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FORCE INVESTIGATION DIVISION REPORT NUMBER

F064-21

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Force Investigation Division
F064-21
OFFICER-INVOLVED SHOOTING



Force Investigation Division Investigators

Administrative Team:

DII T. Brown
Serial No. 34045

DIII K. Huff
Serial No. 34099

Criminal Team:

DIII N. Pikor
Serial No. 35384

DII S. Carrillo
Serial No. 35791

Criminal Apprehension Team

DIII T. Lee
Serial No. 32870

DII J. Chavez
Serial No. 27375

Date and Time of Incident:	**December 18, 2021, 1710 Hours**
Location of Incident:	[redacted]
Area of Occurrence:	**Newton Area, RD 1323**
Suspect(s):	Victim **Male, Hispanic, 22 years of age**
Injuries:	**Gun Shot Wounds to the chest, neck and torso (Deceased)**
Criminal Activity:	**Assault with a Deadly Weapon on a Peace Officer**
DR Nos.	**2113-20675 and 2113-20677**
Involved Officer(s):	**PO II Jose Zavala** **Serial No. 40197** **Newton Area Gang Enforcement Detail** **PO II Julio Quintanilla** **Serial No. 42454** **Newton Area Gang Enforcement Detail**

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This report is for the confidential use of the Chief of Police

F064-21
TABLE OF CONTENTS

Section	**Page**
Synopsis	1
Investigative Summary	1
Scene Description	26
Canvass for Witnesses	26
Suspect Information	27
Injuries	28
Evidence	28
Coroner's Investigation	29
Weapons	29
Firearms Analysis	31
Visual Documentation	32
Notifications	34
Personnel at Scene	34
Communications	34
Justice System Integrity Division	34
Investigators' Notes	35

Transcribed Statements

[redacted] (Pages 1-32)
[redacted] (Pages 1-23)
Sergeant [redacted] (Pages 1-55)
Police Officer II Julio Quintanilla (Pages 1-54)
Police Officer II Jose Zavala (Pages 1-56)
Officer 1 [redacted] (Pages 1-46)
Officer 2 [redacted] (Pages 1-24)
Officer 3 [redacted] (Pages 1-32)
[redacted] (Pages 1-33)
Officer 4 [redacted] (Pages 1-43)

F064-21
TABLE OF CONTENTS

Police Officer II Enrique Meraz (Page 1-45)
Sergeant I Arnold Castellanos (Pages 1-16)
Sergeant I Victor Cruz (Pages 1-16)

Addenda

Addendum No. 1 — Los Angeles Fire Department, Pre-Hospital Care Summary Report, for [redacted] Victim, dated December 18, 2021, Call No. 1212.

Addendum No. 2 — Los Angeles Police Department, Newton Area, Watch Commander's Daily Report, Watch 3 and 5, Lieutenant I Celina Robles, Serial No. 38064, dated December 18, 2021.

Los Angeles Police Department, Sergeant's Daily Report, Sergeant [redacted], Serial No. [redacted], dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Victor Cruz, Serial No. 38632, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Gabriel Gaxiola, Serial No. 35056, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Jason Adkins, Serial No. 35881, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Stephen McClean, Serial No. 37049, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Phillip Scallon, Serial No. 31318, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I James Lee, Serial No. 38328, dated December 18, 2021.

Los Angeles Police Department Sergeant's Daily Report, Sergeant I Dominic Santiago, Serial No. 34994, dated December 18, 2021.

Los Angeles Police Department, Revised Sergeant's Daily Report, Sergeant I Arnold Castellanos, Serial No. 40402, dated December 18, 2021.

Addendum No. 3 — Los Angeles Police Department, Interdepartmental Correspondence 15.2, Assessment of Supervisory Response to a Categorical Use of Force, FID Case No. F064-21, dated February 8, 2022.

