or via relay operator 711) or 800-700-2320 (TTY) or by e-mail to contact.center@dfeh.ca.gov

⇒ Use the Pre-Complaint Inquiry form that matches your issue, complete and return it via U.S. mail to any of DFEH's office locations (www.dfeh.ca.gov/offices.htm)

⇒ E-mail the Pre-Complaint Inquiry form: contact.center@dfeh.ca.gov

FOR MORE INFORMATION:

Department of Fair Employment and Housing

Toll Free: **(800) 884-1684**

TTY: **(800) 700-2320**

Online: **www.dfeh.ca.gov**

ALSO FIND US ON

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or for individuals who communicate by American Sign Language through the relay system.

To schedule an appointment, contact the Communication Center at 800-884-1684 (voice) or 800-700-2320 (TTY) or by email at contact.center@dfeh.ca.gov

The Department of Fair Employment and Housing is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested. Please contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320 or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
DFEH-ADI8-ENG (REV. 01/2017)

The Department of Fair Employment and Housing (DFEH) enforces California state laws that prohibit harassment and discrimination in employment, housing, and public accommodations and that provide for pregnancy leave and family and personal medical leave.
It also accepts and investigates complaints alleging hate violence or threats of hate violence and human trafficking.

WHAT DFEH DOES

DFEH enforces these laws by

⇒Investigating harassment, discrimination, and denial of leave complaints

⇒Assisting parties to voluntarily resolve complaints involving alleged violations of the laws enforced by DFEH

⇒Prosecuting violations of the law

⇒Educating Californians about the laws prohibiting harassment and discrimination by providing written materials and participating in seminars and conferences

The CA Fair Employment and Housing Act (FEHA) prohibits harassment and discrimination in employment based on the following:

- Race
- Color
- Religion
- Sex / Gender (including pregnancy, childbirth, or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- National origin (including language use restrictions)
- Ancestry
- Disability (mental & physical, including HIV & AIDS)
- Medical condition (cancer/genetic characteristics & information)
- Age (40 and above)
- Request for family care leave
- Military or Veteran status
- Request for leave for an employee's own serious health condition
- Request for Pregnancy Disability Leave
- Retaliation for reporting patient abuse in tax-supported institutions
- Discrimination is prohibited in all employment practices, including the following:
- Advertisements
- Applications, screening, and interviews
- Hiring, transferring, promoting, terminating, or separating employees
- Working conditions
- Participation in a training or apprenticeship program, employee organization, or union

Discrimination is prohibited in all aspects of the housing business, including, but not limited to:

- Advertisements
- Mortgage lending and insurance
- Application and selection processes
- Terms, conditions, and privileges of occupancy, including freedom from harassment
- Public and private land-use practices, including the existence of restrictive covenants

Persons with disabilities are entitled to reasonable accommodation in rules, policies, practices, and services and are also permitted, at their own expense, to reasonably modify their dwelling to ensure full enjoyment of the premises.

As in employment discrimination law, persons are protected from retaliation for filing complaints.

CALIFORNIA WORKERS ARE:

- Guaranteed leave if disabled because of pregnancy
- Guaranteed reasonable accommodation for pregnancy
- Guaranteed leave for the birth or adoption of a child; for the employee' s own serious health condition; or to care for a parent, spouse, or child with a serious health condition
- Protected from harassment because of their sex, race, or any other category covered under the law
- Protected from retaliation for filing a complaint with DFEH, for participating in the investigation of a complaint, or for protesting possible violations of the law
- California workers with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job

FEHA also prohibits discrimination in the rental and sale of housing based on the following:

- Race
- Color
- Religion
- Sex /Gender (including pregnancy, childbirth, or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- National origin/Ancestry
- Familial status (households with children under age 18)
- Source of income
- Disability (mental and physical, including HIV and AIDS)
- Medical condition (cancer/ genetic characteristics)

Discrimination in public services and accommodations is prohibited under the Unruh Civil Rights Act.

The law requires "full and equal accommodations, advantages, facilities, privileges, or services in all business establishments." Business establishments covered by the law include, but are not limited to:

- Hotels and motels
- Nonprofit organizations
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations
- Local government and public agencies
- Retail establishments

Department of Fair Employment and Housing Handout, “Employment Discrimination Based on Disability”

COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

FILING A COMPLAINT

Employees or job applicants who believe they have been discriminated against or harassed because of a disability may, within one year of the alleged discrimination, file a complaint with DFEH by contacting DFEH on our website or by phone as described on the back of this brochure. DFEH processes complaints filed by persons with terminal illnesses on a priority basis.

DFEH serves as an objective fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence of discrimination and settlement efforts fail, DFEH may file a lawsuit in civil court on behalf of the complaining party, after a mandatory mediation. If the court finds that discrimination has occurred, it can order remedies such as:

1. *Damages for emotional distress from each employer or person in violation of the law*
2. *Hiring or reinstatement*
3. *Back pay or promotion*
4. *Changes in the policies or practices of the employer*
5. *Punitive damages*
6. *Reasonable attorney's fees and costs*

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

DFEH-E01B-ENG / April 2017

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EMPLOYMENT DISCRIMINATION BASED ON DISABILITY

The Fair Employment and Housing Act (FEHA), enforced by the California Department of Fair Employment and Housing (DFEH), prohibits employment discrimination and harassment based on a person's disability or perceived disability. In addition, the FEHA prohibits retaliation for exercising a FEHA right, such as filing a complaint about discrimination. The law also requires employers to reasonably accommodate individuals with mental or physical disabilities unless the employer can show that to do so would cause an undue hardship.

The law covers mental or physical disabilities, including HIV/AIDS, regardless of whether the conditions are presently disabling. It also covers medical conditions, which are defined as either cancer or genetic characteristics.

Disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

IN ADDITION TO THE PROTECTIONS OF THE FAIR EMPLOYMENT AN HOUSING ACT, EMPLOYEES WITH DISABILITIES MAY ALSO BE COVERED BY THE CALIFORNIA FAMILY RIGHTS ACT OR THE FEDERAL FAMILY MEDICAL LEAVE ACT

FEHA vs. THE FEDERAL AMERICANS WITH DISABILITIES ACT:

EMPLOYMENT DISCRIMINATION AND HARASSMENT BASED ON A PERSON'S DISABILITY OR PERCEIVED DISABILITY ARE PROHIBITED

CALIFORNIA LAW PROHIBITS DISCRIMINATION BASED UPON AN INDIVIDUAL'S ACTUAL OR PERCEIVED DISABILITY

The FEHA provides broader protection for persons with disabilities than federal law. California employers with five or more employees must follow the FEHA. California also has broader definitions of mental disability, physical disability, and medical condition than does federal law.

Under California law, a disability must only "limit" a major life activity. The disability does not have to involve a "substantial limitation," as under federal law, to be considered a disability. Whether a condition or disability "limits" a major life activity is determined regardless of any mitigating measure, such as medication or prosthesis, unless the mitigating measure itself limits a major life activity.

REASONABLE ACCOMMODATION

An employer is required to interact with an employee to explore all possible means of reasonably accommodating a person prior to rejecting the person for a job or making any employment-related decision. The need for accommodation may arise from a mitigating measure, such as medication taken for the primary disability.

An accommodation is reasonable if it does not impose an undue hardship on the employer's business. Reasonable accommodation can include, but is not limited to, changing job duties or work hours, providing leave, relocating the work area, and/or providing mechanical or electrical aids. An employer may obtain help from government agencies and outside experts To determine whether accommodation is possible.

EMPLOYMENT INQUIRIES

The FEHA prohibits employers from either verbally or in writing:

1. Requiring any medical or psychological examination or related inquiry of any applicant or employee prior to making an offer of employment
2. Inquiring directly or indirectly as to whether an applicant or employee has a mental or physical disability or medical condition
3. Inquiring about the nature and severity of a mental or physical disability or medical condition

However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request either with or without a reasonable accommodation.

Once an employment offer has been made to an applicant, but before the start of duties, an employer may require a medical or psychological examination. However, the examination or inquiry must be job related and consistent with business necessity and all entering employees in the same job classification must be subject to the same examination or inquiry.

An employer may also conduct voluntary medical examinations, including medical histories, as part of an employee health program. This information must be retained separate and apart from employment and personnel records. Employers may not penalize employees for declining to participate in voluntary medical examinations.

INDEPENDENT MEDICAL OPINION

An employer must allow an applicant the opportunity to submit an independent medical opinion if there is a dispute as to whether the person can perform the essential functions of a position with or without reasonable accommodation. Failure to allow the submission of an independent medical opinion may be a separate violation of the law.

DISCRIMINATION

The following two reasons commonly raised by employers are not legally acceptable excuses for discriminating against persons with disabilities:

- Possibility of future harm to the person or to others
- Employing individuals with disabilities will cause an employer's insurance rates to rise

Any employment-related or personnel decision based on either of the following reasons is not discriminatory:

- The person is unable to perform the essential functions of the job and no reasonable accommodation exists that would enable the person to perform the "essential functions" of the job
- The person would create an imminent and substantial danger to self or others by performing the job and no reasonable accommodation exists that would remove or reduce the danger

THANK YOU.

SHAW LAW GROUP PC

WORKPLACE ADVICE • TRAINING • INVESTIGATIONS

We Solve Workplace Problems.™

425 University Avenue, Suite 200
Sacramento, California 95825
Telephone: 916.640.2240
Facsimile: 916.640.2241

71 Stevenson Street, 4th Floor
San Francisco, California 94105
Telephone: 415.983.5960
Facsimile: 415.983.5963

Email: info@shawlawgroup.com
Website: http://shawlawgroup.com

WOMEN OWNED

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Course/Instructor Evaluation

COMPANY/AGENCY: City of Sacramento **DATE:** _____

COURSE TITLE: Maintaining a Respectful Work Environment: EEO Compliance (AB 1825/1661)

On a scale of 1 (the lowest) to 5 (the highest), please rate the following by a checking the box that corresponds with your opinion.

The Instructor:	5	4	3	2	1
Knowledgeable about the subject matter					
Explained the material clearly					
Stimulated interest in the subject matter					
Effectiveness of Training:	5	4	3	2	1
Seminar objectives were logical and clear					
Learned new ideas and/or skills					
Seminar met my professional objectives					
Written Materials:	5	4	3	2	1
Seminar content was relevant and organized					
Contributed to the learning experience					
Will be a useful reference source for me					

What is your "overall" rating for the session? (Please circle)

Great	Good	Fair	Poor

Comments/Suggestions:

_____

_____

_____

_____

Thank you for your participation!

