LOS ANGELES POLICE DEPARTMENT
Force Investigation Division

In the Matter of:	)	
Officer Involved Shooting	)	**DR No.**
Transcription of Taped Interview	)	**FID No. 064-21**
Of Police Officer Jose Zavala	)	**Tape No. Zavala**
	)	

TRANSCRIPTION OF TAPE-RECORDED INTERVIEW OF

POLICE OFFICER JOSE ZAVALA

Transcribed by:
Kelly Sully
CSR No. 13501

Job Number:
TP97025

LOS ANGELES POLICE DEPARTMENT

Tape No. Zavala

DETECTIVE BROWN: Today is Sunday, December 19th. The time is now 0034 hours. I am Detective Tom Brown, B-r-o-w-n, serial number 34045. I'm assigned to Force Investigation Division. I'm here at Newton Station to interview Police Officer II Jose Zavala.

Sir, could I have you say and spell your first and last name and provide your serial number?

POLICE OFFICER ZAVALA: Yes, sir. First name is Jose, J-o-s-e. Last name is Zavala, Z-a-v-a-l-a. Serial number 40197.

DETECTIVE BROWN: Okay. And this is regarding an officer involved shooting incident that occurred at [redacted] on December 18th, 2021, at approximately 1710 hours. This interview is being digitally recorded.

Also present are --

DETECTIVE GRABE: Detective Tim Grabe, T-i-m G-r-a-b-e, serial number 32649 from FID.

ATTORNEY WILCOX: Leslie Wilcox, W-i-l-c-o-x, on behalf of Officer Zavala.

DETECTIVE BROWN: And --

ATTORNEY ELLIS: Jenna Ellis, E-l-l-i-s, attorney observer.

DETECTIVE BROWN: Okay. And before we -- or excuse me. Officer Zavala, have we identified everybody in the room for the tape?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. And before we provide -- or we start the interview, will you provide a voluntary statement?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: Okay. Since you declined to provide a voluntary statement, I must read you the following: The entire investigation concerning this incident, including the digitally recorded interview, is classified as confidential by the Chief of Police.

Do you understand?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: And as a supervisor for the Los Angeles Police Department and as authorized by the Chief of Police, I want to inform you that your silence could be deemed as insubordination and could lead to administrative discipline, which could result in your discharge or removal from office, and that any statement made under the compulsion of the threat of such discipline cannot be used against you in any

subsequent criminal proceedings.

Do you have any questions?

POLICE OFFICER ZAVALA: If I refuse to answer your question, will I be subject to discipline that could be as much as discharge or removal from office, sir?

DETECTIVE BROWN: Yes.

POLICE OFFICER ZAVALA: For those reasons and those reasons alone, I will give you a statement. I'm not waiving any of my constitutional rights, and I am asserting all of my right under the Public Safety Officer Procedural Bill of Rights Act.

However, I will cooperate with any criminal investigation arising out of this incident because case law and the LAPD manual require me to do so upon pain of being charged with insubordination resulting in possible termination.

I also demand that prior to this interrogation, I be allowed to view any audio or video recordings pertaining to this incident that you do not deem to be confidential.

DETECTIVE BROWN: Okay. So noted. At this time I order you to provide a statement in this incident and answer any questions.

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. Just get a little bit of background information. You had an opportunity to review your body-worn video?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: And did you watch any body-worn video, digital in-car video, or any type of department video without the presence of FID personnel?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: And we did not review your digital in-car video prior to this interview. Have you watched any other video, news media, social media, any other reports of this incident?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: Okay. And your start of watch this morning was at -- or yesterday was at 1500, and you had approximately six to seven hours of sleep the night before, and you stated you were able to do this interview. You're not sleep deprived?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. Okay. A little bit of additional background. How long have you been with the department?

POLICE OFFICER ZAVALA: I've been with the department approximately thirteen years, sir.

DETECTIVE BROWN: Okay. And how long have you

been assigned to Newton Division?

POLICE OFFICER ZAVALA: Been assigned to Newton Division approximately four years.

DETECTIVE BROWN: And your current assignment with Newton Division?

POLICE OFFICER ZAVALA: Currently assignment -- I'm currently working Gang Enforcement Detail.

DETECTIVE BROWN: Okay. And how long have you been doing the gang enforcement?

POLICE OFFICER ZAVALA: Approximately three years, sir.

DETECTIVE BROWN: Okay. And your partner was?

POLICE OFFICER ZAVALA: My partner was Officer Quintanilla.

DETECTIVE BROWN: And how long have you been partners with Officer Quintanilla?

POLICE OFFICER ZAVALA: On and off with the unit approximately a year and a half, sir.

DETECTIVE BROWN: Okay. And do you regularly discuss tactics with your -- with Officer Quintanilla?

POLICE OFFICER ZAVALA: Yes, sir. We discuss tactics before start of watch and during -- during work also, sir.

DETECTIVE BROWN: Okay. And do you discuss your tactical roles for each deployment or each day that

you're working together?

POLICE OFFICER ZAVALA: Yes, sir, we do.

DETECTIVE BROWN: Did you have roles assigned for yourselves today or --

POLICE OFFICER ZAVALA: Yes, sir, sir.

DETECTIVE BROWN: And can you tell me what those were?

POLICE OFFICER ZAVALA: Yes, sir. So I'm driver. So usually the driver, I'm contact. Passenger cover. But depending on the situation and the tactical incident, usually we change roles, sir.

DETECTIVE BROWN: Okay. And did you have less lethal munitions with you?

POLICE OFFICER ZAVALA: No, sir. On the unit we work in, we designate one vehicle with less lethal and today was another vehicle in our unit.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Less lethal.

DETECTIVE BROWN: Okay. What I'd like to do is at this time just open up to, like, a narrative form, have you give us a statement telling us how you became aware of this incident, how you responded, what tactics you were involved in, what actions you took, and just go through it kind of chronologically with as much detail as possible. And if need be, we'll go

back and ask some clarifying questions, okay?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: So at beginning of start of watch, we were aware there was an OIS on 22 and (Unintelligible) involving a knife. So during roll call, we had -- we discussed in roll call about edged weapons and situations like that -- tactical incidents training edged weapons.

We received a radio call of an ADW suspect with a butcher knife in the area of [redacted]. Me and my partner were near the area. We responded to this incident. As we arrived to this incident, we observed the suspect in front of [redacted] sitting down in the front stairway case near the front street, holding a large butcher knife.

I exited my vehicle. I saw there was a unit at scene. As I exited, I requested a backup, an airship, and a supervisor to my -- at scene. And that's when I turned on my BWV due to the fact that I requested a backup for a 415 man with a knife.