F064-21
TABLE OF CONTENTS

Addendum No. 4	Los Angeles County, Consolidated Criminal History Reporting System (CCHRS) printout for [redacted], dated December 18, 2021.
Addendum No. 5	Los Angeles Police Department, Investigative Report, for Assault with A Deadly Weapon, DR Nos. 2113-20675 and 2113-20677, dated December 18, 2021.
Addendum No. 6	Los Angeles Police Department, Follow-Up Investigation Report, DR Nos. 2113-20675 and 2113-20677, dated March 29, 2021.
Addendum No. 7	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Evidence Collection, dated May 11, 2022.
Addendum No. 8	Los Angeles Police Department, Property Report, DR No. 2113-20675, dated January 5, 2022.
Addendum No. 9	Department of Medical Examiner-Coroner, County of Los Angeles County, Autopsy Report, dated June 1, 2022.
Addendum No. 10	Department of Medical Examiner-Coroner, County of Los Angeles County, Forensic Science Laboratories, Analysis (Toxicology) Report, dated March 25, 2022.
Addendum No. 11	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Firearms-Test Fire Firearm, for Officer Zavala, dated January 12, 2022.
Addendum No. 12	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Firearms-Test Fire Firearm, for Officer Quintanilla, dated January 12, 2022.
Addendum No. 13	Los Angeles Police Department Training Division, Ordnance Unit, Weapon Discharge Inspection Report, dated December 21, 2021.
Addendum No. 14	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Firearms-Bullet Path Analysis, dated May 11, 2022.
Addendum No. 15	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Firearms-Type and Caliber, dated April 7, 2022.
Addendum No. 16	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Serology/DNA - STRI, dated May 12, 2022.

F064-21
TABLE OF CONTENTS

Addendum No. 17	Los Angeles Police Department, Department Operations Center, Incident Notification Log, dated December 18, 2021, Incident No. 21121800002616.
Addendum No. 18	Los Angeles Police Department, Communications Division, Incident Recall Report, Incident No. 21121800002616, dated December 18, 2021.
Addendum No. 19	Los Angeles Police Department, Police Sciences and Training Bureau Inservice Training, Training Division, Notice 12.1.2, Distribution "A."

FORCE INVESTIGATION DIVISION
REPORT OF AN OFFICER INVOLVED SHOOTING
F064-21

The following report in its digital form contains video links that can be viewed during the review of the report. All addenda, diagrams, investigators' notes, and video can be viewed by clicking on the colored link.

TO: MICHEL R. MOORE, CHIEF OF POLICE

SIR:

Synopsis: On Saturday, December 18, 2021, at approximately 1710 hours, Newton Area Gang Enforcement Detail (GED) Officers, responded to a suicidal male, armed with a knife radio call. While at scene, the officers contacted the suspect and an Officer-Involved Shooting (OIS) occurred. The suspect sustained multiple gunshot wounds and was transported to Los Angeles County, University of Southern California Medical Center (LAC+USCMC) for treatment; where he succumbed to his injuries.

The following Investigative Summary is based upon Body Worn Video (BWV), witness statements, officer statements as well as physical evidence. Any discrepancies are noted in an intended note.

INVESTIGATIVE SUMMARY

On December 18, 2021, at 1654 hours, [redacted] called 911 and Communications Division (CD) Radio Telephone Operator (RTO) Larry Gates, Serial No. N2995, answered the call.[1] [redacted] reported that [redacted] Victim was [redacted] and just walked out of the house armed with a knife (Audiolink).[2] At approximately 1656 hours, an *"Ambulance Attempt Suicide"* radio call was generated for Newton Patrol Division, Incident No. 21121800002616 (Audiolink) (Investigators' Note No. 1).

According to [redacted] when Victim walked away from his residence, he removed a knife from his pocket and held it in his hand. Victim walked west through the rear alley to the south sidewalk in front of [redacted][3]

Witness [redacted] told investigators that [redacted] had begun to drink beer and smoke drugs when he turned 18 years old.[4] [redacted] further stated about [redacted] that, *"He's a very hyper boy. He's very, very -- how do you say it? When he drinks -- because of the beer and the drugs, he's in an altered state of mind."*[5]

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[1] [redacted] PII - Civ. Code secs. 1798.3 & 1798.24 .
[2] Victim male Hispanic, 22 years of age, 4 feet 9 inches tall, 98 pounds.
[3] Communications Division recording, audio play time stamp, 0 minutes and five seconds of the recording. The audio was recorded at approximately 1654 hours.
[4] [redacted] statement, Page No. 4, Lines 5-17.
[5] [redacted] statement, Page No. 5, Line 21-24.

