

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occure.): June-August, 1984

TIME (occure.):

LOCATION:

Internal Investigation

SUBJECT:

Larry S. AVRECH, ID #2900

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY.

COMPLAINANT: Donna Marie GENTILE
4341 Spring Street, #47
La Mesa, CA
589-2077

INVOLVED OFFICER: Larry S. AVRECH, ID #2900
SDPD, Eastern Patrol Division

OFFICER WITNESSES: Sergeant H. E. GOUDARZI, ID #1366
SDPD, Eastern Patrol Division

Reserve Officer Steven TOMPKINS, ID #9946
SDPD, Reserve Administration

SUMMARY:

On August 12, 1984, Sergeant H.E. GOUDARZI conducted an interview with Donna GENTILE after he received information from Officer M. GULYAS that an unidentified officer had solicited Donna GENTILE to file a false complaint against Officer GULYAS.

Subsequently, Officer GOUDARZI received information from Donna GENTILE regarding alleged misconduct by Officer Larry AVRECH between the period June 1984 through August 1984; (see attached transcripts of taped interview with Donna GENTILE on August 12, 1984).

During the interview of GENTILE, GOUDARZI received information that Officer AVRECH had possibly committed the following unauthorized activities while acting in the capacity of a San Diego Police Officer.

- 1) AVRECH provided restricted information concerning license numbers and police unit movements to Donna GENTILE.
- 2) AVRECH involved himself in an act of sexual intercourse with Donna GENTILE, while on duty, at her residence in the City of La Mesa.

Reporting Officer

G.A. Breitenstein
G.A. BREITENSTEIN, Sergeant

I.D. # 1111

Division Internal Affairs

Approved By

H. Guin
Date of this report

09/14/84
ckc/8615

Time

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- 3) AVRECH failed to take police action when he observed Donna GENTILE performing an illegal act of sexual prostitution in the City of San Diego.
- 4) AVRECH solicited Donna GENTILE to file a false complaint against Officer M. GULYAS because of an on-going dispute between the two officers.
- 5) AVRECH carried on a personal association with Donna GENTILE between the period June 1984 through August 1984. AVRECH further knew that GENTILE was an active prostitute under indictment and awaiting sentencing for a conviction of prostitution.

After completing the interview with Donna GENTILE, Sergeant GOUDARZI completed a preliminary investigation involving possible officer misconduct on the part of Officer Larry S. AVRECH. On August 12, 1984, Sergeant GOUDARZI forwarded his reports to Executive Lieutenant R.J. SEDEN of the Eastern Patrol Command. Subsequently, those reports were forwarded to the Internal Affairs Section for further review and investigation.

CONCLUSION:

The allegation that Officer Larry AVRECH involved himself in an act of sexual intercourse while on duty as a police officer is NOT SUSTAINED. Statements made by AVRECH and GENTILE regarding sexual activity are in direct conflict with each other. GENTILE claims that the officer came to her apartment and engaged in sexual intercourse while on duty. She further claims that she had sexual intercourse with AVRECH while the officer was off duty on at least four other occasions. Officer AVRECH denies ever engaging Donna GENTILE in an act of sexual intercourse. There is insufficient evidence to prove or disprove the allegation made by GENTILE.

The allegation that Officer Larry AVRECH observed GENTILE involved in an act of prostitution is also NOT SUSTAINED. Based on statements made by AVRECH and Reserve Officer TOMPKINS, it is evident that the two officers followed GENTILE to a building in East San Diego where an act of prostitution is believed to have taken place; however, there is insufficient evidence to indicate that either officer observed the actual act take place or that there was sufficient evidence to allow them to take enforcement action.

The allegation that Officer Larry AVRECH provided restricted police information concerning vehicle license numbers to Donna GENTILE is SUSTAINED. During interview with AVRECH, he readily admitted to running at least two license plate numbers for GENTILE at her request. AVRECH further admitted that he used the police teletype facilities to gain the requested information. AVRECH further admits that he conveyed this information to GENTILE during a subsequent telephone conversation. This act is a direct violation of Section 1.37 of the Department Rules and Regulations (Dissemination of Information).