I observed the suspect. He was talking to himself, mumbling stuff, distraught. He was very uncooperative. Initially [redacted] was communicating with the suspect in English attempting

for him to drop the knife -- the large butcher knife.

There was pedestrians nearby. Also, as we were responding to the radio call, comments of the call stated that he was chasing people around with this large butcher knife. So we were aware of that upon arriving to the scene. And I was trying to coordinate corresponding units to block off the streets due to the fact that this suspect had a large butcher knife already chasing the pedestrians around the neighborhood with a large butcher knife.

As I'm trying to communicate that with the -- with communications, I also request an RA to stand by nearby. I notify [redacted] -- I observe that the suspect wasn't listening to his -- to his commands, so I notify [redacted] that we were going to communicate with the suspect in Spanish.

At this point we see the suspect. He has the knife. He starts cutting his left hand with this large butcher knife. He's talking about God. He's mumbling stuff and at one point he crucifies himself. He appeared to be under the influence of some unknown controlled substance by the way he was acting.

So then I told my partner to communicate in Spanish and take over communication and tell the suspect to drop the large butcher knife, which my

partner, numerous times, told the suspect to drop the butcher knife, to drop the butcher knife.

Suspect wasn't -- he wasn't -- I don't know. He wasn't listening, sir. He was stuck in his own mind, mumbling stuff, and with this knife in his hand. It went from his hand to his throat -- to the left side of his throat and he was breathing. He was -- he was talking about God, like getting courage to -- to me, it appeared getting courage to cut his throat, and then he began to press the knife on his throat.

At this point I told my partner, "Let me -- let me talk to him. Let me talk to him in Spanish." Maybe he could listen to me due to the fact that I was the closest officer to the suspect. And I told him in Spanish that we were trying to help him out, for him to drop the knife, that we were here to help, whatever the situation was that we were trying to help him out.

At one point he stands up -- stands up rapidly with the knife on the left side of his neck and that's when less lethal was utilized to my left. 40-millimeter, sir. I heard the -- I heard the warning -- the 40-millimeter stand by -- the warning and they shot him with a 40-millimeter one time, bounced right off his chest, sir. Just bounced off.

And then he kept walking down the steps, sat

down, still had this butcher knife on the left side of his neck. During this time, there's pedestrians to my right on [redacted]. We're trying to direct -- we were low on units, sir. There was already an OIS several blocks away. We didn't have enough resources to contain the whole -- the whole perimeter at the time.

We had three units there that I was aware of and there was a unit that was trying to control pedestrian traffic on [redacted], which is just like about 20 feet away from the suspect. And then to my left, there was other pedestrians -- later I find out it was the family -- also yelling about 20, 25 feet away from the suspect.

They were calling him Junior, and I caught on to that, so then I started calling him Junior. I was telling Junior drop the knife. At this point [redacted] then takes over. Me and [redacted] were communicating and then he takes over as for -- over communications on the PA.

At this time we already had a tactical plan. We had less lethal. We had an arrest team. We had a shield, and I was the lethal officer and my partner was the DCO, designated cover officer. We were just giving him several commands, sir, to drop this large butcher knife that he had against his throat. He

already cut his hand.

At one point there's a pedestrian in the back that opens up the lobby door. We tell him to go inside, get out of the area. After telling him several times, he goes inside, leaves the area. Sergeant is communicating with the suspect at this point.

The suspect gets up very rapidly with the -- with the large butcher knife in his right hand. He takes a deep breath, like getting courage, looks at me, looks at my fellow officers. At this point I already had my firearm out. Due to the tactical situation, I had reason to believe that the situation may escalate to the point where deadly force may be justified.

The suspect then starts advancing towards the officers and turns his body towards myself and my partner. And in fear -- I was afraid, sir. I thought this guy was going to come at me with this butcher knife. He already cut his hand. He cut his throat -- he attempted to cut his throat. He chased pedestrians and civilians around the neighborhood with this large butcher knife.

And to protect myself and my partner's life and the citizens nearby from serious bodily injury, imminent threat, I fired approximately two, three

rounds to stop the threat, sir. And that's when the suspect goes down. We form a tactical plan to arrest -- to handcuff the suspect.

As we form the plan, we handcuff the suspect. As we approach, I see that there's the large butcher knife by his hand on the ground, so I kick it away with my feet due to the fact that I didn't want any weapons around him. He was breathing. He was still moving. At this point there's a -- there's two large crowds. There's a large crowd towards the east side of me and a large crowd to the west side on [redacted] Street 1 .

At one point there's -- I'm not sure if it was the family or -- but there was civilians -- pedestrians and they attempted to run towards the suspect, and that's when we form a modified skirmish line. And there's a lady that almost broke through the modified skirmish line, and I held her -- I held her back. And that's when another officer -- I don't recall which other officer grabbed -- just grabbed her and put her -- and just directed her in front of the skirmish line.

At this point our main concern is rendering -- render aid to the suspect. Thankfully we had the RA nearby on standby. They were able to get there quick, fast and render aid to the suspect and transport the

suspect to -- to a nearby hospital, sir.

DETECTIVE BROWN: Okay. Was there anything else?

POLICE OFFICER ZAVALA: Not that I recall right now, sir.

DETECTIVE BROWN: Okay. So I'm going to go back to kind of the beginning and I'll trying to stay chronological. I apologize if I bounce around, but I'm just going to get some clarity on some things. When you say you responded to the radio call, did you respond code three? Code two?

POLICE OFFICER ZAVALA: No, we responded code two due to the fact that we were nearby, sir. We were just several blocks away.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: And there was no backup yet. There was just a radio call of 415 man with a knife chasing civilians around with the knife.

DETECTIVE BROWN: As you were responding with your partner, did you have any additional tactical discussions?

POLICE OFFICER ZAVALA: Yes, sir. As we were responding, me and my partner were communicating, talking contact and cover and the comments of the call stating that he had a large butcher knife. And we were talking tactics and just to be aware of the

suspect with the large butcher knife and contact and cover and -- yes, sir.

DETECTIVE BROWN: Okay. Now, you talked about when you arrived, you saw this suspect. Could you give us a description of the suspect, what he was wearing, his demeanor? Just a little more clarity on that.

POLICE OFFICER ZAVALA: Yes, sir. He was sitting down on the staircase in the front. He's about -- he was about 10, 15 feet away from where I positioned my vehicle and where other officers were at. He's wearing a black hat, white shirt, dark pants. He was sitting down with the large butcher knife in his hand. He was mumbling stuff. He was crying and distraught. He was very incoherent. He was mumbling stuff.