Newton Patrol Division, uniformed Police Officers II Officer 1 Serial No. [redacted], passenger, and Officer 2, Serial No. [redacted], driver, were assigned to unit 13A13, Watch Two.[6] The officers activated their BWV cameras and responded Code Three to the call.[7]

Newton Gang Enforcement Detail (GED), uniformed Sergeant, Serial No. [redacted], was assigned to [redacted].[8] Sergeant activated his BWV camera and responded Code Three to the call. According to Sergeant, *"It follows edge weapons protocols, so with that being said, a supervisor has to respond with the unit. They requested a supervisor to respond. Again, being the only field supervisor available, I responded to the call."*[9]

According to Sergeant, earlier that day during roll call, he discussed tactics regarding men with knives with the officers assigned to GED. Sergeant further stated, he and the officers assigned to GED regularly discuss tactics and how to handle different scenarios.[10]

Sergeant stated, *"When we came in, there wasn't a lot of resources to handle the radio. So we volunteered -- I volunteered our unit to go -- to help out, because there was a lot of calls dropping. [redacted] Myself -- I was the only supervisor out in the field. I had my units log on, start replying to radio calls."*[11]

Newton GED, uniformed Police Officers II Jose Zavala, Serial No. 40197, and Julio Quintanilla, Serial No. 42454, were assigned to [redacted].[12] The officers responded Code Three to the call.

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[6] Officer Officer 1, four years and seven months, with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted]. Officer Officer 2, 3 years with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted]. The Officers were wearing ballistic vests and had Department-approved handguns, handcuffs, TASERs, canisters of Oleoresin Capsicum (OC) spray and flashlights attached to their Sam Browne equipment belts. The officers had a Hobble Restraint Device (HRD) in their sap pockets. The officers were equipped with Body Worn Video (BWV) cameras. The officers were in a marked black and white police vehicle, Shop No. 81511, equipped with emergency equipment and a Digital In-Car Video System (DICVS). The officers had side-handled batons and a 40mm Less Lethal Launcher stored inside their police vehicle.

[7] Los Angeles Police Department Manuel, Volume 4, Section No. 120.40, defines Code Three, as a radio transmission code, indicating a unit is responding to an emergency call, with lights and sirens activated.

[8] Sergeant Sergeant, 18 years and 11 months with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted] Sergeant was wearing a ballistic vest and had Department-approved handgun, handcuffs, canister of OC spray, and a flashlight attached to his Sam Browne equipment belt. Sergeant was equipped with a BWV camera. Sergeant was driving a marked black and white police vehicle, Shop No. 81552, equipped with emergency equipment and a DICVS. Sergeant had a side-handled baton stored inside his police vehicle.

[9] Sergeant's statement, Page No. 7, Lines 18-23.

[10] Sergeant's statement, Page No. 18, Lines 14-25 and Page No. 19, Lines 1-6.

[11] Sergeant's statement, Page No. 7, Lines 9-14.

[12] Officer Jose Zavala, 12 years and five months, with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted]. Officer Julio Quintanilla, five years and 10 months, with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 PII - Civ. Code secs. 1798.3 & 1798. The officers were wearing ballistic vests and had Department-approved handguns, handcuffs, TASERs, canisters of OC spray and flashlights attached to their Sam Browne equipment belts. The officers were equipped with their BWV cameras. The officers were in a marked black and white police vehicle, Shop No. 87982, equipped with emergency equipment and a DICVS. The officers had HRD's and side-handled batons stored inside their police vehicle. Officers Quintanilla and Zavala did not activate their BWV cameras while driving Code Three to the call.

At approximately 1654 hours, witness [redacted], called 911 and reported to the RTO that Victim had a large knife.[13] [redacted] gave the RTO Victim's description and location.