509459.1.00982.002

00540431.1.00982.002

POST PROFILE NAME:

TERSTEEGE, ZACHARIAH JOHN

CALIFORNIA COMMISSION ON **POST**

CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 10/23/2019

A. PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Sex	Race
C49-N42	SACRAMENTO PD			

B. CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
184746	B	10/18/2016				
140269	I	04/16/2019				

Total Number of Certificates: 2

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
07/07/2014	04/18/2015		TRN	07/07/2014	34040	SACRAMENTO PD	F	P	
04/18/2015			PO	04/18/2015	34040	SACRAMENTO PD	F	P	

*Reason for Separation: 1 = Resignation, 2 = Discharge, 3 = Retirement, 4 = Death, 5 = Felony, 6 = Other, 7 = Promotion/Demotion

D. POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/18/2014	A	2320-00100-14-001	903		Y	34040	SACTO PD		BASIC COURSE-INTENSIVE
02/13/2015	K	2320-33590-14-002	40	X	Y	34040	SACTO PD		TRAFFIC COLLISION INV
02/23/2015	K	4890-23272-14-055	8		Y	34040	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
02/26/2015	K	2320-21842-14-007	9	X	Y	34040	SACTO PD		COPLINK BASIC USERS' COURSE
05/24/2015	K	2320-20290-14-001	18		Y	34040	SACTO PD		DUI DETECTION-FIELD SOBRIETY
04/11/2016	K	2320-21955-15-006	5		Y	34040	SACTO PD		CROWD CONTROL UPDATE
04/11/2016	K	2320-30850-15-006	2		Y	34040	SACTO PD	*	TACTICAL COMMUNICATION
04/12/2016	K	2320-23750-15-006	2	X	Y	34040	SACTO PD		DOMESTIC VIOLENCE
04/13/2016	K	9180-25559-15-288	12	X	Y	34040	POST		FIRST AID/CPR (WEB)
04/13/2016	K	2320-32095-15-006	5		Y	34040	SACTO PD		FIREARMS/TACTICAL HANDGUN
04/14/2016	K	2320-20701-15-006	8		Y	34040	SACTO PD		PROCEDURAL JUSTICE
08/31/2016	K	5990-20801-16-005	8		Y	34040	FPD		CRISIS INTERVENTION
11/02/2016	K	2320-21115-16-017	18		Y	34040	SACTO PD	*	DRIVER TRAINING UPDATE
11/16/2016	K	1268-21783-16-009	8		Y	34040	ISTM		TACTICAL LIFESAVER - 8 HOUR
02/13/2017	K	2320-20762-16-009	4	X	Y	34040	SACTO PD	*	CRISIS INTERVENTION BEHAV HEALTH TRAINING SB11
02/15/2017	K	2320-29503-16-005	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
02/15/2017	K	2320-30091-16-002	5	X	Y	34040	SACTO PD		EXPLOSIVES RECOG. AND RESPONSE
02/16/2017	K	2320-29501-16-012	4		Y	34040	SACTO PD	*	FIREARM(PSP)
07/20/2017	K	9100-20800-17-001	40	X	Y	34040	CPOA		CRISIS INTERVENTION UPDATE
02/12/2018	K	2320-21798-17-002	8	X	Y	34040	SACTO PD		FIRST AID/CPR UPDATE
02/13/2018	K	2320-22308-17-002	5	X	Y	34040	SACTO PD		ACTIVE SHOOTER RESPONSE UPDATE
02/14/2018	K	2320-29501-17-020	4		Y	34040	SACTO PD	*	FIREARM(PSP)
02/14/2018	K	2320-29503-17-019	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
02/15/2018	K	2320-23025-17-002	2	X	Y	34040	SACTO PD		GENDER AWARENESS
02/15/2018	K	2950-24203-17-039	2	X	Y	34040	BUTTE CTR		CRITICAL INCIDENT FOR PATROL
05/29/2018	K	2320-23601-17-003	4	X	Y	34040	SACTO PD		SCENARIO EVALUATOR TRAINING
06/27/2018	K	2320-21115-17-047	18	X	Y	34040	SACTO PD	*	DRIVER TRAINING UPDATE
07/13/2018	K	2320-32075-18-002	18		Y	34040	SACTO PD		FIREARMS/TACTICAL RIFLE
08/14/2018	K	2320-21955-18-002	5	X	Y	34040	SACTO PD		CROWD CONTROL UPDATE
12/04/2018	K	9180-25583-18-157	2	X	Y	34040	POST		DOMESTIC VIOLENCE RESPONSE (WEB)

POST PROFILE NAME:

TERSTEEGE, ZACHARIAH JOHN

CALIFORNIA COMMISSION ON **POST**

CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 10/23/2019

D. POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/11/2018	K	1270-20272-18-056	16	X	Y	34040	CHP		ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT
02/13/2019	K	2320-21955-18-022	5	X	Y	34040	SACTO PD		CROWD CONTROL UPDATE
03/25/2019	K	2320-20762-18-007	4	X	Y	34040	SACTO PD	*	CRISIS INTERVENTION BEHAV HEALTH TRAINING SB11
03/25/2019	K	2320-23287-18-008	2	X	Y	34040	SACTO PD		RACIAL PROFILING UPDATE
03/27/2019	K	2320-29503-18-012	4	X	Y	34040	SACTO PD	*	ARSTCTL(PSP)
03/27/2019	K	2320-29501-18-012	4		Y	34040	SACTO PD	*	FIREARM(PSP)
03/28/2019	K	2320-21516-18-007	2	X	Y	34040	SACTO PD		HUMAN TRAFFICKING AWARENESS

***Meets Perishable Skills**

F. FOOTNOTES

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

A. PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)

POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date / Sex:	Self-explanatory.
Race:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

B. CERTIFICATES AWARDED

Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

C. EMPLOYMENT: Subject's employment history as indicated in POST database

Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

D. POST TRAINING: Courses attended or completed as indicated in POST database

Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

E. NON-CERTIFIED COURSES

This section will only appear if applicable.

F. FOOTNOTES

This section reserved for additional information.

210.04
GENERAL AND PROFESSIONAL CONDUCT
07-12-17

PURPOSE
The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

PREAMBLE
Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY
It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE
A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off duty shall
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
   c. Abide by all laws to include, but not limited to the Penal Code, the Health and Safety Code, and the Welfare and Institutions Code. In addition, employees shall ensure that their personal vehicles are compliant with the California Vehicle Code.
2. Employees shall
   a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
   b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.
   c. Treat other employees in the Department, regardless of rank, with the respect due to them as fellow employees.
   d. Properly perform assigned police responsibilities during a scheduled shift.
      NOTE: Improper performance or failure to perform assigned police responsibilities during a scheduled shift shall be regarded as neglect or dereliction of duty and cause for disciplinary action.
   e. Not speak slightingly or express humiliating discourtesies or derogatory comments to or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.
   f. When contacting the public in the performance of their official duties
      (1) Courteously and accurately provide all appropriate information upon request.
      (2) Respectfully provide their name, badge, and/or identification number upon request.
      (3) Impartially serve all persons coming to the attention of the Department.
   g. Remain awake while on duty. If unable to stay awake, employees shall report this fact to their supervisor, who shall determine the appropriate course of action.
      NOTE: Sleeping on duty shall be regarded as dereliction of duty and cause for disciplinary action.

h. Not lend, sell, or permit the use of their badges or credentials by other employees/persons under any circumstances.
i. Not seek the influence or intervention of any person outside the Department for purposes of personal advantage, transfer, or advancement.
j. Not use any electronic amplifying or recording device to eavesdrop upon or record the conversation of any other employee without their knowledge. This shall not prohibit the use of taping devices or electronic amplifying or recording devices during criminal investigations or other law enforcement activity in which there is no expectation of privacy.
k. Not file false, inaccurate or improper information orally or in writing, either personally or through another employee, for criminal prosecution, personal gain, or for unearned recognition, including sick or injury reports, falsification of public records, or for any other purpose.
l. Submit written reports as required by Department orders or instructions from a superior.
m. Pay their debts promptly.
n. Maintain a telephone with voicemail capability where they can be reached during any emergency requiring their services. NOTE: Employees on duty or officially on call shall be directly available by normal communication, including cellular telephones.
o. Complete an Emergency Notification Form (SPD 552) pursuant to General Order 256.01 (Address and Telephone Changes).
p. Upon notification of an emergency, report for duty as soon as reasonably possible or in compliance with the directive given upon notification.
q. Not interfere with any person arrested, case under investigation, or case being prosecuted, with the intention of doing physical harm, delaying, or preventing the case from reaching a successful conclusion in accordance with lawful procedure.
r. Not converse with arrested persons unless required by the nature of their police duties or connected with an official investigation of a case.
s. Report all facts in writing to the COP if they receive any information that the lawful prosecution of any criminal charge is being, or has been, interfered with in any manner that would indicate any unlawful compounding, compromising, or fixing.
t. Not, while on duty, suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Employees shall not
   (1) Convey communications between prisoners and their attorneys, bail bond brokers, or persons involved in a criminal or civil case of interest to this Department. A supervisory officer may exercise such authorization when an in-custody prisoner requests a specific attorney to be contacted.
   (2) Act as bailor for any person in custody where a fee, gratuity, or reward is solicited or accepted.

B. AUDIOVISUAL MEDIA FOR SOCIAL NETWORKING OR PERSONAL USE

1. All audiovisual media (e.g., film/digital images, video, etc.) captured in the performance of an employee's duties shall be considered property of the Sacramento Police Department.
2. It shall not be recorded, printed, downloaded, or distributed for an employee's personal or non-Departmental use unless used in a manner approved by the Chief of Police.
3. Employees shall not use personally-owned cameras or equipment (including cellular phone cameras) to capture audiovisual media during the performance of their duties pursuant to GO 525.04 (Use of Digital Cameras for Investigative Purposes).
4. If a situation exists in which the use of personal or non-Departmental equipment is deemed necessary, employees shall notify their supervisor.

C. GRATUITIES
1. A gratuity is defined as any gift or reduction in normal price, offered or given, whether solicited or not, because of one's position with the Police Department. These include
   a. Discounts or free food and drink (including coffee) at restaurants and drive-ins.
   b. Discounts or free admission to places of amusement (e.g., sporting events and theaters) on or off duty.
2. Employees shall not accept any gratuity as they represent a compromise of our professional status.
3. This order shall apply only to those types of gratuities that are given to employees because of their employment with the Police Department. Discount prices offered to employee groups as a normal procedure for business operations shall not be prohibited by this order.
4. Employees offered or who suspect that they have been given a gratuity shall
   a. Explain to the donor that they cannot accept a discount or gift as it is against Department policy.
   b. Ask the person(s) offering to cooperate with the Department in doing their part to eliminate this practice.
5. Supervisors who are made aware of the gratuity shall
   a. Contact the business person(s) suspected of or known to offer gratuities and advise them of the Department policy.
   b. Advise these persons that if the practice continues, it may result in officers not being allowed to frequent the establishment during duty hours. NOTE: Officers invited to various functions to speak or for other purposes as Department representatives are allowed to accept free meals.
6. Department personnel in their capacity as City employees shall not endorse products or services when they know or should reasonably know the endorsement identifying the Department will be used for advertising.