He had the butcher knife, started cutting his left hand. And that's when, you know, we're telling him, "Hey, man, don't do it. You know, we're trying to help you out. Just stop. We want to help you out." And then from there, he ended up just moving the knife to the left side of his throat. And he's mumbling stuff and building courage to -- and he began to press the knife against his throat. He was pressing it. He was looking at us and he was like try -- he was sliding his throat. And we're like,

"No. Don't do it, man. You know, we're trying to help you out, sir."

DETECTIVE BROWN: What was the approximate age and ethnicity?

POLICE OFFICER ZAVALA: Approximately I would say 25 to 30 years of age, sir. Male Hispanic approximately 5'5", 5'6", 160, 170 in weight.

DETECTIVE BROWN: Okay. If you're aware -- or do you know, have you had any prior contact with this individual?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: Okay. Had you ever responded to any radio calls at that particular location?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: And you were describing his actions with the knife. Did he -- did you observe that he actually drew blood on himself?

POLICE OFFICER ZAVALA: Yes, sir. I observed when he put his knife on his left hand and he just slit it, and I could just see the slice on his left hand. And then from there he put it on his throat and he didn't -- he didn't go deep inside, but he was pressing on it. He was getting courage. He was talking. He was talking about God.

And he was just pressing it and he was taking

deep breaths, looking at us, looking at us, and he kept pressing on it. And we were just trying to save his life, sir. (Unintelligible) for human life. We were telling him to stop. We were trying to help him out, sir.

You know, and at that point he got up -- got up with the knife on his neck, boom, in a threatening manner and that's when we utilized less lethal to my left -- 40-millimeter to stop him from advancing towards us at that point and also to save his life, sir. To save his life.

DETECTIVE BROWN: Now, you had said you requested an RA. Did you request that RA prior to this actions with the knife or was --

POLICE OFFICER ZAVALA: I requested the RA when I arrived there and I observed him put the knife on his hand -- he slit his left hand. And, you know, everything is unfolding fast, sir, really fast. I'm trying to -- I'm trying to cover every angle here. I'm trying to get corresponding units to my location to block off the streets.

There's pedestrians nearby all over. They were walking. We were trying to block off these streets. There was cars stopping behind me, as you can see. I tell a car to leave. There's people coming out behind

the suspect, telling them to go inside. During this, I'm putting out a backup.

And that was one of the reasons why I activated late, because my main concern is let me get units here. Let me get a backup here. Let me lock down the scene here. Let me block off these streets.

DETECTIVE BROWN: Well, let me ask you two questions regarding that then. So you -- what was your intent of requesting the RA?

POLICE OFFICER ZAVALA: So my intent to request the RA, if the incident would escalate to the point where deadly force may be justified, I want to render aid as soon as possible to this suspect and save his life.

DETECTIVE BROWN: Okay. And then something else you said made me think of a question. I'm sorry. It slipped my mind. Bear with me a second.

ATTORNEY WILCOX: He was talking about his late activation.

DETECTIVE BROWN: Thank you.

ATTORNEY WILCOX: You're welcome.

DETECTIVE BROWN: That's -- so when you say you had a late activation, just what did you mean by that?

POLICE OFFICER ZAVALA: What I mean by that, sir, is when I exited my vehicle, my first -- my first

train of thought is to put out a backup. I observed this suspect with a knife. There's pedestrians nearby. Puts the knife on his hand. I request the backup, then I turn on my camera. That was my priority at the time, sir.

DETECTIVE BROWN: Okay. And approximately when did Sergeant arrive, if you know?

POLICE OFFICER ZAVALA: So Sergeant -- when we arrived, Sergeant had already arrived (Unintelligible). I don't know if we arrived simultaneously or second -- he arrived there seconds before we did, sir.

DETECTIVE BROWN: Okay. And did Sergeant approach and designate you as a lethal or did -- well, let me let you answer that question.

POLICE OFFICER ZAVALA: Yes, sir. So Sergeant [redacted] was to my left -- the vehicle to my left, sir, and I could communicate with Sergeant . Sergeant [redacted] is assigning a less lethal, a shield on his side. And when he looked towards our direction -- at the time we were only two vehicles and an XL car. We looked at each other. He designated me as the lethal officer and my partner as the DCO, designated cover officer, sir.

DETECTIVE BROWN: Okay. At what point did you

unholster?

POLICE OFFICER ZAVALA: When I arrive at scene after I put out the backup, sir, of 415 man with a knife at the location, I did unholster my firearm. Based on the tactical situation, I had reason to believe that it may escalate to the point where deadly force may be justified.

DETECTIVE BROWN: And when you unholstered that pistol, can you describe with a little more clarity and more detail how you held that pistol and where it was pointed?

POLICE OFFICER ZAVALA: Yes, sir. I held it -- I was at low ready. And at the same time I was trying to communicate with the RTO and direct corresponding units to the proper location. I was at low ready. I was at low ready. It was very loud. There's airship. There's people yelling, people screaming.

I'm trying to -- I'm trying to communicate with my officers to the left and also hear what the RTO was saying. That's why I kept getting the radio and try to put it in my ear while I'm on low ready with one hand on my right hand. That way I could listen to the RTO and everything that's being communicated.

DETECTIVE BROWN: And as you're holding that one-handed grip and you're at a low ready, where's

your trigger finger at?

POLICE OFFICER ZAVALA: On the side -- on the side of the rail, sir.

DETECTIVE BROWN: Okay. Now, did you maintain that one-hand grip the whole time or did you transition --

POLICE OFFICER ZAVALA: Oh, no, sir.

DETECTIVE BROWN: -- back and forth between --

POLICE OFFICER ZAVALA: No, sir. I was back and forth, sir.

DETECTIVE BROWN: Did you -- did you holster or reholster any time during the incident?

POLICE OFFICER ZAVALA: I don't believe -- I don't remember, sir. Maybe I did at one point. Maybe I didn't. Maybe I did to look at the additional officers that had arrived and try to designate them to wherever I needed them at the time, sir.

DETECTIVE BROWN: You just don't -- you don't have a specific recollection of holstering?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: Okay. So as you're communicating with the suspect -- I know you talked about you spoke to him in Spanish and English -- was he responsive at all? Did he reply or say anything directly -- I know you said he was saying some stuff

about God, but was there any lines of communication?

POLICE OFFICER ZAVALA: No lines of communication, sir. I could see just a blank stare. At one point he's just looking at me with a blank stare with this knife on his throat and he's just taking breaths and looking at me and looking at the officers, building courage to -- to me, building courage to hurt himself or even hurt us.

