LETTER OF TRANSMITTAL
CF NO. 22-003418
COMMANDING OFFICER'S ADJUDICATION

The completed complaint investigation was received on November 8, 2022.

ADJUDICATION

Complainant: Department Los Angeles, Ca.

The Complaint Investigation, CF No. 22-003418, resulted in two allegations of misconduct against two Department employees:

Police Officer II Jose Zavala — Newton Area
Serial No. 40197

Police Officer II Julio Quintanilla — Newton Area
Serial No. 42454

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

ALLEGATION 1. The Department alleges on December 18, 2021, Officer Zavala, while on-duty, utilized Lethal Force, that reached a finding of, "Out of Policy, Administrative Disapproval."

ALLEGATION 2. The Department alleges on December 18, 2021, Officer Quintanilla, while on-duty, utilized Lethal Force, that reached a finding of, "Out of Policy, Administrative Disapproval."

CLASSIFICATION

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

RATIONALE

Officer Zavala and his partner Officer Quintanilla responded to a radio call of an, "Ambulance Attempt Suicide," the subject was armed with a knife. Officer Zavala and Officer Quintanilla along with other Newton personnel arrived at scene and contacted the subject who was sitting on the steps in front of the location, armed with a knife. Officers tactically deployed behind their vehicles and attempted to communicate with the subject. Officer 1 Serial No. 43071 was designated at as the less-lethal officer, equipped with the 40mm Less Lethal Launcher and Officer Zavala and Officer Quintanilla were assigned as the Designated Covering Officers by Sergeant Serial No. 36665, Newton Area Gang Enforcement Detail. Sergeant Sergeant was the Incident Commander (I/C) at scene.

After lines of communication had failed with the subject and based on the subject's actions, Officer one 40mm LL round was fired, striking the subject. Approximately .382 seconds later, Officer Zavala discharged the first of three rounds from his service pistol, approximately 25 feet away, striking the subject. Approximately .322 seconds after Officer Zavala discharged his third round, Officer Quintanilla discharged one round from his service pistol at the subject, from approximately 28 feet.

On October 5, 2022, the Chief of Police (COP) adopted the findings from the Use of Force Review Board (UOFRB), which included the use of lethal force being, "Out of Policy, Administrative Disapproval," for both Officer Zavala and Officer Quintanilla.

On November 1, 2022, the Honorable Board of Police Commissioners adjudicated the OIS, Force Investigation Division (FID) No. 064-21, and adopted the findings of the COP for both Officer Zavala and Officer Quintanilla. The use of Lethal Force was found to be Out of Policy, Administrative Disapproval.

Based on the evidence, statements, and findings related to this investigation, it is recommended that Allegation 1 and 2 be classified as **SUSTAINED**.

DIGITAL IN-CAR VIDEO (DICV) / BODY WORN VIDEO (BWV) / AND OTHER VIDEO AUDIO RECORDINGS

BWV and DICV were used to assist in the adjudication of this investigation.

ADMINISTRATIVE INSIGHT FOR OFFICER ZAVALA

Employee Development Plan

Captain Alex Baez, Serial No. 26623, Commanding Officer, Newton Area, conducted an employee interview with Officer Zavala. Officer Zavala is currently assigned to Newton Area Detectives and is on Administrative Restriction, non-field duties. As part of his development plan, he will continue to work Newton Area Detectives. This will help him develop valuable knowledge involving investigation skills that he will be able to use throughout his career. It is also recommended that he be placed on Risk Management Executive Committee (RMEC).

Penalty

Officer Zavala stated that he believed that it was necessary to fire three rounds at the subject to stop the threat, due to the subject advancing towards him with the knife. He stated that he was in fear for his life, his partner's life and the citizens in the area. The Board considered Officer Zavala's perception, however they believed that the findings did not support his belief of the imminent deadly threat posed by the subject.

After a complete review of Officer Zavala's work history and based on the findings of this investigation, it is recommended that Officer Zavala receive a penalty of **SUSPENSION-22 DAYS.**

Work History Analysis

Sergeant Joseph Scida, Serial No. 36457, Newton Complaint Unit, reviewed Officer Zavala's TEAMS II report. He has been with the Department since May 26, 2009 and has been assigned to Newton Area since January 21, 2018. He has no complaints with similar allegations. He has three sustained complaints.

CF No. 20-000084. Date of incident January 9, 2022. Citizen reported an officer used profanity during a UOF. Dept. alleged Officer Zavala failed to report misconduct- Sustained/Official reprimand.

CF No. 18-001911. Date of incident: October 19, 2017. Traffic collision. Sustained/Official Reprimand.

CF No. 15-001078. Date of incident: April 15, 2015. Unauthorized force and tactics became involved in UOF when suspect punched and bit him. Application of force deemed Out of Policy/15-day suspension.

He has been involved in (25) Non-Categorical Use of Force incidents. One incident was deemed Out of Policy and was addressed through CF 15-001078.

He has been involved in one prior Categorical Uses of Force, Case No. 2011139/FIDNo. 042-12, which had a finding of In-Policy.

He has been involved in (21) vehicle pursuits. Two were deemed Out of Policy.

- DR No. 18-1308647. Role: Driver
- DR No. 17-1923775. Role: Driver.

Officer Zavala has been involved in one preventable traffic collision

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

Officer Zavala was removed from field duties and placed on Administrative Restrictions after the OIS. He is currently assigned to Newton Area Detectives.

ADMINISTRATIVE INSIGHT FOR OFFICER QUINTANILLA

Employee Development Plan

Captain Alex Baez, Serial No. 26623, Commanding Officer, Newton Area, conducted an employee interview with Officer Quintanilla. Officer Quintanilla is currently assigned to Newton Area Detectives and is on Administrative Restriction, non-field duties. As part of his development plan, he will continue to work Newton Area Detectives. This will help him develop valuable knowledge involving investigation skills that he will be able to use throughout his career.

Penalty

Officer Quintanilla stated that he believed that it was necessary to fire one round at the subject to stop the threat, due to the subject advancing towards him with the knife. He stated that he was afraid the subject would, cut him with the knife, cut his partner, or cut a civilian. The Board considered Officer Quintanilla's perception, however they believed that the findings did not support his belief of the imminent deadly threat posed by the subject.

After a complete review of Officer Quintanilla's work history and based on the findings of this investigation, it is recommended that Officer Zavala receive a penalty of **SUSPENSION-2 DAYS.**

Work History Analysis

Sergeant Joseph Scida, Serial No. 36457, Newton Area Complaint Unit, conducted a review of Officer Quintanilla's TEAMS II report. Officer Quintanilla has been with the Department since February 22, 2016 and has been assigned to Newton Area since October 1, 2017. Officer Quintanilla has one sustained complaint.

CF No. 21-002558. Date of Incident: July 6, 2021. Out of Policy Pursuit. Sustained-Admonishment.

He has been involved in (13) Non-Categorical Uses of Force. All of which were classified as, "In Policy."

He has been involved in seven vehicle pursuits. Six were classified as, "In Policy."

He has been involved in two preventable traffic collisions.

- DR No. 19-1311641 and DR NO. 17-0314261

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

Officer Quintanilla was removed from field duties and placed on Administrative Restrictions after the OIS. He is currently assigned to Newton Area Detectives.

This letter of transmittal was written by:

JOSEPH SCIDA, Sergeant I
Newton Complaint Unit
Newton Area

Date: 11·15·22.

APPROVED BY:

ALEX BAEZ, Captain
Commanding Officer
Newton Area

Date: 11/15/22