LETTER OF TRANSMITTAL
CF No. 22-003721

ADJUDICATION

Department Complaint

The Complaint Investigation, CF No. 22-003721, resulted in two allegations of misconduct against one Department employee:

Police Officer II Armando Avena — Pacific Area
Serial No. 42919

The allegations are listed below with the recommendations for classification and supporting rationale.

ALLEGATION 1. The Department alleges that on December 11, 2022, Officer Avena, while off-duty, was intoxicated in public which caused the response and led to his arrest by the Pasadena Police Department.

ALLEGATION 2. The Department alleges that on December 11, 2022, Officer Avena, while off-duty, failed to cooperate with on-duty Pasadena Police Department personnel.

> **Note:** Allegation 2 in the investigation originally alleged Avena made discourteous remarks to the Pasadena Police Department personnel. However, a review of the investigation revealed no discourteous remarks. The allegation was reframed by the adjudicator to better reflect Avena's actions.

CLASSIFICATION

It is recommended that Allegation 1-2 be classified as **SUSTAINED.**

RATIONALE

The investigation clearly supports the allegations. In his interview, Avena admitted that he started drinking at 1830 hours and then continued drinking at multiple locations until the police were called at approximately 0100 hours. Avena was then given a breath test at 0600 hours where he registered over twice the legal limit. This demonstrates that Avena was clearly under the influence of alcohol when he was dealing with security guards and Pasadena Police.

Avena's also failed to cooperate with either the security guards and the police. The 911 Operator who generated the call stated in the call notes that Avena was belligerent and refused her requests. The security camera footage as well as the officers' video shows Avena to be belligerent, demanding and refusing to follow the directions given by the officers. On two occasions, Avena appears to be attempting to get the police officers in trouble, both when an officer tries to get Avena to step back and Avena accuses the officer of pushing him, and then again when he claims to be injured because he was not seat belted into the patrol car.

The investigation has shown that Avena was intoxicated which led to the response of the Pasadena Police Department and his subsequent arrest as well as showing Avena being uncooperative with the officers.

Therefore, it is recommended that Allegation 1-2 be classified as **SUSTAINED.**

DIGITAL IN-CAR VIDEO/BODY WORN VIDEO/AUDIO RECORDINGS

The officer's actions were captured by BWV and were used in the adjudication of this complaint.

EMPLOYEE DEVELOPMENT PLAN

None.

PENALTY

Avena's actions show that he chose to drink past the point where he was still in control. His dealings with the security guards and later the Pasadena police officers demonstrate a lack of control and a lack of professionalism which the Department expects from her officers. Of further concern is the way Avena treated officers from a sister agency. It would be considered incumbent on LAPD employees to demonstrate some professional courtesy when dealing with other officers since better then anyone, we know the difficulties related to the job. But instead, Avena chose to be belligerent and demanding and appeared to even try and falsely accuse them of injuring him.

Avena's actions reflect poorly on the Department, both in the eyes of the public and the officers from the Pasadena Police Department and should be judged firmly.

Therefore, it is recommended that Avena receive a penalty of two suspension days.

WORK HISTORY ANALYSIS

Avena has been with the Department for six years. He has worked at Wilshire, Custody Services and Pacific Division.

Avena's complaint history includes the following complaints:

22-000472	IAG/Pending (DV allegation pending a BOR)

Avena has been involved in four NCUOF which have been closed in policy.

Avena has been involved in two pursuits which are pending.

Avena has not been involved in any CUOF, collisions or civil litigation.

Avena is currently being reviewed by RMEC due to his complaints.

WORK PERMIT REVIEW

A review of Avena's work permit history revealed that he currently has no work permits. No conflict of interest concerns, or impairment of performance or efficiency issues were identified.

RELIEF FROM DUTY RECOMMENDATIONS

None.

ACTIONS TAKEN

None.

APPROVED BY:

KRISTIN KOLENDA, Captain
Commanding Officer
Pacific Patrol Division

4-25-23
Date