D. SUPERVISION/LAWFUL ORDERS
1. Employees are subject to the lawful supervision of all superiors.
   a. Any employee given an order in conflict with any previous order or direction shall call the conflict to the attention of the person giving the order.
   b. If that supervisor requires the order still be carried out, the employee shall comply and the responsibility for the conflict and the action taken by the employee shall rest with that supervisor.
2. Supervisors shall not knowingly issue any order that is in violation of any law, ordinance, Department order, or the Law Enforcement Code of Ethics.
3. Employees shall fulfill the functions of the Department and the office to which they are assigned and perform any lawful duty assigned by a superior.
4. The willful disobedience of any lawful order issued by a superior is insubordination.
5. Employees shall not publicly criticize instructions or orders received.
6. Employees in doubt as to the nature or details of their assignment shall seek clarification from their supervisor.

E. OFFICER RESPONSIBILITY
1. Officers shall act reasonably within the limits of their authority as defined by statute and judicial interpretations to ensure the rights of both the individual and the public are protected.
2. Officers, on or off duty, shall take appropriate police action toward aiding all fellow peace officers exposed to danger.
3. On duty officers shall
   a. Be in uniform/properly dressed and have required equipment required on/with them.
   b. Be attentive and alert to the directions of supervisors at roll call.

c. Acquaint themselves daily with the information provided by the Department (e.g., AB, IB, SNOW, etc.).
d. Respond to their given assignment promptly and remain to the end of their shift, unless otherwise relieved.
e. Be attentive to reports and complaints by citizens and take appropriate action or refer them to the appropriate person or agency.
f. Not allow prisoners or suspects access to weapons or objects readily adaptable as weapons.
g. Respond as soon as possible to calls meeting the criteria for police assistance from citizens or other officers.
(1) Failure to answer a call for police assistance promptly without justification shall be regarded as dereliction of duty and cause for disciplinary action.
(2) Except under extraordinary circumstances or when otherwise directed by a supervisor, employees shall not fail to answer any direct landline or radio call directed to them.
h. When in plain clothes, conspicuously display their badge if their firearm is exposed.

4. Off-duty officers shall perform reasonable police services pursuant to GO 570.02 (Crimes Involving Officers or Their Families).
5. Plainclothes off-duty officers shall not wear or carry their firearm conspicuously exposed.
6. On or off-duty plainclothes officers shall not draw or display their firearm in any public place except during the course of an arrest or investigation or when an officer reasonably believes it is necessary for their safety or the safety of others.
7. Officers outside the boundaries of this state for extradition or other matters of direct concern to the City shall not engage in police activities unless necessary in the performance of their extradition duties as an agent of the state, and then only after consideration of the tactical situation. If an officer does engage in police activities, he/she must notify the Department as soon as reasonably practical after taking such action.
8. The priority of call assignments depends on many factors and shall normally be the responsibility of Communications personnel and field supervisors.
a. Officers may delay responding to a call if
(1) Contacted by a citizen in need of immediate police attention.
(2) Personal observation of an event requires immediate police attention.
b. Such determination shall be based on the comparative urgency and the risk to life and property of the assigned call and the intervening incident.
c. When it is impossible for an officer to handle a citizen's concern or an observed event, the officer shall, if circumstances permit, either give directions for obtaining such assistance or initiate the necessary notifications.

F. MEALS/PERSONAL BUSINESS

1. While on duty, employees shall
a. Devote their time to the performance of police functions.
b. Not carry on personal business. Personal visitations shall only be made during the approved meal period.
c. Arrange for a meal period in accordance with the established labor agreements and the schedule made by the employees' supervisors and/or the need for police service.
d. Not play any illegal games of chance for money.
e. Not, while in uniform, shop or carry packages containing merchandise unless required in the line of duty.
f. Not leave their assigned area for any reason other than for police duties without permission from their supervisor. Approval or disapproval of the request shall be within the authority of

the supervisor and shall be based on the following considerations, including, but not limited to:
(1) Distance from the work area.
(2) Anticipated time required.
(3) Expected workload.
(4) Need for police services.

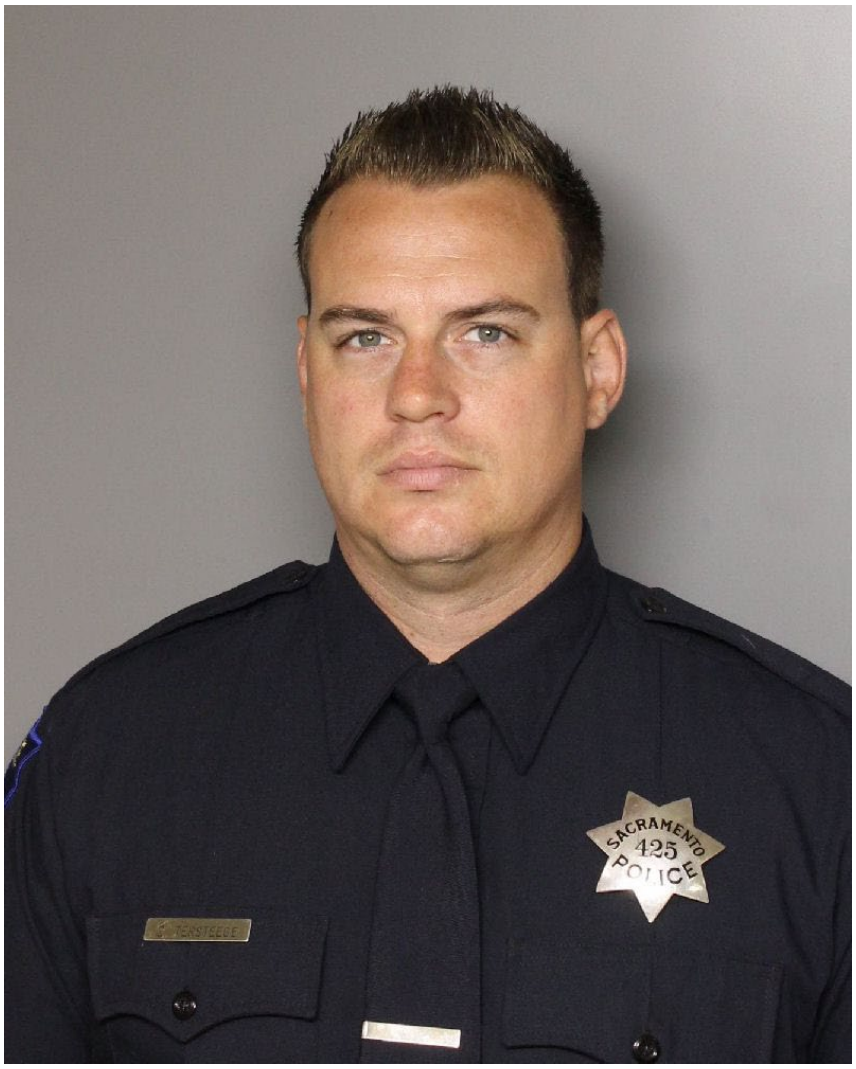
2. No more than four (4) uniformed personnel and a maximum of three (3) marked cars shall be permitted at a place of business or parked together except for official business.
3. Police Department cashiers shall not cash personal checks for employees at any time.

G. ABSENCE WITHOUT LEAVE

1. Employees shall report for duty as scheduled unless absence is authorized by a supervisor.
2. Employees shall be absent without leave upon failing to appear for duty at the date, time, and location specified without supervisory approval.
3. Supervisors shall report absences without leaves as follows:
   a. Absences of one (1) day shall be reported in writing to the respective division/watch commander.
   b. Absences in excess of one (1) day shall be reported in writing to the Chief of Police (COP).

H. ALCOHOL/DRUG IMPAIRMENT

1. Employees shall not
   a. Use or possess marijuana or marijuana products, as defined by California H&S code Section 11018.1, medical or otherwise, on or off duty.
   b. Drink alcoholic beverages to an extent that renders them unfit to report for their next regularly scheduled shift.
   Appear on duty under the influence of any alcoholic beverage or drug.
   c. While on duty, transport alcoholic beverages in a police vehicle except as evidence, property of the prisoner or suspect, or found property.
   d. Carry a firearm on or off duty when impaired due to being under the influence of alcohol, medication, or any other substance.
   e. While on duty or on call, drink any kind of intoxicating beverage or take any intoxicating drugs.
      (1) Employees shall notify their supervisor if they are taking, while on duty or on call, a prescribed medication that may impair their judgment or performance.
      (2) Supervisors shall follow GO 220.06 (Employees Suspected of Working Under the Influence - WUI) concerning the employee's fitness for duty or his/her ability to remain on call.
2. Plainclothes officers may, while on special assignment, partake of an alcoholic beverage when necessary for the performance of such assignment.
   a. The alcoholic beverage shall be consumed in moderation and officers shall not become intoxicated.
   b. Advance notice of the assignment shall be given to the Division Commander. This advance notice shall include pertinent details of the assignment, as well as the specific location(s) (if known) where the employees are going to consume alcoholic beverages.
   c. Employees working hours during which their respective division commander is not available shall give advance notice to an on-duty watch commander



Police Officer
Zachariah John Tersteege

Badge #0425 ABRA # 4199

City of SACRAMENTO
Office of Public Safety Accountability

Close Out Form

Date:	April 23, 2020
IA Case #:	Compl2019-001
OPSA Case #:	OPSA2019-0305
Complainant's Name:	Whistleblower
Employee(s) Name:	Zach Tersteege [0425]

OPSA:

☒ CLOSE CASE

☐ DO NOT CLOSE

Notes:

Sustained

Approved By:

Kevin Gardner, Interim Director
Office of Public Safety Accountability

City of
SACRAMENTO
Police Department

DANIEL HAHN
Chief of Police

5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax: (916) 808-0818
www.sacpd.org

June 5, 2020

Compl2019-001

INTENT LETTER RECEIVED
DATE 6-5-2020
EMPLOYEE JT
SUPERVISOR SO5045.

Zachariah Tersteege
5770 Freeport Blvd
Sacramento, CA 95822

Dear Officer Tersteege,

This letter is to inform you of our intent to terminate you from your position as a Police Officer and from City service. This action is based on the following facts:

1. On August 9th, 2019, the Sacramento Police Department's Internal Affairs Division received notification from the Office of Public Safety and Accountability of a "whistleblower" complaint that their office had received from the City Auditor on July 22nd, 2019. Per a memorandum from the City Auditor to the Office of Public Safety and Accountability, the City Auditor received a complaint on July 5th, 2019, stating, "[o]n July 5th, 2019 we received an allegation that Police Department employee Zach Tersteege repeatedly made racist comments about Blacks, Hispanics and other races at a party. The party was at the residence of Sergeant [redacted] In attendance were members of his patrol team and their spouses."