DETECTIVE BROWN: Okay. And you perceived that as being suicidal or what --

POLICE OFFICER ZAVALA: I believe so. I mean, he had this knife on his throat, sir, right? He had it on his throat. Cut his -- he already had cut his hand -- slit --

DETECTIVE BROWN: And you used the term -- I just want to -- for anybody that was listening, you used the term "crucify." What do you specifically mean by that?

POLICE OFFICER ZAVALA: What I'm trying to say is -- he was --

ATTORNEY WILCOX: Describe what you're doing with your hands.

DETECTIVE BROWN: Yeah, please.

POLICE OFFICER ZAVALA: He was just talking about God and then he started like --

DETECTIVE BROWN: Okay. So you're moving your hand up and down across -- from your head to chest.

POLICE OFFICER ZAVALA: Like a cross.

DETECTIVE BROWN: So as if making the crucifix sign.

POLICE OFFICER ZAVALA: Crucifix sign, yes, sir. I'm sorry.

DETECTIVE GRABE: The sign of the cross?

POLICE OFFICER ZAVALA: Sign of the cross across his chest and --

ATTORNEY WILCOX: You're using your right hand. Is that what he was doing; do you know?

POLICE OFFICER ZAVALA: You know, he was doing it with his -- he had the knife with his right. He was doing it with his left.

ATTORNEY WILCOX: Okay. And then just now when you were making that motion, it looked like you put your hand to your lips. Did you see him do that also or is that just typical --

POLICE OFFICER ZAVALA: No. He was just doing the cross.

ATTORNEY WILCOX: Okay.

POLICE OFFICER ZAVALA: Like typical -- your usual cross that --

DETECTIVE BROWN: Okay. What was your intention

or what was your intent in talking to him or what --

POLICE OFFICER ZAVALA: My intention in talking to the suspect, sir, is to drop that knife and get him the help that he needed, sir, and just help him out, you know.

DETECTIVE BROWN: As this conversation is going on, you said some of his family were in the immediate area. Were they also addressing or talking to him?

POLICE OFFICER ZAVALA: Yes, sir. So initially the radio call came out at Home Address, which is -- where we observed the suspect was Incident Location. So Home Addre was just the property east -- to the -- one house, I believe, east to where the suspect was at the front in the stairwell -- in the staircase -- on the steps.

DETECTIVE BROWN: And did he appear to respond to the family at all or react to their presence?

POLICE OFFICER ZAVALA: No, sir. No, sir. I kept hearing the family call him Junior. They were calling him Junior. And that's when I heard that and I attempted to call him Junior. That way I can, you know, make this suspect drop the knife. That way we could help him out or save him.

DETECTIVE BROWN: Now, you spoke about the less lethal that's deployed and I think you even mentioned exactly where you saw it strike him. Did it appear to

have any affect whatsoever on him?

POLICE OFFICER ZAVALA: No, sir. That round hit him right in the upper torso and just bounced right off of him. And he was -- his body demeanor -- he was tensed up. He was -- with the knife on his neck, he was --

DETECTIVE BROWN: And was that the only time you saw less lethal deployed or was there multiple?

POLICE OFFICER ZAVALA: That's the only time I observed less lethal get deployed, sir.

DETECTIVE BROWN: Okay. All right. Approximately -- in reference to the sequence of force that was used, how soon after that less lethal was deployed was lethal?

POLICE OFFICER ZAVALA: I would say more than two, three minutes, sir. I mean, we were still communicating with him. After the less lethal got deployed, he sat down again closer to the steps, closer to us as he was coming down the steps, and he got -- less lethal was deployed and then he sat down again with the knife on his neck.

DETECTIVE BROWN: Okay. So he stands up. He comes down the steps.

POLICE OFFICER ZAVALA: Comes down.

DETECTIVE BROWN: Gets hit with less lethal.

POLICE OFFICER ZAVALA: Stands up very rapidly, boom, with the knife, and that's when less lethal was deployed to stop him from advancing and --

DETECTIVE BROWN: And you said he sat down. About how long did he stay in that seated position the second time?

POLICE OFFICER ZAVALA: Oh, man. Several minutes, sir. Several minutes.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Several minutes because we were still trying to get him to drop that butcher knife. It was a large -- large butcher knife, sir, that he had.

DETECTIVE BROWN: Okay. When he -- at some point he got back up again?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: And then what did he do when he got back up the second time?

POLICE OFFICER ZAVALA: So the second time he rapidly got up, sir, holding the knife in front of him. He took approximately five, six steps towards the office -- towards the officers and myself, sir, turning his torso towards me in a threatening manner and that's when we fired to stop the threat, sir.

DETECTIVE BROWN: Okay. What did you perceive --

or what was your concern at the time you fired?

POLICE OFFICER ZAVALA: Oh, sir, I was afraid that the suspect was going to stab me, sir. I was afraid of my life. I was afraid of my partner's life and the other officers that were to the left of me. Not only that, sir, I was afraid of the pedestrians that were nearby.

He already had chased several pedestrians, based on the comments of the call, with this large butcher knife. His demeanor, his cutting his hand, attempting to cut his throat, standing up, took a deep breath, tensed up, and boom, took these five, six steps towards us. I was afraid of my life, sir.

DETECTIVE BROWN: And did you feel at that point that there was any other option?

POLICE OFFICER ZAVALA: Sir, I believe it was necessary to stop this deadly threat, so that's why I fired approximately two to three rounds, sir.

DETECTIVE BROWN: After the shots are fired -- well, let me break down. When you fired your shots, did you assess between each shot or can you give me the sequence of your fire?

POLICE OFFICER ZAVALA: Yes, sir. So I fired twice, boom, boom, and then I assessed and I observed that he was down on the ground and -- I'm sorry, sir.

DETECTIVE BROWN: Go ahead. Go ahead. I'm sorry. Go ahead.

POLICE OFFICER ZAVALA: I'm sorry. So the reason why I say two to three -- two to three shots, in my mind, I fired two shots, but I heard a third -- a third one, right? So I'm like oh, so probably two, three then, right? I mean, it happens quick. It happens fast. When you've been in these situations, it unfolds quick and -- but after I fired probably two, three shots, I assessed. He was down on the ground, sir, and that's when we form our tactical plan to handcuff him.

DETECTIVE BROWN: So the first two shots, did you see him react or --

POLICE OFFICER ZAVALA: No, sir. I just saw him falling to the ground, sir.

DETECTIVE BROWN: Okay. So when you fired the third shot, is he still advancing as you fire that third shot or is he still standing?

POLICE OFFICER ZAVALA: Oh, no, no. So to make it more clear, I fire -- I fire approximately two, three shots.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: So when I fired two, three shots, that's when I assess. He was already on

the ground.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: And the reason why I said I believe I fired a third shot was because I heard boom, boom, boom -- three. Boom, boom, boom, boom, right? And I was like -- in my mind I thought I fired two, but I heard a third, right?