The allegation that Officer Larry AVRECH solicited GENTILE to file a fictitious complaint against Police Officer M. GULYAS because of an on-going dispute between the two officers is NOT SUSTAINED. Statements by both GENTILE and Officer AVRECH are in direct conflict

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with each other. GENTILE claims the officer asked her to file a complaint against GULYAS; however, AVRECH denies the allegation. There is insufficient evidence to sustain the claim of either individual.

Additional misconduct by Officer Larry AVRECH has been noted during the course of this investigation. The following violations have occurred:

- 1) Officer AVRECH knowingly maintained an association with a known criminal currently under police investigation or indictment. This act is a violation of Section 1.11 of the Department Rules and Regulations (Associations); "Members shall avoid maintaining associations or dealings with persons whom they know, or should know, are registered sex offenders, felons, suspected felons, or persons under criminal investigation or indictment which may adversely affect Department operations. Additionally, such associations are permissible in the performance of official duties when authorized."

Officer AVRECH knew that Donna GENTILE was a convicted prostitute. He further knew that GENTILE is awaiting sentencing for the conviction of an act of prostitution. AVRECH continued to maintain a social relationship with GENTILE during his on-duty and off-duty hours over a period of several months. This association adversely affected the officer's ability to function in an impartial manner during his assignment to the Eastern Patrol Division.

- 2) Officer AVRECH, acting in his capacity as a police officer, provided Donna GENTILE with a character reference letter to present to the Municipal Court at her sentencing for conviction of prostitution. AVRECH also contacted a probation officer and made a recommendation to the officer regarding the sentencing of GENTILE. These acts constitute violations of Department Rules and Regulations Section 1.09 (Abuse of Position), Subsection C; "Members shall not enter into official Department correspondence over a signature other than that of the Chief of Police, except as authorized by Department procedures," and Section 1.06 (Unbecoming conduct), Subsection A; "...Officers shall not conduct themselves in any manner which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or which impairs the operation and efficiency of the Department or officer."

Officer AVRECH wrote two letters on behalf of Donna GENTILE to the Municipal Court recommending she be given probation in lieu of incarceration for her conviction of prostitution; (see attached letters). AVRECH also contacted a probation officer via telephone and made a recommendation regarding the sentencing of Donna GENTILE; (see attached statement of Probation Officer BERGENBACH). The character reference letters and the telephone recommendation to the probation officer were provided by Officer AVRECH without Department authorization.

- 3) Officer AVRECH provided restricted information to Donna GENTILE regarding the location and assignment of police officers working the East San Diego area. This act is a violation of Section 1.37 of the Department Rules and Regulations (Dissemination of Information); "Members shall treat the official business of the Police Department as confidential. Any information regarding official business shall be

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disseminated in accordance with the law and established Department procedures. Members may remove or copy official records or reports from a police installation only in accordance with established Department procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by the proper authority in performance of police duties."

During taped conversations between Donna GENTILE and Officer AVRECH, AVRECH made several statements concerning his assignment while on patrol in East San Diego. Further, AVRECH provided information to GENTILE concerning a homicide that had taken place on a given evening involving a cab driver. Additionally, AVRECH provided information regarding the methods of police deployment to GENTILE. It should be noted that GENTILE was known to AVRECH as an active prostitute working the El Cajon Boulevard/East San Diego area. The information provided by AVRECH enabled GENTILE to travel more freely about the city with information to allow her to avoid potential arrest for her prostitution activity.

- 4) Officer AVRECH discussed police unit/personnel problems relating to Department matters with Donna GENTILE. This act constitutes a violation of Section 1.14, Subsection A, of the Department Rules and Regulations (Public Statements); "Members shall not publicly criticize or ridicule the Department, its policies, or other members, by speechwriting or other expression where such speechwriting or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with maintenance of discipline, or is made with reckless disregard for truth or falsity."

During taped telephone conversations between Donna GENTILE and Officer AVRECH, AVRECH made several derogatory remarks concerning his supervisor and other police officers working on his squad and at his area command. Further, Officer AVRECH made statements regarding an on-going dispute between he and Officer M. GULYAS that led GENTILE to believe AVRECH wanted her to file a false complaint. These statements made by Officer AVRECH concerning Department personnel served no useful purpose and only helped to undermine the efficiency and credibility of Department personnel.