According to [redacted] he was walking from Street 2 and Street 3 to catch the 53 Line bus on South Central. [redacted] stated he stopped at [redacted] to rest, when he saw Victim looking at him and walking toward him, while holding a knife. [redacted] stated that Victim looked angry and he was swinging the knife in the air, which caused him to be scared.[14] [redacted] also stated, *"There were families crossing, and when they saw him, they also got scared."*[15] *"And in that direction, there was also a family who was already calling the police. They said, 'are you calling, too?'"*[16] [redacted] stated he called the police because he believed that Victim was dangerous.[17] [redacted] further stated, he saw the police arriving and he walked away to catch the bus.[18]

At approximately 1656 hours, on the CD 911 call recording, [redacted] was heard telling the RTO that Victim tried to hit someone and was going to attack a person with the knife (Audiolink) (Investigator's Note No. 2).

At 1657 hours, CD broadcast an information update, *"additional on your attempt suicide, [redacted] the subject is now chasing people with the knife in front of [redacted]* (Audiolink).

> **Note:** Investigators' review of the 911 call recording noted that [redacted] did not say that Victim was chasing people with the knife; as stated by the RTO in the radio broadcast. Investigators heard [redacted] tell the RTO that Victim was going to attack a man with the knife.

Referring to the radio call, Sergeant stated, *"Then it upgraded stating that he was outside of the location, chasing people down the street with a knife. Okay. Once I heard that, I knew it was serious. So I responded Code Three to the location due to the fact that I believed that, you know, this individual was a danger to the community and a danger to the public based on the upgraded radio call."*[19]

At approximately 1700 hours, as Sergeant drove west on [redacted] toward the [redacted] block, [redacted]. Officers assigned to GED [redacted] were [redacted].[20] Sergeant told investigators,

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[13] [redacted], male Hispanic, [redacted]
[14] [redacted] statement, Page No. 5, Lines 4-16 and Page No. 7, Lines 6-13.
[15] [redacted] statement, Page No. 4, Lines 22-24.
[16] [redacted] statement, Page No. 4, Lines 24-25 and Page No. 5, Line 1.
[17] [redacted] statement Page No. 17, Lines 22-24.
[18] [redacted] statement, Page No. 6, Lines1-8.
[19] Sergeant s statement, Page No. 8, Lines 1-8.
[20] Los Angeles Police Department Manuel, Volume 4, Section No. 120.40, defines Code Six as a radio designation term indicating that a unit is at a location, for enforcement activity or an investigation.

based on edge weapons protocol and that he was the only Newton Patrol supervisor in the field, he did not respond to [redacted].[21]

According to Sergeant, as he drove west on [redacted] a male Hispanic and a female Hispanic were flagging him down and pointing to Victim sitting on the stairs in front of [redacted].[22] Sergeant further stated he, *"Identified him based on the comments of the radio call, what he was wearing and the fact that I observed right away he was holding like a big butcher knife type meat cleaver."*[23]

According to Sergeant's BWV, at 1701:31 hours, he parked the police vehicle facing southwest toward the south curb, activating the vehicle spot light and illuminating the area around Victim. According to Sergeant, *"At that point, I didn't go Code Six initially right away. I knew that we had 13-Adam-13 was en route and one of my George units was en route also, [redacted]. Simultaneously, as we were responding, one of my other units [redacted] I was already committed to this call. Obviously I didn't want to tie up the air, and I knew other units were en route.*[24] *I just didn't want to tie up the air, because we had a dangerous situate -- they actually subsequently [redacted]"*[25]

As Sergeant exits his vehicle, Victim is depicted sitting on the exterior stairs of the apartment building located at [redacted] Victim was holding a knife in his right hand with the blade pressed against his neck (Photolink).

Sergeant can be heard telling Victim to, *"Just drop that, you're going to be good! Drop the knife alright, hey bro, just drop the knife."* Victim did not appear to respond to or acknowledge Sergeant. According to Sergeant, he unholstered his pistol, held it in a single hand grip, with his trigger finger along the slide, at a low-ready position as he stood behind the open driver side door of his vehicle (Videolink).