2. On August 15th, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Sergeant [redacted] who confirmed he hosted a social gathering at his residence on June 29th, 2019 and invited his patrol team which included you. [redacted] stated he hosted this gathering following Sacramento Police Officer Tara O'Sullivan's funeral which was held earlier in the week. [redacted] stated that people who attended this gathering included the following but were not limited to; Sacramento Police Officers [redacted] and Sergeant [redacted] wife, [redacted]

   [redacted] stated at the conclusion of this gathering, his wife, [redacted] informed him that you referred to [redacted] neighbors, who are of Asian descent, by saying, "they don't speak English, they don't know what the hell I'm talking about". [redacted] stated his wife also told him you went on a "tirade about the Chief" in referencing Sacramento Police Chief Hahn, who identifies as being a bi-racial African American, as a "nigger," which is a derogatory word used to describe people of African descent, and that you referenced comments made by Chief Hahn at Officer O'Sullivan's funeral about working with a "black group." [redacted] wife informed him that Sacramento Police Officer [redacted] told you to "knock it off" or "chill" in response to your alleged remarks. Sergeant [redacted] denied hearing these alleged remarks made by you.

   Sergeant [redacted] stated he was likely in the front of his property, escorting another officer out who was leaving and that his wife indicated you were in their backyard at the time you made these allegedly remarks. [redacted] stated approximately 1-2 weeks later, you and him spoke on the phone where you stated, "I made some inappropriate remarks in your backyard and I know your wife was present, and I want to apologize for that."

3. On August 16th, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Office [redacted] who stated that while at the above gathering at Sergeant [redacted] residence, she heard you say the word "nigger" once but could not give context in how it was said. [redacted] stated that Sacramento Police Officer [redacted] told you, "Hey you can't say that" in response to your remarks. [redacted] stated that your above remarks prompted her and [redacted] to leave the gathering.

4. On August 16th, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated that while at the above gathering at Sergeant [redacted] residence, he heard you say the word "nigger" "more than once" and that you used the word "fucking" either before or after your use of the word "nigger". [redacted] stated you had said this in a matter of 10 to 15 seconds in one or two sentences and [redacted] could not give further detail of the context in how you stated this. [redacted] stated in response to your remarks, he told you "enough" and "quiet down".

5. On August 21st, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did not hear you make any of the remarks as described above. [redacted] stated the following work week after the gathering at [redacted] residence on June 29th, 2019, Sacramento Police Officer [redacted] told him that he heard you "throw around the n-word", meaning that you used the word nigger while speaking at the party at [redacted] residence. [redacted] estimated that approximately a week after his conversation with [redacted] Sacramento Police Officers [redacted] and himself privately met with you at the Sacramento Police North Command Kinney station (3550 Marysville Boulevard) roll call room where they discussed with you about the "...language that he (you) used at – at Sarge's house" and that [redacted] stated, "...you were starting to drop the n-word," referring to you using the word nigger while speaking. [redacted] stated that you responded that you didn't remember this and attributed this to your level of intoxication.

6. On August 22nd, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he heard you say the word "nigger" "four to five times" and that you associated that word with Sacramento Police Chief Hahn and that you stated, the "people of Del Paso Heights are a bunch of niggers," as Del Paso Heights is a community of Sacramento which has a large representation of people who are African American. [redacted] stated that Sacramento Police Officer [redacted] told you to "take it back" in response to your remarks.

   [redacted] stated that you said, "...something along the lines of like they were Japanese or – or something" in reference to you making any remarks about [redacted] neighbors.

   Following the above gathering at [redacted] residence, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] in the roll call room at the Kinney station where you were confronted on your use of the "n-word" at [redacted] residence and that you responded by saying, "[y]ou know, I was – I was really intoxicated."

7. On August 23rd, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did not hear you make any of the remarks as described above. The following work week after the gathering at [redacted] residence, [redacted] stated that Sacramento Police Officer [redacted] had informed him that you "went off the rails" and that you were "dropping n-bombs" at [redacted] residence after [redacted] left party. Following this, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] in the roll call room at the Kinney station where they discussed negative attitude issues you had been having at work and you were asked, "What happened at the party?" [redacted] stated that your response to this was you were "drunk" and that it "was no big deal."

8. On August 23rd, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did

not hear you make any of the remarks as described above. Following the gathering at [redacted] residence, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] in the roll call room at the Kinney station. [redacted] stated, "It was either [redacted] who brought up the barbeque and said that he (Tersteege) had said some inappropriate and offensive stuff and had upset some people there and that he had dropped the n-bomb" and "[y]ou had used the n-bomb during the barbecue." [redacted] stated he could not remember if you had remembered or not remembered saying this during this meeting.

9. On November 13th, 2019, Internal Affairs Division (IAD) Sergeant Ryan Bullard interviewed [redacted] stated while at the gathering at Sergeant [redacted] and her residence on June 29th, 2019, she heard you make remarks that she described as "not appropriate" and as "racial remarks." [redacted] specified these remarks as "the n-word" and that you said it "probably more than once" but could not recall what or who you were talking about. [redacted] stated she heard Sacramento Police Officer [redacted] tell you, "[h]ey knock that off" and "[d]on't say that" in response to your remarks. [redacted] stated you said something about her neighbors and that someone at the gathering said to you, "[t]hat's not a language."

10. Everyone that was present at the above gathering at [redacted] residence on June 29th, 2019 and who was interviewed by Internal Affairs Division (IAD) Investigators consistently described you as drinking heavily and being highly intoxicated at this event.

11. On December 19th, 2019, Internal Affairs Division (IAD) Investigators interviewed you. You stated you had no personal issues with anyone from your patrol team that attended this event with you at Sergeant [redacted] residence on June 29th, 2019. You stated you drank approximately two mixed alcoholic beverages on the way to [redacted] residence on June 29th, 2019, as your wife drove you there.

    You stated you finished a bottle of "Jameson" whiskey while at [redacted] residence and began pouring and drinking from a bottle of "Jack Daniels" whiskey to the point where your wife took the bottle away from you and she told you "to stop drinking." You described yourself as being "blacked out drunk," which is normally referred to when someone so intoxicated that they are unable to remember their actions or events while in such a state, and that the last thing you remembered from that night was pouring yourself a drink from the "Jack Daniels" bottle.

    When asked what your opinion was at that time of Sacramento Police Chief Hahn and his handling of Sacramento Police Officer O'Sullivan's murder, you stated you felt Hahn handled it "poorly" and that you "felt abandoned." You further stated you took issue with Chief Hahn saying Officer O'Sullivan was "really good with the black community" at O'Sullivan's funeral and you didn't "understand why someone's funeral or a fallen officer's funeral needed to be a political stand."

    When asked if you said the word "nigger" at this event, you replied, "I don't recall at all." When asked if you referred to Sacramento Police Chief Hahn as a "nigger" at this event, you replied, "I do not recall." When asked if you referred to the people or citizens of Del Paso Heights or North Sacramento as "niggers" at this event, you replied, "I do not recall." When asked if you recalled anyone at this event tell you to not say that word or quiet down, you replied, "I do not recall." When asked if you made any remarks about [redacted] neighbors being Asian or some other ethnic group where it could be interpreted as derogatory, you replied, "I do not recall." When asked if you felt you violated General Order 210.04 – General and Professional Conduct (see below) in reference to your remarks from June 29th, 2019, you stated, "...I was coping with using alcohol after a traumatic event. I don't know if I said this. But if I had and I had – if I had said it? Then yes, I violated this general order" and "[i]t's completely embarrassing that somebody would even say that I said this but if I had, it's a direct violation of this general order."

As a Police Officer you are responsible to treat all people with dignity and respect, regardless of their race or cultural identity, which you have been trained on throughout your career as a police officer.

However, your actions showed a disregard for social and cultural awareness and sensitivity which is needed in your position of as a Police Officer. Your actions constitute cause for disciplinary action pursuant to the Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (o) discourteous treatment of any other City employee in a situation where an employment relationship exists at the time of the incident; (p) willful disobedience of a lawful rule, order, or direction; (u) violation of any of the provisions of the City Charter of the City relating to conduct of City employees; (w) any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

In addition, your actions were a violation of the City of Sacramento's Equal Employment Opportunity policy which states, in part:

> [..] Conduct that may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination free work environment. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

Further, your actions in this matter are in violation of the Sacramento Police Department Manual of Orders which states, in relevant part:

GENERAL ORDERS
G. O. 210.04
GENERAL ANDPROFESSIONAL CONDUCT
07-12-17

POLICY
It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off-duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE
A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off-duty shall:
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the Department or the City.
2. Employees shall:
   a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
   b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.
   e. Not speak slightingly or express humiliating discourtesies or derogatory comments or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.

You have a right to respond to this letter either orally or in writing. If you choose to respond in writing, you have until June 15, 2020, to respond to Captain McCloskey. If you choose to respond orally, your Skelly meeting is scheduled with Captain McCloskey on June 15, 2020, at 0900 hrs., in the Bill Bean Conference Room at the Hall of Justice located at 5770 Freeport Blvd, Sacramento, California 95822.

Your Skelly package contains all written materials, reports, and documents upon which this action will be based and is available for your review. If you wish to obtain a copy of your Skelly package, please contact Dawud Brewer in Labor Relations at (916) 808-1398.

It is your responsibility to request, obtain, and fully review the Skelly package prior to providing your written response, or attending your Skelly meeting. The deadline for your written response and/or Skelly meeting will not be rescheduled due to a failure on your part, or on the part of your representative to request, obtain, and/or fully review the Skelly package prior to the scheduled time.

Your response, if any, will be considered prior to the imposition of the proposed discipline.

IF YOU DO NOT RESPOND EITHER ORALLY OR IN WRITING BY THE DATE AND TIME SCHEDULED, YOU WILL HAVE WAIVED THE RIGHT TO RESPOND.

Sincerely,

Daniel Hahn
Chief of Police

APPROVED:

Howard Chan (Jun 2, 2020 15:11 PDT)

Howard Chan
City Manager

APPROVED:

Shelley Banks-Robinson
Director Human Resources

APROVED:

Aaron Donato
Labor Relations Manager

APPROVED:

Dawud Brewer
Dawud Brewer (Jun 1, 2020 12:56 PDT)

Dawud Brewer
Labor Relations Officer

cc: Human Resources, Labor Relations

City of
SACRAMENTO
Police Department

DANIEL HAHN
Chief of Police

5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax: (916) 808-0818
www.sacpd.org

MEMORANDUM

DATE: June 24, 2020

TO: Daniel Hahn, Chief of Police
Kathy Lester, Deputy Chief of Police

FROM: Bob McCloskey, Police Captain

SUBJECT: Skelly Hearing for IAD Case # 2019-001

This memorandum has been prepared to document the Skelly hearing conducted with Officer Zachariah Tersteege for the proposed termination in SPD Internal Affairs case 2019-001.