- 5) Officer AVRECH, while on duty, neglected his police assignments in conducting lengthy telephone conversations with Donna GENTILE for extended periods of time. This act constitutes a violation of 1.24 of the Department Rules and Regulations (Neglect of Duty); "Members shall not engage in activities or personal business which would cause them to neglect or to be inattentive to their duties. Such activities include, but are not limited to, recreational reading, playing games, watching T.V., or otherwise engaging in entertainment while on duty except as may be required in the performance of duty. Members shall remain awake on duty, if unable to do so they shall report to their superior who shall determine the proper course of action."

During several taped conversations between Donna GENTILE and Officer AVRECH, it was apparent that AVRECH was acting in an on duty capacity. Comments made by the officer indicate that he was at Villa View Hospital on at least one occasion and made a lengt

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telephone call to GENTILE. On another occasion the officer was at an East San Diego Seven-Eleven Store during a personal conversation with GENTILE. In each of these conversations it is apparent that the officer was not conducting police related business.

- 6) Officer AVRECH failed to follow Department guidelines in the handling of a criminal informant. This act constitutes a violation of Department Instructions, Section 3.21, Subsection IV (J), (Informant Policy); "Informant contacts shall be of a strictly professional nature. Off duty social and personal business contacts are expressly prohibited." This act also constitutes a violation of Section 1.06, Subsection A, of the Department Rules and Regulations (Unbecoming Conduct); "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Officer shall not conduct themselves in any manner which brings the Department into disrepute or reflect discredit upon the officer as a member of the Department or which impairs the operation and efficiency of the Department or officers."

By his own admission, Officer AVRECH continued an association with Donna GENTILE; a known prostitute, for a period of at least three months. AVRECH further admitted that he had met Donna GENTILE at her residence on several occasions while in an off duty capacity. AVRECH claims this association was for the purpose of cultivating GENTILE as an informant; however, AVRECH also admits that he received only one piece of information from GENTILE relating to an outstanding warrant for another prostitute. During interview AVRECH further admitted that he continued the association with GENTILE for the purpose of obtaining additional information concerning the off duty and on duty activities of Lieutenant C.F. BLACK.

This association was maintained by AVRECH with Donna GENTILE without the permission of his immediate supervisor or the Police Department.

INVESTIGATION:

On August 14, 1984, I received the preliminary supervisor's investigation from Sergeant H.E. GOUDARZI along with a taped interview between the Sergeant and Donna GENTILE. After reviewing the two documents a meeting was arranged between Sergeant GOUDARZI, Donna GENTILE, Lieutenant L.N. GINN, and myself, at a public location in the City of Lemon Grove. At approximately 1530 hours, on August 14, 1984, a meeting was conducted between the four persons previously noted. At that time GENTILE related essentially the same story concerning Officer Larry AVRECH that she had previously told to Sergeant GOUDARZI; (see attached transcript of interview between GOUDARZI and GENTILE dated August 12, 1984).

During the interview with GENTILE on August 14, 1984, she stated essentially that AVRECH had committed the following violations:

- 1) That he had engaged her in an act of sexual intercourse on one occasion while he was on duty.

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- 2) That AVRECH had met her in an off duty capacity on several occasions at her residence and had also engaged in sexual activity on those occasions.
- 3) That AVRECH had provided her with information concerning the movement of police units relating to prostitution activity in East San Diego.
- 4) That AVRECH had provided her with information regarding license plate numbers of vehicles provided to him by her.
- 5) That AVRECH had asked GENTILE to file a fictitious complaint against Officer M. GULYAS as a result of a dispute between the two officers.

After receiving information concerning the alleged activities of Officer AVRECH, Donna GENTILE was asked if she would be willing to cooperate with members of the Internal Affairs Division concerning an on-going investigation of the officer. GENTILE stated she would be willing to cooperate with investigative personnel. At that time, GENTILE was asked if it would be possible to place a tape recording device on her telephone to record her conversations with Officer AVRECH. GENTILE stated that she would be willing to have the recording device placed on her telephone.