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Like boom, boom, boom. Three.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: So that's why I say approximately two, three shots.

DETECTIVE BROWN: And at the time you fired, what was your background or where --

POLICE OFFICER ZAVALA: So at the time I fired, there was the steps behind and there was that lobby in the back. So -- so it was just the steps and the lobby in the back, sir, and it was clear. Nobody was back there. We had gotten everybody out of that building. And so, yeah, that was it. Just the steps and the lobby back there, sir.

DETECTIVE BROWN: When you say got everybody out of the building, what do you mean by that specifically?

POLICE OFFICER ZAVALA: I mean like everybody in that lobby that we visually observed initially that was there at the time.

DETECTIVE BROWN: I think you described a male.

POLICE OFFICER ZAVALA: A male Hispanic that we told him to leave the area.

DETECTIVE BROWN: Okay.

DETECTIVE GRABE: Could I ask something?

DETECTIVE BROWN: Yes. Sure.

DETECTIVE GRABE: Before we go to --

DETECTIVE BROWN: Yeah.

DETECTIVE GRABE: So were there other people in that lobby also?

POLICE OFFICER ZAVALA: You know what, sir, it appeared to be to me and -- but there was one that opened up the door and was, "Hey, get out of there. Everybody get out of there." So then when I observed him leave and just hear -- just hear other steps just leave that lobby area and that's why I assumed there was more.

DETECTIVE GRABE: And then how could you see what -- is there windows on the lobby door or --

POLICE OFFICER ZAVALA: Yes, sir. There was windows in the front. There's that door and there was windows, I believe, that you could see inside the

lobby, sir.

DETECTIVE GRABE: Okay.

DETECTIVE BROWN: Okay. Let's see. And I think we covered everything. So when you -- you described going up and taking the suspect into custody. As you made that approach, was there a -- was there any communication about organizing the arrest team or --

POLICE OFFICER ZAVALA: Yes, sir. Yes, sir.

DETECTIVE BROWN: Can you give us some details on that?

POLICE OFFICER ZAVALA: Yes, sir. Yes, sir. So [redacted] came around and started giving us orders directing an arrest team. I stayed as lethal and we made my partner, Officer Quintanilla, as the officer that was going to handcuff the suspect and we also had less lethal up there. And once we told them the tactical plan, we advanced and handcuffed the --

DETECTIVE BROWN: So as you're approaching for this arrest team, you're providing cover, are you -- how are you holding that pistol and where is it pointed?

POLICE OFFICER ZAVALA: Low ready, sir. Down to the --

DETECTIVE BROWN: And your trigger finger is where?

POLICE OFFICER ZAVALA: On the side of the rail, sir.

DETECTIVE BROWN: Okay. And you observed your partner actually cuff the suspect?

POLICE OFFICER ZAVALA: Yes, sir. We also had a shield up there, but I forgot to throw that out. We had a shield up there too.

DETECTIVE BROWN: I see. Did the suspect resist the cuffing or did you see any force used by your partner (Unintelligible) the cuffing?

POLICE OFFICER ZAVALA: No, sir. He just turned him aside and handcuffed him and attempted to render aid while the RA was --

DETECTIVE BROWN: And the RA was already on scene at that point?

POLICE OFFICER ZAVALA: Yes, sir. And once it was safe for the RA to make entry there, they end up -- they ran in there and rendered him safe.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Rendered aid.

DETECTIVE BROWN: Now, you described there was some contact with some family members or some people that were in the area. And you described that it's -- I think you might have used the term "push" and I'm not sure if that's -- if I'm misspeaking.

POLICE OFFICER ZAVALA: No. I was holding her back.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: I was holding this female back. And there's another patrol officer that was there with me, and he ended up just gaining control of the -- of this female and getting her out of the modified skirmish line that we had.

DETECTIVE BROWN: So to control this female, did you have to use any kind of firm grip, any kind of --

POLICE OFFICER ZAVALA: No, sir. I mean --

DETECTIVE BROWN: Okay. So you used no pain compliance? No force?

POLICE OFFICER ZAVALA: Oh, no, no, no. No force. Nothing like that, sir.

DETECTIVE BROWN: Did you see any other officers utilize any kind -- type of tactical force?

POLICE OFFICER ZAVALA: No, sir, I didn't.

DETECTIVE GRABE: And what -- and what Officer Zavala did when you were -- you were kind of showing us. You just held your arm out straight with your palm opened forward.

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: So is that a good -- are you describing what you did to keep her --

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- back away from you?

POLICE OFFICER ZAVALA: Yes, sir. And she was grabbing my forearms.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: So I was just, like, putting my palms up like that and she was grabbing my forearms. I'm like, "Ma'am, just get back."

DETECTIVE GRABE: Okay. So you just have your palms up in front of you. Right now you have both. Earlier you had one. So two palms forward?

POLICE OFFICER ZAVALA: Yes, sir. Yes, sir.

DETECTIVE GRABE: Okay. And so you weren't actually pushing.

POLICE OFFICER ZAVALA: Oh, no, no.

DETECTIVE GRABE: You were just holding your arms out to keep the distance?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: Okay. And then you said she was grabbing on to your arms, but was there -- what do you think her intention was? Was it to get by you or was it to harm you?

POLICE OFFICER ZAVALA: Oh, no, sir. She was just trying to get by me. She was trying to get by me and get to the suspect.

DETECTIVE GRABE: Okay.

DETECTIVE BROWN: Do you know if that was, in fact, a family member or --

POLICE OFFICER ZAVALA: I don't know, sir, if it was or not to be honest.

DETECTIVE BROWN: Okay.

DETECTIVE GRABE: Just your opinion on that, do you think -- do you believe you -- that was a use of force?

POLICE OFFICER ZAVALA: No, I don't believe so, sir.

DETECTIVE BROWN: Did you -- did you identify any witnesses or victims to that -- the initial ADW?

POLICE OFFICER ZAVALA: No, sir. Because then I got -- I got ordered to stay by the vehicle by [redacted] and --

DETECTIVE BROWN: So I'm going to back up just a little bit, because I didn't cover it. When you described your use of force and your firing of your lethal shots, did you see any of the other officers fire lethal?

POLICE OFFICER ZAVALA: No, sir, I didn't.

DETECTIVE BROWN: Okay. I know [redacted] was on scene. Did he come up at any time or another supervisor come up and identify that you specifically

had been involved in the shooting?

POLICE OFFICER ZAVALA: At one point there was a Sergeant Castaneda, Castanano (phonetic).

DETECTIVE BROWN: Castillanos?