On June 22, 2020, at 0850 hours, I met with Officer Tersteege and his representative, David Mastagni Jr, an attorney from the Mastagni and Holstedt Law Firm. The hearing took place in my office at the Sacramento Police Academy at 2409 Dean Street.

Mr. Mastagni and Officer Tersteege presented their case as to why they felt the proposed discipline of termination was not appropriate. In their presentation, Officer Tersteege made it very clear that following the death of SPD Officer Tara O'Sullivan, he was using alcohol to excess and as a coping mechanism which affected his behavior and judgment. When asked by Internal Affairs investigators, Officer Tersteege did not remember making any disparaging comments regarding Chief Hahn and/or the community of Del Paso Heights. To this day, Officer Tersteege claims to have been 'blacked out drunk' to the point of being unable to remember his actions while in such a state.

During my review of the case file, I did not find any areas in the Letter of Intent which were not factually supported with evidence. Most of that evidence came from Officer Tersteege's own team members who personally witnessed the unprofessional behavior. Based on my review, I do not propose any changes to the Letter of Intent.

City of
SACRAMENTO
Police Department

KATHERINE LESTER
Chief of Police

5770 Freeport Blvd., Suite 100
Sacramento, CA 95822-3516

(916) 808-0800
Fax: (916) 808-0818
www.sacpd.org

REVISED
February 10, 2022

July 16, 2020
Compl2019-001

Final Letter Received
Date 2/14/22
Employee 2-14-2022 ZACK TERSTEEGE
Supervisor #5009

Zachariah Tersteege
5770 Freeport Blvd
Sacramento, CA 95822

Dear Officer Tersteege,

This letter is to inform you that you are hereby suspended without pay for one hundred and sixty (160) hours from your position as a Police Officer and from City service. This action is based on the following facts:

1. On August 9, 2019, the Sacramento Police Department's Internal Affairs Division received notification from the Office of Public Safety and Accountability of a "whistleblower" complaint that their office had received from the City Auditor on July 22, 2019. Per a memorandum from the City Auditor to the Office of Public Safety and Accountability, the City Auditor received a complaint on July 5, 2019, stating, "[o]n July 5, 2019 we received an allegation that Police Department employee Zach Tersteege repeatedly made racist comments about Blacks, Hispanics and other races at a party. The party was at the residence of Sergeant [redacted] In attendance were members of his patrol team and their spouses."

2. On August 15, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Sergeant [redacted] who confirmed he hosted a social gathering at his residence on June 29, 2019 and invited his patrol team which included you. [redacted] stated he hosted this gathering following Sacramento Police Officer Tara O'Sullivan's funeral which was held earlier in the week. [redacted] stated that people who attended this gathering included the following but were not limited to: Sacramento Police Officers [redacted] and Sergeant [redacted] wife, [redacted]

   [redacted] stated at the conclusion of this gathering, his wife, [redacted] informed him that you referred to [redacted] neighbors, who are of Asian descent, by saying, "they don't speak English, they don't know what the hell I'm talking about". [redacted] stated his wife also told him you went on a "tirade about the Chief" in referencing Sacramento Police Chief Hahn, who identifies as being a bi-racial African American, as a "nigger," which is a derogatory word used to describe people of African descent, and that you referenced comments made by Chief Hahn at Officer O'Sullivan's funeral about working with a "black group." [redacted] wife informed him that Sacramento Police Officer [redacted] told you to "knock it off" or "chill" in response to your alleged remarks. Sergeant [redacted] denied hearing these alleged remarks made by you.

   Sergeant [redacted] stated he was likely in the front of his property, escorting another officer out who was leaving and that his wife indicated you were in their backyard at the time you made these allegedly remarks. [redacted] stated approximately 1-2 weeks later, you and him spoke on the phone where you

stated, "I made some inappropriate remarks in your backyard and I know your wife was present, and I want to apologize for that."

3. On August 16, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated that while at the above gathering at Sergeant [redacted] residence, she heard you say the word "nigger" once but could not give context in how it was said. [redacted] stated that Sacramento Police Officer [redacted] told you, "Hey you can't say that" in response to your remarks. [redacted] stated that your above remarks prompted her and [redacted] to leave the gathering.

4. On August 16, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated that while at the above gathering at Sergeant [redacted] residence, he heard you say the word "nigger" "more than once" and that you used the word "fucking" either before or after your use of the word "nigger". [redacted] stated you had said this in a matter of 10 to 15 seconds in one or two sentences and [redacted] could not give further detail of the context in how you stated this. [redacted] stated in response to your remarks, he told you "enough" and "quiet down".

5. On August 21, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did not hear you make any of the remarks as described above. [redacted] stated the following work week after the gathering at [redacted] residence on June 29, 2019, Sacramento Police Officer [redacted] told him that he heard you "throw around the n-word", meaning that you used the word nigger while speaking at the party at [redacted] residence. [redacted] estimated that approximately a week after his conversation with [redacted] Sacramento Police Officers [redacted] and himself privately met with you at the Sacramento Police North Command Kinney station (3550 Marysville Boulevard) roll call room where they discussed with you about the "...language that he (you) used at – at Sarge's house" and that [redacted] stated, "...you were starting to drop the n-word," referring to you using the word nigger while speaking. [redacted] stated that you responded that you didn't remember this and attributed this to your level of intoxication.

6. On August 22, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he heard you say the word "nigger" "four to five times" and that you associated that word with Sacramento Police Chief Hahn and that you stated, the "people of Del Paso Heights are a bunch of niggers," as Del Paso Heights is a community of Sacramento which has a large representation of people who are African American. [redacted] stated that Sacramento Police Officer [redacted] told you to "take it back" in response to your remarks.

   [redacted] stated that you said, "...something along the lines of like they were Japanese or – or something" in reference to you making any remarks about [redacted] neighbors.

   Following the above gathering at [redacted] residence, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] in the roll call room at the Kinney station where you were confronted on your use of the "n-word" at [redacted] residence and that you responded by saying, "[y]ou know, I was – I was really intoxicated."

7. On August 23, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did not hear you make any of the remarks as described above. The following work week after the gathering at [redacted] residence, [redacted] stated that Sacramento Police Officer [redacted] had informed him that you "went off the rails" and that you were "dropping n-bombs" at [redacted] residence after [redacted] left party. Following this, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] in the roll call room at the Kinney station where they discussed negative attitude issues you had been having at work and you were asked, "What happened at the party?" [redacted] stated that your response to this was you were "drunk" and that it "was no big deal."

8. On August 23, 2019, Internal Affairs Division (IAD) Investigators interviewed Sacramento Police Officer [redacted] who stated while at the above gathering at Sergeant [redacted] residence, he did not hear you make any of the remarks as described above. Following the gathering at [redacted] residence, [redacted] confirmed being part of a private meeting with you, Sacramento Police Officers [redacted] and [redacted] in the roll call room at the Kinney station. [redacted] stated, "It was either [redacted] or [redacted] who brought up the barbeque and said that he (Tersteege) had said some inappropriate and offensive stuff and had upset some people there and that he had dropped the n-bomb" and "[y]ou had used the n-bomb during the barbecue." [redacted] stated he could not remember if you had remembered or not remembered saying this during this meeting.

9. On November 13, 2019, Internal Affairs Division (IAD) Sergeant Ryan Bullard interviewed [redacted] stated while at the gathering at Sergeant [redacted] and her residence on June 29, 2019, she heard you make remarks that she described as "not appropriate" and as "racial remarks." [redacted] specified these remarks as "the n-word" and that you said it "probably more than once" but could not recall what or who you were talking about. [redacted] stated she heard Sacramento Police Officer [redacted] tell you, "[h]ey knock that off" and "[d]on't say that" in response to your remarks. [redacted] stated you said something about her neighbors and that someone at the gathering said to you, "[t]hat's not a language."

10. Everyone that was present at the above gathering at [redacted] residence on June 29, 2019 and who was interviewed by Internal Affairs Division (IAD) Investigators consistently described you as drinking heavily and being highly intoxicated at this event.

11. On December 19, 2019, Internal Affairs Division (IAD) Investigators interviewed you. You stated you had no personal issues with anyone from your patrol team that attended this event with you at Sergeant [redacted] residence on June 29, 2019. You stated you drank approximately two mixed alcoholic beverages on the way to [redacted] residence on June 29, 2019, as your wife drove you there.

    You stated you finished a bottle of "Jameson" whiskey while at [redacted] residence and began pouring and drinking from a bottle of "Jack Daniels" whiskey to the point where your wife took the bottle away from you and she told you "to stop drinking." You described yourself as being "blacked out drunk," which is normally referred to when someone so intoxicated that they are unable to remember their actions or events while in such a state, and that the last thing you remembered from that night was pouring yourself a drink from the "Jack Daniels" bottle.

    When asked what your opinion was at that time of Sacramento Police Chief Hahn and his handling of Sacramento Police Officer O'Sullivan's murder, you stated you felt Hahn handled it "poorly" and that you "felt abandoned." You further stated you took issue with Chief Hahn saying Officer O'Sullivan was "really good with the black community" at O'Sullivan's funeral and you didn't "understand why someone's funeral or a fallen officer's funeral needed to be a political stand."

    When asked if you said the word "nigger" at this event, you replied, "I don't recall at all." When asked if you referred to Sacramento Police Chief Hahn as a "nigger" at this event, you replied, "I do not recall." When asked if you referred to the people or citizens of Del Paso Heights or North Sacramento as "niggers" at this event, you replied, "I do not recall." When asked if you recalled anyone at this event tell you to not say that word or quiet down, you replied, "I do not recall." When asked if you made any remarks about [redacted] neighbors being Asian or some other ethnic group where it could be interpreted as derogatory, you replied, "I do not recall." When asked if you felt you violated General Order 210.04 – General and Professional Conduct (see below) in reference to your remarks from June 29, 2019, you stated, "…I was coping with using alcohol after a traumatic event. I don't know if I said this. But if I had and I had – if I had said it? Then yes, I violated this general order" and "[i]t's completely embarrassing that somebody would even say that I said this but if I had, it's a direct violation of this general order."