On August 15, 1984, I went to the residence of Donna GENTILE and placed a tape recording device on her telephone. At that time I provided Donna GENTILE with California license plate number 083XST. GENTILE was instructed to ask Officer AVRECH if he would run a registration check on the license number in question. Subsequently, GENTILE placed a telephone call to Officer AVRECH at his personal business in the City of Santee.

At approximately 1634 hours, on August 15, 1984, Donna GENTILE asked Officer AVRECH to run the license plate number previously noted. AVRECH stated that he would run the license number and get back to GENTILE.

At approximately 1639 hours, on August 15, 1984, Donna GENTILE received a subsequent telephone call from Officer AVRECH. At that time, AVRECH provided the registration information concerning California license plate number 083XST to Donna GENTILE. AVRECH indicated that he had obtained the registration information via the Police Communications Division.

On August 16, 1984, I examined the records of the San Diego Police Communications Division. At that time, tape recordings indicated that Officer AVRECH did not in fact make the inquiry via the Communications Division; however, a further check of the Police Department teletype records indicated that AVRECH made an inquiry of the license number in question at 1639 hours on August 15, 1984. A teletype printout of the license plate number in question was obtained from the teletype files and is attached to this report; (see teletype printout dated 8/15/84, time 1639 hours).

On August 17, 1984, I again provided a license plate number of a Police Department vehicle to Donna GENTILE. The license, 1EIA549, is registered to an undercover unit assigned to

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the Vice Division.

On August 17, 1984, at approximately 1432 hours, Donna GENTILE again placed a call to the personal business of Larry AVRECH's in Santee. During that conversation Donna GENTILE again asked AVRECH to run the license number in question and indicated to him that she believed she was being followed by a Vice Unit. At that time AVRECH indicated to GENTILE that he would check out the license number in question.

On August 17, 1984, at approximately 2010 hours, Larry AVRECH telephoned Donna GENTILE at her residence. At that time Officer AVRECH indicated that he was unable to get the license information because the police computer was tied up. AVRECH, during that conversation, indicated that he would call GENTILE back at a later time.

On August 18, 1984, at approximately 0115 hours, Officer AVRECH again contacted Donna GENTILE via telephone at her residence. During that telephone conversation, AVRECH told GENTILE that California license number 1EIA549 was not on file. AVRECH further indicated that the license could be registered to a police unit or possibly to someone else. During further conversation AVRECH described the procedure for obtaining restricted information to GENTILE via the Sacramento Department of Motor Vehicles. During the conversation AVRECH related to GENTILE that a code was required for police personnel to obtain a license number from the restricted file records of the Department of Motor Vehicles. (It should be noted that this information is not commonly made available to persons outside the law enforcement community.)

On August 18, 1984, at approximately 0400 hours, Officer AVRECH again placed a telephone call to the residence of Donna GENTILE. The telephone call, according to the conversation was placed from a Seven-Eleven Store in the East San Diego area. During the telephone conversation, Officer AVRECH advised GENTILE of the restrictions placed on him while working the prostitution maintenance detail along El Cajon Boulevard. AVRECH indicated that units were no longer allowed to travel outside the San Diego City limits to follow working prostitutes.

AVRECH further related to GENTILE an incident concerning himself and Sergeant GOUDARZI. During the conversation AVRECH defamed the method in which the sergeant had contacted him on a previous occasion at 70th Street and El Cajon Boulevard. AVRECH indicated that he had embarrassed the sergeant in front of several other persons during that confrontation. The remainder of the conversation centered on personal dialogue with some sexual overtones (see copy of taped conversation).

On August 18, 1984, during the afternoon hours, Officer AVRECH placed another telephone call to the residence of Donna GENTILE. During this conversation AVRECH was in an off duty capacity. During the conversation Officer AVRECH indicated to GENTILE that he was possibly going to be assigned to work the southern portion of the Eastern Division on that evening. AVRECH also told GENTILE about a specific vehicle that he had seen in the East San Diego area; (see attached transcript of conversation).

