

CITY of SAN DIEGO
MEMORANDUM

FILE NO.: 440
August 12, 1984
TO : R. J. Seden, Lieutenant
FROM : H. E. Goudarzi, Sergeant
SUBJECT: Supervisor's Preliminary Investigation - Misconduct involving Officer
Larry S. AVRECH, I.D. #2900

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CONFIDENTIAL: FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE

CITIZEN INVOLVED: GENTILE, Donna Marie
WF, 8/22/62, 5'6", 143#, brn/hzl
4341 Spring Street, #47
La Mesa, CA.
Telephone: 589-2077
C.D.L. #1619781
S.S.N. #210-50-8937

SUMMARY

On August 11, 1984, at approximately 2330 hours, I came in contact with Donna GENTILE. I contacted Donna GENTILE as a result of information that I had received from Officer M. GULYAS, I.D. #2582. Earlier the same evening, Officer GULYAS had contacted me and advised that he had been in contact with GENTILE and that she had told him that she had information with reference to a "dirty cop" and this "dirty cop" had asked her to file a false complaint on Officer GULYAS.

I contacted GENTILE in an effort to find out 1) what the nature of her allegations were and 2) to attempt to identify the officer to whom she was referring.

Upon contacting GENTILE she advised me that she and Officer L. AVRECH had an intimate relationship. She indicated that as a result of this relationship, she and Officer AVRECH had engaged in sexual intercourse while he was on duty. She advised in one instance he had given her money the night after they had sexual intercourse. She indicated that the first time that they had sex was after he had observed her engaged in prostitution activity. He had told her that he had not taken action because of the fact that he wanted her. She further told me that Officer AVRECH had been supplying her information as to the activities of officers on the San Diego Police Department, specifically officers working C-Squad and the Prostitution Detail. He had supplied her with information as to which officers were working, when and where they were working, and what their days off were.

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He also supplied her with information as to who the registered owner of vehicles were from license numbers that she gave to him. She also confirmed that Officer AVRECH had asked her to file a false complaint against Officer GULYAS because of the fact that he did not like him.

INVESTIGATION

Approximately a month after the completion of the Prostitution Detail, on June 7th, officers began to observe that the prostitutes were not working during the nights and/or hours that officers assigned to maintenance of the Prostitution Enforcement were. We began receiving information that the prostitutes were working on the nights that the officers working the Prostitution Detail Maintenance Program were off and during the hours that the officers were not in the area. During the last week of June, approximately June 28th, Officer AVRECH was observed talking with the subject, GENTILE, for approximately an hour and a half in the laundromat at 70th and El Cajon Boulevard. Because of the fact that GENTILE was a known prostitute who frequented this area and the procedure used by the Prostitution Enforcement Detail was to Code 5 the prostitutes until they decided to leave the Boulevard, there was nothing initially perceived as unusual about the extended length of time that he was in the vicinity.

On June 29, 1984, I ran a warrants check on Donna GENTILE and learned that she had an outstanding warrant for approximately \$4,000.00 bail for her arrest. This warrant had been issued on approximately June 10th, which meant it would have been in effect at the time that she was seen talking for an extended period of time with Officer AVRECH.

I assigned Officer L. HERINGER, I.D. #3313, to locate GENTILE and serve the warrant on her. Officer HERINGER did locate the subject, GENTILE, that evening and placed her under arrest for the warrant and booked her into County Jail. At the time Officer HERINGER arrested GENTILE, GENTILE asked her why she had not received a phone call advising her that there was a warrant outstanding for her arrest.

Beginning in the last week of July, we began receiving information that the prostitutes on El Cajon Boulevard were aware of the hours and the days off of the officers working the Prostitution Detail.

During the week of August 1st, Officer M. GULYAS contacted me and advised that he had been told by Donna GENTILE that an officer had asked her to file a complaint against him. He told me this information in front of the entire C-Squad at line-up.

On August 11, 1984, Officer GULYAS again came in contact with Donna GENTILE. This time when he asked about the officer who had asked her to file a complaint against him, she refused to give him the officer's name, but said

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processed*

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that she was aware of the fact that he was a "dirty cop." When GENTILE refused to identify the officer or elaborate on her statement with reference to the "dirty cop," Officer GULYAS contacted me and advised me of the statements made by GENTILE.

On August 11, 1984, at approximately 2230 hours, I contacted Donna GENTILE and asked her about the information she had given to Officer GULYAS. She repeated the same information to me and again refused to initially give me the name of the officer she was talking about. When I asked her what she was referring to when she used the term "dirty copy," she advised that she was referring to having sex with her on duty, providing her with information with reference to the Prostitution Detail's activities, and on one occasion paying her after having had sex with her.

During the conversation with GENTILE, she later identified Larry AVRECH as the "dirty cop" she had been referring to. She then advised in more detail of the specific allegations she was making against Officer AVRECH. After listening to her story, I asked her if she would be willing to make the statement again to me with a tape recorder recording what she had to say. She agreed, but she indicated that she was concerned for her welfare if Officer AVRECH were to find out that she had talked to me. As a result, I made arrangements for her and her companion (Larry Edwin THOMAS, 2606 Nida Place, 469-4659) to meet me at 2400 hours at the Denny's parking lot at College Avenue and Interstate 94.