As a Police Officer you are responsible to treat all people with dignity and respect, regardless of their race or cultural identity, which you have been trained on throughout your career as a police officer. However, your actions showed a disregard for social and cultural awareness and sensitivity which is needed in your position of as a Police Officer. Your actions constitute cause for disciplinary action pursuant to the Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (o) discourteous treatment of any other City employee in a situation where an employment relationship exists at the time of the incident; (p) willful disobedience of a lawful rule, order, or direction; (u) violation of any of the provisions of the City Charter of the City relating to conduct of City employees; (w) any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

In addition, your actions were a violation of the City of Sacramento's Equal Employment Opportunity policy which states, in part:

> [..] Conduct that may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination free work environment. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

Further, your actions in this matter are in violation of the Sacramento Police Department Manual of Orders which states, in relevant part:

GENERAL ORDERS
G. O. 210.04
GENERAL ANDPROFESSIONAL CONDUCT
07-12-17

POLICY
It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off-duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE
A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off-duty shall:
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the Department or the City.
2. Employees shall:
   a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
   b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.

e. Not speak slightingly or express humiliating discourtesies or derogatory comments or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.

A copy of this letter will be placed in your personnel file.

Sincerely,

Katherine Lester
Chief of Police

APPROVED:

Steve Oliveira, Deputy Chief
Office of Operations

APPROVED:

Aaron A. Donato (Feb 9, 2022 17:45 PST)
Aaron Donato
Labor Relations Manager

APPROVED:

Christen Snyder
Labor Relations Officer

cc: Human Resources, Labor Relations

In the Matter of the Arbitration Between **SACRAMENTO POLICE DEPARTMENT** - and - **SACRAMENTO POLICE OFFICERS ASSOCIATION** Discharge of Zachariah Tersteege	**DECISION AND AWARD** **November 6. 2021** **CSMCS Case No. ARB-20-0020**

Appearances: Kathleen T. Rogan, Sr. Deputy City Attorney, for Sacramento Police Department; David E. Mastagni, Esq., Mastagni Holstedt, for Sacramento Police Officers Association and Zachariah Tersteege

Before: Robert Bergeson, Impartial Arbitrator

This unfortunate matter concerns termination of Zach Tersteege (Appellant) from employment as a police officer with Sacramento Police Department (Department).[1] Appellant's rights herein are pursuant generally to provisions of the labor agreement between the City of Sacramento (City) and Sacramento Police Officers Association (Association or POA).

BACKGROUND

Appellant began his employment with the Department on or about July 7, 2014. About 10 years prior to that Appellant served full time in the U.S. Navy and has continued such service ever since.

On October 18, 2016, Appellant was given a letter of commendation for his efforts in assisting in the resuscitation of a shooting victim in a bar. On January 24, 2019, Appellant received a similar commendation for attempting to similarly save the life of a victim of gas leakage at an apartment building. [redacted]

[1] "Appellant" is this arbitrator's term. City rules governing this proceeding do not provide a definition for one in Teersteege's shoes so the parties' briefs refer to him as "Mr. Tersteege." My use of different terminology is simply for purposes of expediency.

Scanned 11-12-21

[redacted]

The instant record indicates that while working for the Department, Appellant's formal performance evaluations were consistently at least satisfactory overall with his penultimate evaluation of June 22, 2018 and his final evaluation of December 20, 2018 rating him exceeds standards in half of the 16 categories.

On June 19, 2019, Appellant and others including Officer Tara O'Sullivan were dispatched to a domestic dispute at a private residence in Elk Grove. The facts surrounding what occurred upon their arrival were not thoroughly fleshed out at the instant hearing but Appellant's short narrative of that while testifying in this proceeding was uncontested and he has not been charged with misconduct as to his involvement.[2]

According to Appellant, when he used a side gate to become the first officer to make his way to the back yard of the house, he passed a man who did nothing to suggest he might be a threat to the arriving officers. However, as Appellant made his way toward the back door, he heard a shot ring out whereupon he turned to see O'Sullivan on the ground and a gun in the hands of the man. Fearing that he might become the next officer down, Appellant ran to a pile of gutters he initially thought were made of metal and which he hoped to use to propel himself over the fence but when the gutters proved to be plastic and the pile therefore could not support his weight, he slid off it. Although the gutters did serve as somewhat of a temporary shield during a gunfight which then ensued, Appellant was unable to render assistance to O'Sullivan who had succumbed to the close-range gunshot administered by the suspect.[3]

It is beyond dispute that the event was a catastrophic one for everyone involving as it did the first on-duty death of a Department officer in many years. Appellant testified it was particularly stressful to him in that he experienced and continues to experience feelings of guilt for having passed

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[2] [redacted]

[3] After killing O'Sullivan and apparently firing multiple shots at Appellant and others, the suspect barricaded himself in the house for more than 50 minutes before eventually surrendering.

the assailant without endeavoring to take the man into custody. Appellant further testified that, as a result, after previously being generally a social drinker, he began consuming about two bottles of whiskey per day.

On the morning of June 29, 2019, a walk-through of the shooting scene was conducted in which Appellant participated. That evening, Sgt. [redacted] and his wife [redacted] hosted a barbeque and swim party at their home in Elk Grove partially as a means to foster comradery among the officers involved with the shooting. Appellant's wife drove him to the [redacted] home during which, testified Appellant, he engaged in what had become a daily practice of significant liquor consumption. Additional alcoholic beverages were made available by the [redacted] family and Appellant continued drinking during his time at their house. Appellant admits that he also brought a whiskey bottle with him and continued imbibing and, in so doing, became significantly inebriated and could not thereafter recall much of what occurred later that night at the [redacted] house.[4]

Appellant's mother did not testify in arbitration but, according to Appellant, she was at his house the following morning and immediately upon seeing her son chastised him for some comments he made the night before. When Appellant asked his mother what comments she was referring to, she cited use of the word "nigger" in reference to someone.

On July 5, 2019, an anonymous message was placed on the City of Sacramento's whistle blower hotline stating that Appellant, who is white, had made disparaging remarks about Blacks and possibly other non-white ethnic groups while at the [redacted] home. The Department was advised of that message the following August 9 and an internal affairs investigation ensued.

Although none of those interviewed testified at the present hearing, the instant parties stipulated that transcripts of their IA interviews "shall be admissible for all purposes and considered to the same extent as if the individuals had testified to the information set forth in the respective statements." As such, those transcripts are deemed to be direct evidence for the making of findings of fact herein.

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Appellant stated during his December 19, 2019 internal affairs interview that he recalled finishing a bottle of Jameson whiskey while at the [redacted] house and then drinking from another bottle of Jameson before his wife took that bottle away from him. Appellant told IA investigators that was the last thing he could recall about the June 29 event.

Later in 2019, the Department's Criminal Intelligence Unit (CIU) began a four-month review of video from Appellant's body worn camera and vehicle camera. As indicated in joint exhibit S, a February 4, 2020 memorandum from Sergeant Chris Baptista to among others Capt. Dan Monk of the Office of the Chief, four thousand and seventeen such videos were reviewed. Of those 4,017 videos, six were identified as having perhaps involved racially insensitive comments on the part of Appellant. On two occasions, Appellant admonished Black male subjects that if they wanted respect from him, they needed to refrain from referring to him as "nigger." On another occasion, what appears to have been a Black woman interrupted a conversation between Appellant and her daughter and referred to the daughter as a "nigger" and Appellant replied, "Now you're being rude. I'm just having a conversation with her. I didn't call anyone a nigger . . ." According to the memo, on a fourth occasion, Appellant said to another officer, "This seems like their [sic] nice people, right? You don't find too many people like that in Del Paso. So these are ones you want to do whatever you can to help them out." A fifth occasion identified in the memo involved Appellant similarly saying to a fellow officer about a white female juvenile, "She comes in here and starts talking like . . . she's black, saying ['] I wanna smoke weed, I wanna do this, brah, brah, brah." The sixth event identified in the memo involved Appellant saying, "The white people out here are fucking crazy, dude."

Via a July 16, 2020 letter from Chief Daniel Hahn, who identifies as being of African American descent, Appellant was discharged from employment with the Department.

Through the offices of the State Mediation and Conciliation Service the parties subsequently selected the undersigned to decide Appellant's appeal of that termination decision.

ISSUE

By stipulation of the parties, the issue before me is whether there was just cause for the discipline imposed and, if not, what is the appropriate remedy.

RELEVANT PROVISIONS OF LABOR AGREEMENT BETWEEN THE CITY AND SACRAMENTO POLICE OFFICERS ASSOCIATION

ARTICLE 21 - DISCIPLINE

* * *

21.1 IN-LIEU DISCIPLINE PROGRAM

* * *

21.2 LETTER OF REPRIMAND

* * *

b. A letter of reprimand will be withdrawn from an employee's official personnel file eighteen (18) months from the date of issue provided there has not been additional formal discipline imposed during the eighteen-month period. If an employee is the subject of additional discipline in the eighteen-month period, the eighteen-month period will restart on the date of the new discipline in imposed.

21.3 APPEALS OF FORMAL DISCIPLINE ABOVE A LETTER OF REPRIMAND

* * *

b. Formal Arbitration Hearing

(1) The City and the Association agree to a hearing process which utilizes a third party neutral arbitrator. * * *

* * *

(4) The decision of the arbitrator, which shall be presented as the joint recommendation of the parties, shall be advisory to the Civil Service Board.

c. Both the expedited and formal arbitrations will be held in accordance with the following:

(1) The hearings will be conducted pursuant to Rule 12.1 through 12.8 of the Rules and Regulations of the Civil Service Board. The arbitrator may only sustain, modify or deny the discipline that is being appealed.

(2) The arbitrator's decision becomes the jointly recommended

proposed decision or the parties may agree to enter into a settlement agreement which adopts the arbitrator's decision.

* * *

PROVISIONS OF THE RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD CITED IN THE NOTICE OF TERMINATION

RULE 12 - DISCIPLINARY ACTIONS, APPEALS, AND HEARING PROCEDURE

* * *

12.2 Causes for Disciplinary Action - Any employee may be disciplined for just cause, including but not limited to the following forms of conduct if found to exist:

* * *

(o) Discourteous treatment of any other City employee in a situation where an employment relationship exists at the time of the incident;

(p) Willful disobedience of a lawful rule, order or direction;

* * *

(u) Violation of any of the provisions of the City Charter of the City relating to conduct of City employees;

* * *

(w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service.

PROVISIONS OF THE CITY'S EQUAL EMPLOYMENT OPPORTUNITY POLICY CITED IN THE NOTICE OF TERMINATION

Conduct which may, under certain circumstances, constitute harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, displaying indecent gestures, pictures, cartoons, posters or material, making inappropriate

physical contact, or using written material or City equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to City policy and to the City's commitment to a discrimination free work environment. Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

PROVISIONS OF DEPARTMENT GENERAL ORDER 210.04 CITED IN THE NOTICE OF TERMINATION

GENERAL AND PROFESSIONAL CONDUCT

* * *

POLICY

It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off-duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off-duty shall:
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the Department of the City.
2. Employees shall:
   a. Serve the public by direction, counsel, and example that does not interfere with the discharge of their police responsibilities. They shall respect and protect the rights of individuals and perform their services with honesty and integrity.
   b. Be responsible for establishing and maintaining a high spirit of cooperation and respect for others throughout the Department.
   c. Not speak slightingly or express humiliating discourteousness or derogatory comments or engage in any harassing behavior towards any person. Employees should refrain from the use of profanity.