POLICE OFFICER ZAVALA: Castillanos from Central Division that ended up staying with me, gave me the public statement.

DETECTIVE BROWN: Public safety statement?

POLICE OFFICER ZAVALA: Public safety statement and --

DETECTIVE BROWN: So let me ask you this: Did you keep your body-worn camera running after the shooting up until he arrived or --

POLICE OFFICER ZAVALA: Yes, sir. Until he arrived and directed me to turn off the camera and hand him the camera, sir.

DETECTIVE BROWN: Okay. So when you -- when you gave your public safety statement, to the best of your knowledge, the camera was not running?

POLICE OFFICER ZAVALA: I don't believe so.

DETECTIVE BROWN: Okay. Did you or any of the other officers that were on scene have any conversation after the cameras were collected regarding the incident?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE BROWN: And after Sergeant Castillanos took that statement, were you continuously monitored?

POLICE OFFICER ZAVALA: Yes, sir. I was with him during the whole time period until I got -- until I went to -- back to the scene, sir, and that's when Lieutenant Murlo took me.

DETECTIVE BROWN: Okay. So lieutenant transported you back for the walk-through with your attorney?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. Bear with me a minute. I'm going to go through -- Tim, do you want to pick up if you have any questions?

DETECTIVE GRABE: Sure. Sure.

DETECTIVE BROWN: And I'll go over my notes.

DETECTIVE GRABE: Okay. So early -- referring to your video, early on you told, "Hey, Sergeant, I'm going to talk to him in Spanish."

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: What was the reasoning that you were going to talk to him in Spanish? Had you -- was there some kind of indication that he was a Spanish speaker or just something you were attempting? What was your thought on that?

POLICE OFFICER ZAVALA: Due to the fact that he

wasn't listening to the English commands, sir, and it's a Hispanic -- mostly Hispanics in that area, sir, and he was a male Hispanic suspect. And I felt it was to give it a try to talk -- communicate with this individual in Spanish, have him drop this knife.

And also at one point I heard the family talking to him in Spanish. I'm not sure what the family said, but they were trying to communicate with him in Spanish. So I took it upon myself to communicate in Spanish.

DETECTIVE GRABE: Okay. And then so on the same topic, you talked about him talking about God and some other things. What language was that in when he was doing that communication?

POLICE OFFICER ZAVALA: Oh, man, like in Spanish and he's mumbling in Spanish and some kind of English in there. It was just -- he was distraught. He was mumbling stuff.

DETECTIVE GRABE: So a mixture of both English and Spanish?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: He was talking (Unintelligible).

POLICE OFFICER ZAVALA: That I -- that I heard, sir.

DETECTIVE GRABE: Okay. And now you talked about your partner giving him some commands too. Was that in English or Spanish?

POLICE OFFICER ZAVALA: In Spanish, sir. So initially I told my partner, "You talk to him in Spanish." And when I told [redacted] Sergeant, "[redacted] Sergeant [redacted], we're going to talk to him in Spanish." I told my partner, "Talk to him in Spanish." And my partner communicated him in Spanish.

And thereafter I told him, "You know what, let me talk to him, because I'm closer to him here. Maybe he'll listen to me," and have him drop that knife. And that's when we attempted that, right? We attempted that and he was still incoherent. He wasn't -- he was uncooperative. He wasn't listening.

DETECTIVE GRABE: Okay. Now, you obviously -- you've talked about it and we see it in the video where you ask for a skirmish line to be formed. And what was the reasoning? What was occurring that made you want to form a skirmish line?

POLICE OFFICER ZAVALA: So my reason to form the skirmish line, sir, is these pedestrians or family or whatever they were at the time -- I'm not sure if it was the family. There was still evidence at scene, the large butcher knife. Suspect was still on the

ground. The RA was rendering -- attempting to render aid to him. And so we're just protect the evidence and most importantly, sir, render aid to the -- to the suspect, sir.

DETECTIVE GRABE: Okay. Now, it appeared that you -- some kind of yellow object that you threw into the street. Where did that come from? How did that come into the --

POLICE OFFICER ZAVALA: Oh, no, sir. They threw -- they threw that at me, sir.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: Yeah, so they were throwing items at us, sir. So that -- it looked like a -- first it was a broom that they tossed and it was nearby the skirmish line and then they tossed a -- to sweep the dirt inside the --

DETECTIVE GRABE: Like the dirt -- dustpan type thing?

POLICE OFFICER ZAVALA: Yeah, the big ol' -- but they tossed it towards me. They almost hit me. They missed me and it landed on the street.

DETECTIVE GRABE: And you say "they." Do you know who threw it?

POLICE OFFICER ZAVALA: It was the subjects that were -- where we had -- where I ordered the skirmish

line to be at. It was one of those individuals.

DETECTIVE GRABE: Okay. But you're not -- you're not sure who?

POLICE OFFICER ZAVALA: I don't know. I'm not sure who, sir.

DETECTIVE GRABE: Okay. Now, you said that there was -- one of you gang units per day brings the less lethal.

POLICE OFFICER ZAVALA: Yes, sir. And they were at scene, which was [redacted] and Officer Meraz, 13-George-26.

DETECTIVE GRABE: Okay. So that's what I was going to ask is who was it that -- and now when you do that as a unit --

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- what less lethal is taken? Is it always the same? Is it different less lethals?

POLICE OFFICER ZAVALA: It's 40-millimeter and the beanbag, sir. So we have one unit with a 40-millimeter and another unit with a beanbag.

DETECTIVE GRABE: Okay. So there's actually two units --

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- with less lethal?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: And then do you carry your Taser?

POLICE OFFICER ZAVALA: Yes, sir. Yes, sir, I do.

DETECTIVE GRABE: All right. Now, after the OIS occurred -- this is, again, referring to your body-worn -- there was a time when there was another officer -- and I don't know who he was. He was talking about something on the ground. You just said, "Leave it."

POLICE OFFICER ZAVALA: Oh, yes, sir.

DETECTIVE GRABE: Can you explain to me what's going on there?

POLICE OFFICER ZAVALA: Yes, sir. So initially my partner, Officer Quintanilla, grabbed the suspect's hat, because he wanted to take -- give it to the RA. Because, you know, usually when we respond to these shooting calls and they have, like, a hat there, one that we give to the RA so they could give it to the suspect. So I believe my partner was trying to take that hat and give it to the RA, but I told him, "No. Leave it. Leave it." Because, you know, it's an officer involved shooting.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: And we got to leave

everything at scene.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: And then I looked at the knife and I said, "Just leave everything there." Just, you know --

DETECTIVE GRABE: Okay.