According to Sergeant, he unholstered his pistol, *"Due to the fact based on the comments of the radio call, based on my observations of him -- seeing him with a meat cleaver, large butcher knife, I believed that the situation may escalate to the use of deadly force. I drew my firearm and to protect myself in the event that he may try to charge at me."*[26]

According to Officers Zavala and Quintanilla's BWV at 1702:05 hours, the officers arrived at [redacted] Officer Zavala parked the police vehicle facing southeast toward the south curb and turned on the spotlight illuminating the area around Victim, who was still seated on the stairs.

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[21] Sergeant's statement, Page No. 7, Lines 18-23.
[22] Sergeant's statement, Page No. 8, Lines 9-11, Page No. 20, Lines 18-25 and Page No. 21, Line No. 1.
[23] Sergeant's statement, Page No. 8, Lines 16-19.
[24] Sergeant's statement, Page No. 8, Lines 21-25, and Page No. 9, Lines 1-5.
[25] Sergeant's statement, Page No. 20, Lines 12-15.
[26] Sergeant's statement, Page No. 9, Lines 7-12.

According to Officer Quintanilla, he did not broadcast that they were Code Six, *"Because at the same time that we were responding to this man with a knife call,* [redacted] *and the radio was tied up. So I didn't -- you know, yeah, I didn't push the button and I didn't show myself on the radio code six, but my partner did put out an RA request. So I assume that they were -- they knew that we were there already because of the request of the RA."*[27]

Officer Quintanilla's BWV depicts him exit the vehicle and take a standing position behind the vehicle passenger door. Officer Quintanilla unholstered his pistol with his right hand as he simultaneously turned on and positioned the vehicle spotlight with his left hand. Officer Quintanilla is depicted transitioning to a two-hand grip on the pistol, as he held it in a low-ready position. According to Officer Quintanilla, he had his trigger finger along the frame and his sights were aligned toward the suspect.[28] According to Officer Quintanilla, he unholstered his pistol, *"When I came out the vehicle, I took my firearm out because based on the tactical situation and just by the radio call saying that he had a butcher knife and he was chasing people in an attempt to hurt them. I believe that, you know, it could escalate to the point where deadly force may be justified, so I drew my firearm out."*[29] Officer Quintanilla further stated, regarding Victim, *"At the time we began to give commands to the suspect who was sitting there at the time with this big ol' butcher knife and, you know, there was civilians around the area too. So, you know, we wanted to make sure that he wouldn't go and chase other civilians, because he was -- he had already done that."*[30]

According to Officer Quintanilla's BWV, at 1702:12 hours, his BWV was recording in buffer mode, when he pressed the record button, activating the audio. Officer Quintanilla can be heard speaking to Victim in English and then in Spanish, giving commands to drop the knife. According to Officer Quintanilla, *"I noticed that he's not really responding to it. He seemed a little -- kind of like if he was under the influence of a narcotic. So I'm like, you know what, I'll just try talking to him in Spanish. So I start talking to him in Spanish. I start kind of, you know, letting him know that we're here to help him out and that we wanted to help him. We didn't want to hurt him. And whatever it was, just to drop the knife, you know, because we're here to help him out"* (Videolink).[31]

Simultaneously, Officer Zavala made a radio broadcast, "*Let me get a Back-up on a 415 man with a knife."* Officer Zavala also broadcast a request for a Rescue Ambulance (RA) to respond and stage at [redacted]. According to 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."*[32]

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[27] Officer Quintanilla's statement, Page No. 18, Lines 6-13.
[28] Officer Quintanilla's statement, Page No. 25, Lines 8-24.
[29] Officer Quintanilla's statement, Page No. 9, Lines 21-25 and Page No. 10, Lines 1-2.
[30] Officer Quintanilla's statement, Page No. 10, Lines 3-10.
[31] Officer Quintanilla's statement, Page No. 11, Lines 2-10.
[32] Officer Zavala's statement, Page No. 18, Lines 10-13.