DISCUSSION

It is undisputed that the City bears the burden of proof here in the sense of production of evidence to buttress the charges leveled against Appellant and the making of persuasive arguments in support of those allegations. In that regard, relevant here is that Appellant had received no prior discipline during his tenure with the Department.[5] For that reason and others, a fundamental question is whether what Appellant said at the June 29, 2019 barbeque at the [redacted] residence was in and of itself justification or "just cause" for what is often referred to as summary discharge. After considerable deliberation about that under the circumstances presented to me, it is my considered opinion that it is not.

The City's Position Herein

The City's rationale for terminating Appellant's employment is premised on the following testimony to internal affairs investigators and at the instant arbitration hearing.

During the internal affairs investigation, Ofc. [redacted] stated he heard Appellant use the "N word" multiple times. Although [redacted] did not hear Appellant use the offensive language because he was apparently in the front yard of the house at the time, [redacted] heard Appellant use the word more than once. Ofc. [redacted] stated Appellant was "definitely drunk" and although others were also consuming alcoholic beverages, "They all seemed to act and be their normal selves." Ofc. [redacted] did not hear Appellant use the N-word but heard from others who did that they "wanted to arrange an intervention of sorts." Ofc. [redacted] told IA investigators he heard Appellant use the N-word "several times" in reference to Chief Hahn and, said [redacted] no one at the table besides Appellant appeared to be intoxicated. Ofc. [redacted] stated she heard Appellant use the N-word but so acknowledged only after first telling investigators she did not hear Appellant say anything which, in her opinion, would have warranted an IA investigation.[6]

The City points out that during his testimony herein, Chief Hahn stated "We cannot have somebody that quite possibly could have racist ideologies in our department because one, we hold

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5 [redacted]

6 It is apparent from various IA interviews that Appellant's comment about Chief Hahn must have occurred sometime between 10:00 p.m. and 11:00 p.m. by which time some of those who attended the get together had left.

people's freedom in our hands and oftentimes lives in our hands, and we need to maintain the trust of our community . . ." The City further cites Hahn's testimony that in his many years with the Department, he has never heard another officer use the offensive terminology which Appellant used. Hahn testified he did not view Appellant's comments as a cry for help but rather "revelatory of racism."

The City further cites City Manager Howard Chan's arbitration testimony that "it is a constant battle for us . . . to gain the trust of the community that we not all those things that they say we are [including] racist . . ." so that "We cannot have [an officer who used racist language] in our department."

From the above, the City asserts the following conclusions should be drawn.

At a "work-related social event," Appellant "engaged in a drunken rant during which he called his boss, Police Chief Hahn, a 'nigger' and the people in Del Paso Heights a bunch of 'niggers'." Although "the heartbreak of losing a comrade . . . is worthy of sympathy and sadness, [it] cannot excuse" Appellant's conduct. Appellant "was not the only officer involved in the shooting, yet he was the only one who chose to use racist language to express his anger toward the chief of police and those in the neighborhood where the shooting occurred."[7]

The City avers that "There can be no doubt that [Appellant] uttered one of the most heinous racial epithets that can be spoken in this country" and what is "particularly troubling about [Appellant's] testimony is that: 1) he claims to remember absolutely nothing by virtue of his inebriation, 2) because he cannot remember anything, he has not taken responsibility for his racist rant and actually doubts the truthfulness of his own colleagues, [and] 3) he calls into question the veracity of . . . [redacted] who was *not* inebriated at the barbeque . . ." Moreover, says the City, Appellant "discounted the facts" that Chief Hahn was out of the country at the time of Ofc. O'Sullivan's shooting and "that the acting chief, Dave Peletta, had reached out to [Appellant] and those involved in the shooting that same day."

What Appellant said "cannot be erased," argues the City, and "if he remained on the force

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[7] Some of the involved officers took umbrage with what they felt was an absence of emotional support from Hahn and surmised that he blamed them for O'Sullivan't death.

they will come to light . . . and disparage the department and all it is trying to do to regain public trust." Although Appellant argues he could be given a desk job in lieu of his old patrol function, "[r]eturning [him] to work sends a message to the rest of the [Department] that there are times when calling someone a 'nigger' is ok, that the term is not really racist."

While the City makes some excellent points, certain of what it argues is unsupported by the evidence record and the City also ignores various persuasive arguments advanced by the POA.

Appellant's Credibility

As the Association points out in its brief, the City's decision to terminate Appellant's employment was in no way grounded upon an accusation of dishonesty. Nevertheless, as mentioned above, the City now contends that Appellant's testimony is brought into question because he "claims" not to recall what occurred at the barbeque after a certain point or, to put it colloquially, after he blacked out from what it is undisputed was an overindulgence of alcohol.

Not only is the termination notice devoid of an accusation of dishonesty, the City has provided nothing from which to discredit Appellant about having a blackout. Had expert opinion been offered from which to make such a finding, perhaps this City contention could be sustained. However, no such evidence exists and to the extent this record contains relevant evidence, it is to the contrary in the sense that it is undeniable that Appellant had been drinking heavily not only on the day in question but on days prior. Further, it appears that, from the get-go, Appellant has admitted to having acted in perhaps a less than optimal manner on both June 19 and June 29.[8] As such, Appellant cannot be found to have been dishonest while on the witness stand in this proceeding.

The Extent to Which Appellant Used the "N-word" in Reference to Chief Hahn

Although Appellant testified he could not recall having done so, based on what he heard from others including his mother, he has never denied doing so. The question, therefore, is whether Appellant used that word just once or multiple times and what the context was. Some IA interviewees who were at or near the relevant table indicated they did not hear the word at all.

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[8] It should be further noted that, as with dishonesty, the termination was not at all based on an accusation of a June 19 tactical failure by Appellant. From this record it appears that only Appellant himself questioned his actions on that date.

[redacted] recalled that Appellant used it more than once and [redacted] heard it "several" times. Preponderant evidence is therefore that Appellant likely used the word two or three times and likely in successive sentences.

Significance of Appellant's Comment in Reference to the Chief and Appellant's Comment About Neighbors of Sgt. [redacted]

As the City contends, also undisputed is that in so referring to a Black superior officer, Appellant used about as vile a term as exists in modern American society and, as the City also argues, the Department's condonation of the use of such language by someone of another race as occurred here would be particularly egregious. The City also asserts that Appellant made racist comments about residents of Del Paso Heights, which is apparently a racially diverse community in which Appellant patrolled. The City's reliance on evidence presented to internal affairs appears to rely on such diversity in ascribing racial animus to Appellant's comments. The relevance thereof goes to Chief Hahn's belief that Appellant could harbor bigotry and whether, if that is so, the Department can tolerate such a person working as a police officer. The findings made hereafter on that point are based on a review of IA statements made by percipient witnesses as opposed to the City's characterization of those statements.

[redacted] overheard the brief relevant discussion but since she was "multitasking" in hosting the event, she was not focused on the conversation. According to her memory, [redacted] heard Appellant "[say] something about our neighbors and then he said something [else] and then someone said, 'That's not a language' or something like that." Beyond that, [redacted] could not recall specifics and the reason can be attributed to her not having been interviewed until November 13, 2019, or nearly five months later. In contrast, her husband [redacted] was interviewed on August 15, or only about six weeks after the event.

Sgt. [redacted] indicated during his IA interview that he and [redacted] "have Asian neighbors on each side." He also indicated that the family behind the [redacted] home is Hispanic. Although [redacted] was in the front of the house bidding goodbye to Officer [redacted] and so did not overhear Appellant's intolerable comments, the sergeant informed IA personnel that immediately after the last guest had left, [redacted] approached him about Appellant's behavior. In salient part, [redacted] told the following to the investigators.

> [N]ow, I recall kind of how it got started. I guess the team was talking about some remarks that were said during the funeral by the Chief, [about] how Tara [O'Connell] had interacted or specifically worked with a black group, and they thought that was inappropriate, and that's what kind of led to that remark by [Appellant] about the Chief, so . . . it kind of was, "Hey, you know, you got to be careful. His neighbors are over here," and he's like, "Oh, they don't speak English anyway so what's it matter?"

[redacted] IA interview at lines 504-511.

Consistent with Officer [redacted] having heard from someone that a sort of "intervention" was called for under the circumstances, Ofc. [redacted] August 16, 2019 IA interview, he opined that, "[Appellant] needs help dealing with the emotional stuff that's going on inside of him[,] that's eating at him and causing him to maybe act the way he's acting. . . * * * I mean, you know, just emotional and angry." See lines 300-303. [redacted] later added, "I also understand that he's dealing with some stuff and he needs more help." Referencing lines 613-614 if that interview.

From the above, the following conclusions are made.

First of all, notwithstanding that Appellant may have made some arguably inappropriate ethnic-based comments about residents of Del Paso Heights prior to June 29, 2019, his ethnically based comments made on the latter date were directed at neighbors of Sgt. [redacted] who resided not in Del Paso Heights but in Elk Grove. Those comments did not involve use of a racial epithet and were clearly made not about African Americans (whose command of English would not have been in question) but about Hispanics and/or Asians. Moreover, it appears they came in the context of a discussion which involved what at least some present believed to have been inappropriate remarks by Chief Hahn during Tara O'Sullivan's funeral two days before.

So finding is not meant to exculpate Appellant from blame for the offensive word he used in reference to Chief Hahn but simply as a segue into the following discussion as to the questionable manner in which the City handled this matter.

Failure to Direct Appellant to the Type of Counseling Envisioned in G.O. 570.03

As the POA argues, Department General Order (G.O.) 570.03 is unquestionably relevant to the instant circumstances. That policy is hereby quoted.

POST-TRAUMA RESPONSE

06-14-01

PURPOSE
To provide guidelines for post-trauma response and peer support for employees experiencing a traumatic incident.

POLICY
To place the highest priority on the general well-being of Department employees affected by traumatic incidents.

PROCEDURE

A. DEFINITION
TRAUMATIC INCIDENT - Any event or situation that is likely to be emotionally overwhelming to a Department employee.

B. EMPLOYEE INVOLVED TRAUMATIC INCIDENT

* * *

5. The division/watch commander shall either:

a. contact Occupational Health and Safety (1-800-227-1060) to schedule a *mandatory* appointment with a *psychologist* for the involved employee(s) within 72 hours of the event and notify PSD that the appointment has been made.

b. request PSD make the *necessary* appointment.

c. provide helpful information to the employee regarding possible psychological reactions to the incident.

d. provide the employee with stress management techniques to aid the return to work.

e. not furnish information to the Department regarding the visit unless it is determined that the employee is experiencing complications which may result in a danger to self or others.