DETECTIVE BROWN: And in that realm, can I ask a question? Did you move the knife at all?

POLICE OFFICER ZAVALA: Yes, sir. So upon approaching -- yes, sir. Upon approaching -- sorry. Go ahead, sir. I don't want to cut you off.

DETECTIVE BROWN: No, no. You're fine. That's right. You described you kicked it?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: And, again, just for clarity, why did you kick it? Why did you choose to kick it?

POLICE OFFICER ZAVALA: Due to the fact that the suspect was still moving around and the knife was right by him, sir, and it was unsafe.

DETECTIVE BROWN: Thank you.

DETECTIVE GRABE: All right. Can you estimate the distance that you were from the suspect when you fired?

POLICE OFFICER ZAVALA: Yes, sir. Approximately -- I would say 10, 15, maybe 20 feet,

sir. You know, maybe 10, 15 I would say, yeah.

DETECTIVE GRABE: Okay. Now, you described that there -- there weren't enough resources. Where -- why did you believe there weren't enough resources? Had resources been asked for and denied or is it just because you knew there was a lot of stuff going on in the division? Where did you get that belief that there were not enough resources?

POLICE OFFICER ZAVALA: It was both, sir. It was the -- there was already an officer involved shooting in the division. I requested a backup. Corresponding units, they weren't arriving, sir. There was pedestrians around still walking. I kept looking around seeing if the officers were responding to scene. Nobody was there, sir.

There's a guy with a large butcher knife that already chased people around with a large butcher knife. He cut his hand, is trying to slice his throat. I'm trying to -- I'm trying to get these pedestrians out of this area, sir, of this -- of this dangerous suspect here.

DETECTIVE GRABE: Okay. So you're referring to the fact that you wanted more --

POLICE OFFICER ZAVALA: Resources.

DETECTIVE GRABE: -- resources to help with the

surrounding --

POLICE OFFICER ZAVALA: Containment.

DETECTIVE GRABE: -- pedestrians?

POLICE OFFICER ZAVALA: Yes, sir. With the containment. Yes, sir. And even more resources where we were at too, sir, right? And maybe have more officers there. Have another officer with a Taser ready. You know, we needed resources there and we didn't have resources.

DETECTIVE GRABE: And you've described or you've already explained that you've been at Newton for quite a long period of time. When you usually ask for a backup at Newton, is that something that comes quickly?

POLICE OFFICER ZAVALA: Oh, yes, sir. Yes, sir. Most definitely.

DETECTIVE GRABE: So for how long do you think between the time you requested backup and the fact that you realized that they were not coming?

POLICE OFFICER ZAVALA: Oh, man.

DETECTIVE GRABE: How much time elapsed?

POLICE OFFICER ZAVALA: To me, it seemed like a long time, but --

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: I mean, I don't recall.

But it took a while, sir.

DETECTIVE GRABE: Okay. How long do you think it took between the time you got there and when the OIS occurred?

POLICE OFFICER ZAVALA: How long did it take?

DETECTIVE GRABE: Yeah. What's the estimation, do you think?

POLICE OFFICER ZAVALA: Oh, man. Maybe approximately ten minutes, sir. Around there.

DETECTIVE GRABE: Okay. You talk about these pedestrians surrounding the area and you've already described the people who you think may have been the family were approximately 25 feet away. How about these other pedestrians you're talking about? What do you think the closest pedestrians were to this person?

POLICE OFFICER ZAVALA: Oh, man. One right behind him, sir, in the lobby.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: And the other one on Street 1, which is ten feet away from him.

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: I mean, and there was vehicles stopping right behind us and on the side of us. There was pedestrians walking all over.

DETECTIVE GRABE: Okay. Okay. Now, you talked

about the plan for handcuffing, but before that you talked about a plan put in place of who was going to be lethal, less lethal, that kind of thing.

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: But you didn't talk about who made that plan. And how was that plan given to you?

POLICE OFFICER ZAVALA: Yes, sir. So when we arrive at scene, [redacted] and the patrol officers were to my left. And when I arrive at scene -- you know, [redacted], he's our gang sergeant. We've been in many tactical incidents together. I looked at him and right away he already -- we was designated as less lethal, a shield on his side over there, and then he looked at me and my partner, Officer Quintanilla. He told me I was lethal and my partner designated cover officer, sir.

DETECTIVE GRABE: Okay. Thank you. Now, you talked -- you told my partner that you did not respond code three.

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE GRABE: But we do have, I believe, DICVS from your vehicle.

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: How did that get turned on?

POLICE OFFICER ZAVALA: Usually we try to make it

a habit, sir, when we arrive at scene to turn on the DICV either with our button here or inside the digital in-car video.

DETECTIVE GRABE: So on your belt or inside the --

POLICE OFFICER ZAVALA: Either the belt or inside.

DETECTIVE GRABE: But do you know how this time it got turned on?

POLICE OFFICER ZAVALA: No, sir. I don't recall.

DETECTIVE GRABE: Okay. Okay. Now, you talked many times about the suspect cutting his own throat. Which hand was he holding the knife in?

POLICE OFFICER ZAVALA: I believe he had -- he had the knife on his right and he put it across to his left side of his neck.

DETECTIVE GRABE: So the hand -- you're -- just so because, again, we're on tape here. So you're describing he has the knife in his right hand, but he's coming across his neck.

POLICE OFFICER ZAVALA: Across.

DETECTIVE GRABE: And then the neck was being put to the left side -- or the knife was being put to the left side of his neck; is that correct?

POLICE OFFICER ZAVALA: Yes, sir. And he was

pushing it and he was -- don't slice his throat. Looking at us and --

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: -- just building that courage.

ATTORNEY WILCOX: So when you're doing that, you're taking your right hand and kind of moving it down from under your ear on the left side of your neck down towards your chin? Would that be accurate to what you saw?

DETECTIVE GRABE: Is that -- she's asking.

POLICE OFFICER ZAVALA: Yes, sir.

ATTORNEY WILCOX: Oh, I meant from what you saw him do right now.

DETECTIVE GRABE: Oh, from what I see? Yes, yes.

ATTORNEY WILCOX: Sorry.

DETECTIVE GRABE: That's what it seems to be for me, yes.

ATTORNEY WILCOX: Is that what you saw at scene?

POLICE OFFICER ZAVALA: Yes.

ATTORNEY WILCOX: Okay.

DETECTIVE GRABE: Okay. Okay. Now, after you were ordered by [redacted] Sergeant to stand by that vehicle --

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- did you have any -- did you have any contact with any officers in which you discussed what had occurred?

POLICE OFFICER ZAVALA: No, sir.