I then contacted Lieutenant SEDEN, the Executive Officer of the Eastern Division, and advised him of the situation. After advising Lieutenant SEDEN of the situation, I made the meet with Donna GENTILE at College and 94 and conducted the additional interview, which was tape recorded. The interview was conducted on the parking lot of the Denny's Restaurant in the police vehicle assigned to 340S.

The following is the context of the statement given to me by Donna GENTILE. She indicated that she had first met Officer AVRECH approximately three (3) years ago on a ride-along. She indicated that after the ride-along was over he showed up at her house that night and attempted to get her to give him a "blow job." She said she did not see him again until June of 1984.

She indicated in June of 1984, he had been following her as part of his duties with the Prostitution Detail. She could not remember the date, but during the month of June he had followed her to a "date's house" and had watched her engage in sex with the John from outside the bedroom window. She indicated she had seen him and his partner standing outside the window. She said that he later contacted her and advised her that he could make an arrest for a misdemeanor committed in his presence after he told her that he had watched her have sex with a John and then be paid by the John. When she asked him why he had not arrested her, he grabbed her breasts and told her that he wanted her.

A couple days after this occurrence, she and AVRECH had sex in her apartment for the first of three or four (3 or 4) times. She indicated that one (1) of the times he had come over to her house on duty, had taken off his uniform and gun belt after advising radio that he was Code-5 and they had sex. She

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said the other three or four (3 or 4) times that they had sex he had come over to her apartment after he had gotten off work. On one (1) occasion she indicated that the night after they had sex, he contacted her on duty and gave her \$25.00 because "she needed it to help her out." These rendezvous between AVRECH and GENTILE occurred over a period of approximately two (2) months. She said that on several occasions he stopped by the apartment while on duty and came in and left his partner "outside." She said that she had asked wouldn't he get suspicious and was told no.

Who?

Over the period of approximately two (2) months, beginning during the month of June and continuing until the current date, Officer AVRECH provided Donna GENTILE with information with reference to the activities of C-Squad and the Prostitution Detail. She indicated she continued to have sex with him in order to get this information. She said he would sometimes call right after line-up and tell her who was working the detail, who was working where and what hours they would be working. She said he also provided her with information as to the details' days off and hours they would be working. She said on several occasions he provided her with information as to the registered owner of vehicles from the license numbers she provided him.

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She indicated that sometime during the second week of July, Officer AVRECH talked to her Probation Officer in an effort to get her Probation. She said that he then wrote a letter to the Probation Officer and the court for her in an attempt to get her Probation. She said on the night that he wrote the letter he came to her apartment and wrote it on paper that she supplied. She said that after he finished writing the letter, he asked her if she would have sex with him in return for the letter he had just written. She said he was upset when she refused. She also told me that when she had first asked AVRECH to write a letter as a character witness for her, he had written it on a piece of cardboard. When she pointed out to him the lack of professionalism involved in that, he agreed to come to her house and write it on a piece of paper for her. He told her he couldn't write it on Police Department paper, because then it would be a legal document. After telling me about the letter he had written and the letter he had written on cardboard, she provided me with a copy of the letter she had used in court indicating that her attorney had a copy and the court had a copy, and she also gave me the piece of cardboard that he had written on. It appeared to be the back of a tablet.

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After receiving the above information from Donna GENTILE, I asked her if it became necessary for her to submit to a Polygraph examination with reference to the information she had given me, would she be willing to. She indicated that she would. I asked her if she would be willing to repeat her story to me to a Sergeant from the Internal Affairs Unit. She indicated that she would be willing to repeat her statement.

After completing the tape recorded statement of Donna GENTILE, she advised me of her concerns about her safety should Officer AVRECH find out that she had come to me with the information. She further asked about the feasibility of her writing a letter and giving it to her attorney to open in the event that something were to happen to her. I advised her that was up to her, but that I did not feel that there would be any information that could be used that was not already available to the Police Department.

Was she put on the box?

Based on the statements of Donna GENTILE, it appears that Officer AVRECH observed a known prostitute (Donna GENTILE) commit an act of prostitution including the sex act and receiving payment for the sex act, and took no action. He instead used the information that he had in an effort to obtain sex from her. He supplied a known prostitute with information which allowed her to commit unlawful acts in that she was able to ascertain from him when and where members of the Prostitution Detail would be working. Officer AVRECH supplied Donna GENTILE with confidential information about the activities and operations of the San Diego Police Department. He solicited a false complaint on another officer from Donna GENTILE. He further, engaged in sexual activity while on duty with a known prostitute. He on two (2) occasions appears to have failed to have taken action when a criminal activity or a wanted criminal suspect was available to him.

Based on the information presented, further investigation is recommended.



H. E. Goudarzi, Sergeant
Eastern Division

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