6. If the *psychologist* determines that the employee is experiencing complications which may result in a danger to himself/herself, the *psychologist* will notify the Captain, PSD, and a fitness for duty examination shall be arranged through the Personnel Department, Workers Compensation Division.

* * *

Italics added by the arbitrator.

The introductory phrase in section 5 makes clear that Appellant's division/watch commander should have performed one of the functions thereafter listed. It is unclear from this evidence record whether that management representative acted in accord with subsections 5c, 5d or 5e above but it is presumed from Appellant's testimony that because he told multiple individuals he was "fine" after

the shooting that superior officer was so informed. However, to paraphrase the Association, even if Appellant did so, that agent for the chief merely acted according to the proverbial letter of the "law" while ignoring its substance.

Read in context, the subparts of General Order 570.03 section 5 were written in the order of the severity of the "employee involved traumatic incident." With the possible exception of the actual killing of someone by a police officer, it is inconceivable there could be a more traumatic shooting event than that in which Appellant was involved.

Various officers told IA investigators how extraordinarily stressed they had observed Appellant to be. Notably, G.O. 570.03 states that traumatic incidents as defined in its initial subsections are to be addressed not simply via inquiring whether the officer is all right, but through a "mandatory" or "necessary" referral by the division/watch commander or by PSD on the former's behalf *to a psychologist*.

Although a June 5, 2020 letter "to whom it may concern" from [redacted] (joint exhibit J) indicates, *inter alia*, that she had counseled Appellant from weekly to monthly since March 2017 and the two had extensively discussed the June 29, 2019 event and Appellant's subsequent offensive words, that is not what is contemplated in 570.03. Ms. [redacted] and although nothing on this record suggests she is not a competent one, she is not a psychologist and G.O. 570.03 explicitly requires someone with that type of certification.

Had Appellant been directed to see a psychologist, that person could have performed the same function as did [redacted], perhaps supplemental to [redacted]. Beyond that, 570.03 contemplates that such psychologist could recommend a fitness for duty examination be made through the Personnel Department's Worker's Compensation Division. While the apparent reason for involvement of Personnel is therefore the chance of a work-related disability retirement, it also seems to the undersigned that involving that other department might allow for the possibility of Appellant working as a civilian elsewhere within the City.[9]

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[9] As to Appellant's ability to continue to serve as a police officer, by letter of August 23, 2019 from Assistant District Attorney Michael Neves, Chief Hahn was notified that office intended to place Appellant on its "*Brady* Index." Neves's letter was prompted by Hahn's notification to the D.A. that Appellant "may

It is not unreasonable to think that, as the Association argues, had Appellant been directed to see a psychologist within 72 hours of the shooting, the event for which termination was imposed might even have been averted. However, it appears as though regardless of extenuating circumstances, the Department was determined to discharge Appellant.[10]

Other Mitigating Circumstances

Although the City's brief mentions certain testimony by Howard Chan, ignored by the City is that the City manager also stated that "in a meeting with Chief Hahn and [the City's] labor relations team about the level of discipline being recommended and why" . . . the only "level" brought up was termination. Consistent with that testimony, it appears as though everyone involved in the decision making process decided that one incident of use of an offensive racist term in reference to the chief of police required in and of itself imposition of the most severe of penalties. With due respect to those officials, such an approach is inconsistent with the weight of arbitral theory involving the just cause standard.

As discussed generally in Chapter 8 of Brand and Biren, DISCIPLINE AND DISCHARGE IN ARBITRATION, 2d ed. (BNA, 2008), summary termination based solely on comments made is generally upheld only when it involves threats of violence. Here, Appellant's remarks were not only bereft of any mention of violence, they were devoid of anything approximating a threat of any kind. In the absence of threatening verbiage, the published cases suggest that use of racist language will in and of itself justify termination only where it is "habitual." Although that term is less than precise, it patently means more than just a single instance of the racist language. Accordingly, when, as here, there is merely a single event of intolerable language, there must be a "close analysis of the

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have material in his personnel file subject to disclosure under *Brady v. Maryland* (1963) 373 U.S. 83."

Not only do the parties make no mention of that letter in their briefs, it does not say the D.A.'s office would have prevented Appellant from testifying in criminal court should he remain a police officer and the Neves letter is mentioned simply in the event Appellant might be deemed fit for continued service as a police officer.

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Chief Hahn testified only that the traumatic event in which Appellant had been involved 10 days prior to the barbeque was considered during a previous meeting he had with deputy chiefs. Hahn added that the event was traumatic for all officers involved. Hahn did not acknowledge that the event may have been particularly traumatic for Appellant under the circumstances.

surrounding circumstances." *Id*, at pp. 358-359.

In the instant case there was not merely a failure to direct Appellant to a licensed psychologist within 72 hours of the shooting event, it does not appear that Appellant's clean disciplinary record was ever considered. Nor does it appear Appellant's above-satisfactory performance evaluations were discussed. Nor can it be said that anyone involved with deciding the appropriate penalty for his misconduct considered the fact the Department spent an immense amount of time reviewing video from body and vehicle cameras. As the POA asserts, that is of considerable significance since among factors set forth in the California Supreme Court's historic *Skelly* decision is the principle that for "permanent" (i.e., non-probationary) public employees like Appellant, a relevant consideration to be undertaken prior to imposition of termination is the likelihood of repetition of the misconduct committed. That factor is as important here as failure to have complied with G.O. 570.03.

The instant record includes a June 5, 2020 letter from [redacted] which includes the following sentence: "I have not accompanied Officer Tersteege while on patrol so I cannot speak to any observation of his demonstrating racist and/or discriminatory behaviors while interacting with the public, [redacted] he has never made any statements of a racist nature." Appellant's patrol behavior about which [redacted] was unable to speak are evident from the more than 4,000 videos reviewed by CIU Sgt. Baptista. The sergeant's summary thereof leads to the conclusion that over a vast period of time, Appellant commented about race on only half a dozen occasions and, in several, he did so merely in reply to a racial comment first made to him. On another occasion, Appellant ambiguously commented to a fellow officer that a white juvenile female had "talk[ed] like . . . she's black, saying I'll smoke weed, I wanna do this, brah, brah, brah." Finally, on two occasions Appellant commented about residents of Del Paso opining that not too many are nice to police so when he encountered such people, he "want[ed] to help them out." The other time Appellant commented about Del Paso residents in a negative manner, it was in reference to people of his own race. As the POA asserts was the CIU's conclusion, on such bases it cannot be said Appellant is inherently racist nor that it is likely there would be a repetition of use of the "N-word" should he return to work.

For the reasons above, it is concluded that just cause did not exist for termination of Appellant's employment. So deciding leads to the question of what discipline should have been

imposed, if any. In that regard, the Association argues as follows.

> Respondent [i.e., the City of Sacramento] can assign him to a position that is not as public as a patrol officer. Respondent can also send him for a psychological fit for duty evaluation before returning him to duty if they have concern. If he is determined to be medically unfit for duty, Respondent should retire him.

Hence, the POA implicitly asserts no discipline should have been imposed on Appellant. I must disagree.

It cannot be overlooked that Appellant did engage in misconduct justifying some type of penalty. Specifically, Appellant violated sections (o) and (w) of Civil Service Board Rule 12 in uttering a racist comment at a work-related function, albeit an off-duty one. That he did so argues for imposition of a 10 working day suspension. An aggravating factor is the comment was made not in reference to a peer but a superior officer and not just any superior but the chief of police. That Appellant did so persuades of the need to impose an additional 10 days of suspension.[11]

Written documentation of such suspension is to be placed in Appellant's official file with the July 16, 2020 termination notice expunged from that file. With regard to back pay, it is unclear from the present record to what extent Appellant has served in the Navy since his discharge by the City. However, the City will be entitled to make an offer of proof as to whether any earnings from that military service should be offset from back pay owed. Interest is to be included on the back pay owed to Appellant.

As to whether Appellant should be immediately reinstated as a police officer, having personally observed him during his testimony in this matter, it is my opinion that Appellant should not be returned to active duty in that classification without first being evaluated by a licensed psychologist. Evidence was presented that to Appellant's credit, since his termination he has regularly attended 12-Step meetings in furtherance of sobriety and served as a peer counselor in that regard and has apparently otherwise made efforts to rehabilitate himself. Accordingly, Appellant

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[11] It should be noted that insofar as my finding here should differ from the holding in a public employee free speech case, the POA has not raised such a defense and as the City argues, peace officers are to held to a higher standard of conduct than other employees so are given less latitude to criticize their superiors.

should understand that my so stating is in no way meant as a criticism of him but is simply an observation that at least on that date he appeared to continue to carry it around some scars from a traumatic event.

It is unclear to this arbitrator whether the language of the City-POA labor agreement allows for retention of jurisdiction over the remedy in matters such as this. If it does, consistent with my usual practice, jurisdiction will be retained for 90 days from the date of this decision and award in the event there are any problems with imposition of the remedy imposed.

AWARD

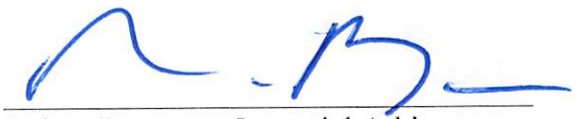
The grievance is sustained.

Appellant's termination is to be reduced to a 20-day suspension with the termination notice expunged from his official file and replaced by a notice of suspension consistent with the findings herein. Appellant is otherwise to be made whole through the receipt of back pay for lost wages and benefits with interest on the money at the standard rate. He is to be directed to a licensed psychologist to be examined regarding his fitness for reinstatement as a police officer. If Appellant is deemed no longer suitable for that profession, the City is to meet with Sacramento Police Officers Association in an effort to agree upon suitable alternative employment either with the Sacramento Police Department or with another department within the City or, if so recommended by the psychologist, a work-related disability retirement.

A copy of this decision and award is to be provided to the City's Personnel Board. Assuming the undersigned is authorized to retain jurisdiction over this award, such jurisdiction is hereby retained for a period of 90 days from the date of this decision and award in the event of problems with its implementation.

DATED: November 6, 2021

Respectfully submitted,



Robert Bergeson, Impartial Arbitrator

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Report Number: IAD2019-001

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Records or information that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would constitute an unwarranted invasion of personal privacy (Cal. Gov. Code § 7927.700; see also City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008);

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 § 1; Cal. Pen. Code § 832.7(a); Cal. Evid. Code § 1040);

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Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000);

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Records or information that constitute confidential medical, financial, or other information, the disclosure of which is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy (Cal. Pen. Code § 832.7(b)(6)(C));

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4)); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 Sec. 1; Cal. Pen. Code § 15150 et seq.; Cal. Evid. Code § 1040; HIPAA 45 CFR Part 160 and Subparts A and E of Part 164); and Title 10 United States Code (USC) Section 8013; SECNAVINST 5720.42G; and SECNAVINST 5211.5F).

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