As the officers arrived at [redacted] was still on the phone telling the RTO that the officers had arrived, and [redacted] was holding the knife to his throat.[33]

According to Officers 1 and 2 's BWV at 1702:22 hours, Officer 1 parked the police vehicle in front of [redacted], facing west in the east lanes, east of Sergeant [redacted] 's vehicle. Sergeant yelled to the officers to, *"Get that forty out!"* According to Sergeant , *"Then 13-Adam-13 arrived. I knew that unit was equipped with a 40. I had them -- directed them to come up to my vehicle, positioned the 40 on the driver side. I positioned the partner officer as lethal on the passenger side."*[34]

According to Officer 1 's BWV, he retrieved the 40mm Less Lethal Launcher (40mm LLL) from the vehicle gun rack and loaded a sponge round into the launcher, as he walked to Sergeant [redacted] 's location.

According to Sergeant 's BWV, at 1702:24 hours, Victim held the knife in front of himself, at shoulder level and rotating the blade back and forth, from left to right repeatedly. Sergeant directed Officer 1 to take a cover position behind the driver's door of his vehicle. Sergeant directed Officer 2 to take a cover position behind the passenger side door of the vehicle. At 1702:36 hours, Sergeant holstered his pistol and told Officers Zavala and Quintanilla, *"He's got less lethal right here, you guys got cover, you guys got lethal, good to go, alright."* Officer 1 is depicted with the 40mm LLL shouldered and pointed toward Victim (Videolink).

According to Officer 1 , *"At this point I can see the subject. He's got a knife to his neck. He's motioning that he's cutting his neck with the knife. At one point he puts the knife on his hand and looks like he's cutting his hand open."* [35] Officer 1 further stated Victim appeared to be sweaty and visibly crying.

Simultaneously, Officer 2 took a position behind the open passenger door of Sergeant [redacted] 's vehicle. According to Officer 2 's BWV, at 1703:02 hours, it captures Victim [redacted] placing the blade of the knife against his left palm and making a slicing motion.

Officer 2 unholstered his pistol and held it in a two-hand grip, at a low-ready position. According to Officer 2 , *"When I got there, I saw him holding -- he was sitting down holding the knife."*[36] According to Officer 2 , he unholstered his pistol, *"Because the suspect was armed with a knife and due to the comments of the call, it said that he was chasing people with that knife. The knife can be used as a -- as a deadly weapon."*[37] Officer 2 further stated, he held his firearm in a two-hand low-ready position with his finger on the frame (Videolink).[38]

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[33] Communications Division recording, audio play time stamp, 9 minutes and 53 seconds of the recording. The audio was recorded at approximately 1701 hours.
[34] Sergeant 's statement, Page No. 9, Lines 22-25 and Page No. 10, Lines 1-2.
[35] Officer 1 's statement, Page No. 8, Lines 13-17.
[36] Officer 2 's statement, Page No. 11, Lines 7-8.
[37] Officer 2 's statement, Page No. 6, Lines 19-23.
[38] Officer 2 's statement, Page No. 12, Lines 4-12.

According to Officer Quintanilla's BWV, at 1702:40 hours, Quintanilla can be heard acknowledging Sergeant 's direction, replying, *"Got it DCO, DCO."*[39]

According to Officer Quintanilla, *"And then I remember hearing my name saying, 'You're lethal, lethal.' So, I had that assignment. You know, it's a tough assignment, but you're protecting your brothers or sisters that are there. Because, you know, obviously when someone's lethal and if deadly force needs to be used to transition to that, that's going to be a tough job. So it's on me to protect not only myself, but my partners and the people around there."*[40]

According to Officer Zavala, *"So* Sergeant *was to my left -- the vehicle to my left, sir, and I could communicate with* Sergeant . Sergeant *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."*[41]

> **Note:** According to Sergeant 's BWV, he used his left hand to point to Officers Quintanilla and Zavala and stated, *"You guys got lethal!"*

According to Officer Zavala's BWV, at 1702:42 hours, he unholstered his pistol and held it in a single-hand grip, in a low-ready position and then transitioned to a two-hand grip of the pistol, as he stood behind the open driver's door of his vehicle.