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On August 20, 1984, at approximately 0010 hours, Officer AVRECH placed another telephone call to the residence of Donna GENTILE. During that conversation AVRECH engaged in general conversation with GENTILE; however, during the conversation AVRECH made several complaints to GENTILE regarding the way he believed the Department was treating him unfairly. AVRECH further complained that his sergeant had questioned him about overtime that he had applied for. AVRECH complained to GENTILE that the sergeant had been unfair in his questioning of the use of overtime; (see attached transcript of telephone conversation).

On August 21, 1984, at approximately 0115 hours, Officer AVRECH placed another telephone call to the residence of Donna GENTILE. During the conversation AVRECH indicated that he was calling her from Villa View Hospital in East San Diego. During the course of the conversation AVRECH advised GENTILE to be on the lookout for a cab that had been involved in a recent homicide. During further conversation AVRECH indicated that a prostitute known to GENTILE was an informant of his. AVRECH further related that his sergeant, H.E. GOUDARZI, had been talking to the informant regarding AVRECH's activities.

AVRECH complained to GENTILE that he was dissatisfied with the way his sergeant was treating him and did not believe the sergeant was treating him properly. The remainder of the conversation centered on personal conversation with sexual overtones; (see attached transcript of taped telephone conversation).

On August 21, 1984, at approximately 1521 hours, I interviewed Reserve Officer Steven TOMPKINS, ID #9946, at the Internal Affairs Division. During the interview, TOMPKINS indicated that he has been riding with Officer AVRECH during most of the year. TOMPKINS stated that he is familiar with a prostitute known to him as Donna GENTILE.

TOMPKINS indicated that he has been with AVRECH on several occasions when they have contacted Donna GENTILE. TOMPKINS further indicated that both he and AVRECH have followed GENTILE to her residence in the City of La Mesa as a course of their assigned duties prescribed by Sergeant GOUDARZI.

TOMPKINS indicated that on at least three occasions he has observed AVRECH engage GENTILE in conversation outside of her residence. TOMPKINS stated that he is not aware of any instance when AVRECH engaged in an act of sexual intercourse with GENTILE at her residence while on duty. TOMPKINS further stated that he is unaware of any sexual activities between AVRECH and GENTILE.

TOMPKINS was asked if he had ever observed GENTILE committing an act of prostitution. TOMPKINS stated that neither he nor AVRECH had ever actually observed GENTILE involved in an act of prostitution but believes she, in fact, was involved in an act of sexual intercourse with an individual during the month of June at a residence in the 3900 block of Wabash Avenue. TOMPKINS further stated that he and AVRECH have followed GENTILE to that area and had observed her enter a building with another male; however, TOMPKINS stated that neither he nor Officer AVRECH were able to actually observe the act of prostitution take place. He further stated that they made contact with GENTILE following the incident but were unable to make an arrest at that time.

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TOMPKINS stated that he was not aware of any instance where AVRECH had solicited a false complaint against another police officer. He further indicated that he was unaware of any instance when AVRECH had provided restricted police information to Donna GENTILE. TOMPKINS further stated that he was unaware of any off duty personal association between Officer AVRECH and Donna GENTILE.

NO On August 16, 1984 and August 22, 1984, *YES* I conducted interviews with Officer Larry AVRECH at the Internal Affairs Division; (see attached transcript of taped interviews). During the two interviews AVRECH denied ever having any sexual intercourse with Donna GENTILE either on duty or off duty. AVRECH further denied soliciting GENTILE to file a complaint against Officer M. GULYAS as a result of personal confrontations he had had with that individual. *NO AND WITH IA TAPING WASN'T DONE TILL 8-21-84*

During interview, AVRECH admitted that he had been carrying on an association with Donna GENTILE for a period of several months. AVRECH further acknowledged the fact that GENTILE is an active prostitute working the El Cajon Boulevard area of East San Diego. AVRECH further admitted that he was aware that GENTILE had recently been convicted of an act of prostitution in the City of San Diego and is awaiting sentencing.

AVRECH stated that his purpose in maintaining an association, both on and off duty, with Donna GENTILE was for the purpose of cultivating her as an informant. AVRECH stated that he had received one piece of information during the past several months from GENTILE that led him to make an arrest of another prostitute for an outstanding warrant. AVRECH stated that he has received no other information from GENTILE that had been useful to him in the course of his police duties. AVRECH further acknowledged that he had an ulterior motive in maintaining the relationship with GENTILE. He further stated the motive was due to the fact that GENTILE was supplying him with information concerning the personal activities between the prostitute and Lieutenant C.F. BLACK of the Eastern Patrol Division.