DETECTIVE GRABE: Okay. Now, you've done -- you have told us many steps that you took for de-escalation, but could you give us just a brief -- just narrative of what your de-escalation steps were? What did you do to de-escalate this situation?

POLICE OFFICER ZAVALA: We had distance.

DETECTIVE GRABE: What you did. What you did personally.

POLICE OFFICER ZAVALA: Well, I communicated with the suspect in Spanish and tell him in Spanish, you know, to drop that knife multiple times. I was there to help him. I wanted to help him. You know, I wanted to help the suspect. I kept telling him many times to please drop the knife and we could talk about whatever was bothering him, that we could talk together. You know, but I needed him to drop that knife, you know, to save him, sir. And he just -- he just didn't listen.

DETECTIVE BROWN: Yeah, this is Brown again. I just have a couple quick ones -- questions that -- I didn't cover this when I was asking you about -- after

you -- well, after you were involved in the shooting, did you reload, top off, or manipulate your firearm in any way?

POLICE OFFICER ZAVALA: No, sir, I didn't.

DETECTIVE BROWN: Okay. Now, on your magazine capacity, your magazines hold up 19 rounds, correct?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. Now, is that -- is that -- are those private purchased magazines or were those issued?

POLICE OFFICER ZAVALA: It's from a Glock, sir.

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: So it goes with the Glock firearm.

DETECTIVE BROWN: Well, when I ask is -- was that something that was issued to you through the department or did you private purchase those?

POLICE OFFICER ZAVALA: Oh, no, no, no. (Unintelligible).

DETECTIVE BROWN: Okay. And what's your understanding on the policy about utilizing those particular magazines?

POLICE OFFICER ZAVALA: As long as it's the same brand as the Glock, we're able to utilize it with --

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: That's my understanding.

DETECTIVE BROWN: Okay. And to the best of your knowledge, your loading today, were you at full capacity?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: And you had a live one in the chamber?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. And did you verify that at any time at the start of watch or today?

POLICE OFFICER ZAVALA: Yes, sir. At every start of watch.

DETECTIVE BROWN: And how did you verify that?

POLICE OFFICER ZAVALA: Safely on loading barrel, I take out my magazine, see if there's one in the chamber.

DETECTIVE BROWN: So you did a chamber check?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay. I don't have any else. Ms. Wilcox, did you -- anything you wanted to cover or clarify?

ATTORNEY WILCOX: I think you got the two I had. Let me check. Did you talk about whether or not you thought he was under the influence of anything? Did we say that?

DETECTIVE BROWN: No, no. We did not cover that. So if you have -- you got a question you want to --

ATTORNEY WILCOX: Did you have the impression that the suspect was under the influence of anything?

POLICE OFFICER ZAVALA: Yes, ma'am. Just how I mentioned in my interview as I was talking.

ATTORNEY WILCOX: Did you say that? I'm sorry.

POLICE OFFICER ZAVALA: To me, he appeared --

ATTORNEY WILCOX: Can you say it again?

POLICE OFFICER ZAVALA: -- he was under the influence of some kind of controlled -- unknown controlled substance just by the way he was acting, his demeanor, his mumbling. To me, he appeared to be under the influence of --

DETECTIVE BROWN: Can I ask a follow-up question? Did you have any concern or perception that there was an issue with mental illness?

POLICE OFFICER ZAVALA: Possibility, sir. I mean, subjects that are under the influence go hand in hand with mental illness. Yes, sir, it did cross my mind.

DETECTIVE BROWN: Okay. Did the family try to -- or did you hear the family say anything about mental illness or --

POLICE OFFICER ZAVALA: No, sir. No, sir. They

were just yelling, saying, "Junior, drop -- you know, drop that knife, Junior." In Spanish and English we were telling him to drop that knife also.

ATTORNEY WILCOX: That was all I had.

DETECTIVE GRABE: When you got up closer to him when he was being taken into custody, did you smell anything or see anything that made you think he was under the influence, other than just the way he was acting?

POLICE OFFICER ZAVALA: I mean, just -- I mean, just I could see it in his eyes, sir. He had that blank stare. Just looking at me like if he wasn't in there like -- like he wasn't there.

DETECTIVE BROWN: Okay. I don't have anything else. I know we went over this in great detail. Is there anything that you feel you need to clarify or that maybe we didn't address that you'd like to address before we conclude?

POLICE OFFICER ZAVALA: I just want to clarify that when we arrive at scene, [redacted] Sergeant already had a designated less lethal. When I arrived, I was the lethal. My partner DCO. There was a shield. At one point when 13-George-26 arrived, there was an additional less lethal on my side, which was [redacted] Officer 4, and Officer Meraz deployed the shotgun. He

ended up being the lethal on [redacted]'s side. So he already had addressed a tactic -- we had a tactical plan already as this was unfolding, sir.

DETECTIVE BROWN: Okay. Well, let me ask one last follow-up question then. Now, you described, you know, you work with your partner regularly and discuss tactics. [redacted], you said he's your OIC for the gang unit?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Now, have you and your partner, Officer Quintanilla, and [redacted] been to other calls where there was lethal and less lethal --

POLICE OFFICER ZAVALA: Utilized?

DETECTIVE BROWN: -- utilized or deployed?

POLICE OFFICER ZAVALA: Oh, yes, sir. Yes, sir. Yeah, many incidents -- in many, many, incidents, right? And then we just had an incident a few days ago, a 415 man with a knife. He was running around on 52 and Ascot with a knife, high on meth, running around, crossing -- vandalizing windows.

You know, we were able to respond there and I communicated with the suspect, right? I made him -- I made him drop this knife, and we were able to take him in custody without the use of force, sir. And those were my intentions today. I was just replaying that

incident a few days ago where we had -- I wanted -- I wanted that to happen today. I wanted -- I wanted to make him drop that knife.

DETECTIVE BROWN: And as a unit, do you guys typically debrief those scenarios or --

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: -- when you respond to those?

POLICE OFFICER ZAVALA: Yes, sir. We debrief every incident that we go through. Every day that we work, sir, we always debrief incidents.

DETECTIVE BROWN: And do you feel that you have a rapport or understanding to how your -- how your sergeant and your partner reacts to these and do you feel comfortable in maybe without communicating in some of these situations?

POLICE OFFICER ZAVALA: Oh, yes, sir. Most definitely. We've been working together for almost three years now, going on four. Yes, sir.

DETECTIVE BROWN: Okay. Okay. Anything else you wanted to address or clarify?

POLICE OFFICER ZAVALA: Just I wish, you know, we would have saved the guy, you know?

DETECTIVE BROWN: Okay. With that then -- okay. We're going to go ahead and conclude the interview then. The time is now 0132 hours. ///