AVRECH stated that he had received information that Lieutenant BLACK had been personally involved with Donna GENTILE on an off duty basis. He further stated that BLACK had accompanied GENTILE to the Colorado River on a camping trip during the month of June 1984. He further stated that he received information that BLACK had in fact loaned Donna GENTILE approximately \$1000 in cash for the purpose of obtaining a legal defense to aid her in her sentencing for a prostitution conviction.

AVRECH further admitted that he had associated with Donna GENTILE in an off duty capacity on at least four or five occasions. AVRECH stated that he had visited GENTILE's residence in La Mesa after completing his tour of duty as a police officer. AVRECH stated that he never entered GENTILE's apartment and further denied having sexual intercourse with her on those occasions. AVRECH maintained that he met GENTILE at her apartment on those occasions for the purpose of receiving informant information and/or further information regarding Lieutenant BLACK.

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AVRECH stated that he relayed a portion of this information to another police sergeant (C. ZIMMERMAN) prior to BLACK's trip to the Colorado River with GENTILE; however, AVRECH further admitted that he had provided this information to no other member of the Police Department.

During the course of this investigation I have examined the field interrogation records of the Police Department. Those records indicated that Donna GENTILE has been interrogated on approximately 60 occasions during the past eight months of this year. The records further indicate that Larry AVRECH has made several of those field interrogations of Donna GENTILE and is aware that she is an active prostitute in the East San Diego area. The records further indicate that AVRECH is aware that GENTILE has been convicted of the crime of prostitution on previous occasions.

Based on the statements of all those individuals interviewed, it is evident that AVRECH has maintained an on-going association with Donna GENTILE during the past several months. While not conclusive, conversations between GENTILE and AVRECH that were tape recorded tend to indicate that their association is more than a casual relationship between an informant and a police officer. Numerous statements of sexual nature tend to indicate that AVRECH has known GENTILE on a social basis for some period of time.

While AVRECH denies ever having sexual intercourse with GENTILE and, there is no evidence to support GENTILE's claim that Officer AVRECH engaged her in an act of sexual intercourse while either on or off duty, the association maintained by AVRECH with GENTILE tends to lend discredit to the officer's position as a police officer and tends to limit his ability to function in an enforcement capacity while working a prostitution detail in the East San Diego area.

Further, it is evident that Officer AVRECH has provided numerous details regarding Police Department activities and the methods in which patrol officers function during the enforcement of a prostitution related detail, to Donna GENTILE. This information, while provided to GENTILE in small quantities over an extended period of time, tends to negate the Department's ability to deal with GENTILE as an active prostitute. Further, AVRECH's complaints to GENTILE regarding his problems between other officers and his immediate supervisor, tend to bring discredit to the Department and its members.

The investigation has also pointed out that AVRECH handled GENTILE as a police informant in a very unprofessional manner. Department policy clearly indicates officers are not to associate with informants in an off duty capacity unless approved by supervisory personnel. In this instance, the evidence tends to indicate that AVRECH maintained an association with GENTILE for the partial purpose of obtaining information concerning the personal activities of another police supervisor. This information, while detrimental in nature to the police supervisor, was not utilized in a proper manner. AVRECH failed to properly notify the Department of his suspicions regarding the supervisor's alleged misconduct during his off duty hours.

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AVRECH also committed a breach of Departmental security when he provided information of a restricted nature to GENTILE from the Police teletype system. Had this situation been allowed to continue, GENTILE would have been able to obtain information concerning other criminal elements in East San Diego as well as possibly obtaining information concerning undercover police vehicles or other law enforcement equipment.

Finally, AVRECH improperly made a recommendation to the Probation Department regarding GENTILE's pending sentencing. This improper recommendation tends to narrow the credibility of the Department in making recommendations to other law enforcement agencies. AVRECH acted without the consent of a supervisor of the Department and without the Department's sanction.

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