According to Officer Zavala, he unholstered his pistol, *"Based on the tactical situation, I had reason to believe that it may escalate to the point where deadly force may be justified."*[42] According to Officer Zavala, he had his trigger finger *"On the side -- on the side of the rail, sir."*[43]

At 1702:56 hours, Officer Zavala pressed the record button on his BWV camera and the audio microphone was activated. According to Officer Zavala, he *"activated late,"* referring to turning on his BWV camera.[44] Officer Zavala further stated, *"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."*[45]

> **Note:** Officer Zavala's BWV camera was recording in buffer mode and the audio microphone was not actively recording sound for the initial 51 seconds that he was at the scene.

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[39] DCO is acronym meaning Designated Cover Officer, which is a term used by police officers to describe an officer whom has been assigned the responsibility of providing lethal cover during an incident.
[40] Officer Quintanilla's statement, Page No. 32, Lines 1-9.
[41] Officer Zavala's statement, Page No. 19, Lines 16-24.
[42] Officer Zavala's statement, Page No. 20, Lines 5-7.
[43] Officer Zavala's statement, Page No. 21, Lines 2-3.
[44] Officer Zavala's statement, Page No. 18, Lines 3-4.
[45] Officer Zavala's statement, Page No. 18, Lines 24-25 and Page No. 19, Lines 1-5.

When describing Victim, Officer Zavala stated, *"He appeared to be under the influence of some unknown controlled substance by the way he was acting."*[46]

Officer Zavala is heard on his BWV directing a responding unit to drive into a position between his vehicle and Sergeant 's vehicle (Videolink).

At approximately 1702:57 hours, the officers that were Code Six at Broadway and 66th Street, made a broadcast of *"Code Four suspects in custody."* Immediately after that broadcast, Sergeant made a radio broadcast that he was Code Six on the 415 man with a knife and requested additional units to respond for traffic control.

According to Officer Zavala's BWV, at 1702:59 hours, Officer Zavala is heard telling Officer Quintanilla that he is going to talk to Victim in Spanish. Officer Zavala took over communications from Officer Quintanilla.

At 1703:02 hours, BWV depicts Victim placing the blade of the knife against his left palm and making a cutting motion once again. Victim then placed the blade against the side of his throat and multiple officers can be heard yelling *"Don't do it."*

According to Sergeant 's BWV, at 1703:22 hours, Sergeant yelled to Victim, *"Don't do it!"* Sergeant then yelled out, *"Forty stand by, forty stand by!"* Sergeant is heard directing Officer 1 to deploy the 40mm LLL. Sergeant abruptly told Officer 1 to *"wait, hold on, hold on,"* as a black and white patrol vehicle maneuvered in between the police vehicles already in position.

That unit was Rampart Patrol Division, uniformed Officer 3 , Serial No. , assigned to unit 2XL14.[47] Officer 3 drove his police vehicle into position between Sergeant 's vehicle and Officer Zavala's vehicle. Officer 3 exited the vehicle and stood behind the open drivers' door.

According to Officer 3 , *"When I showed up, I kind of waited for a lull on the radio traffic and I asked the sergeant, you know, who they were and he told me who they were and so I went code six over the air."*[48]

Sergeant resumed giving commands to Victim , *"Put the knife down bro, you're going to be good! Hey, put the knife down, you're going to be good!"* Sergeant told investigators that he did not tactically disengage from Victim because, *"He was a danger to the community absolutely 100 percent, the crowd to the west, to the east, and there was actually an individual that almost came out of the apartments behind him. So I -- the*

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[46] Officer Zavala's statement, Page No. 9, Lines 21-22.
[47] Officer 3 , 5 years and 3 months with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 . Officer 3 was wearing a ballistic vest and had a Department-approved handgun, handcuffs, a canister of OC spray and a flashlight attached to his Sam Browne equipment belt. Officer 3 was equipped with a BWV camera. Officer 3 was in a marked black and white police vehicle, Shop No. 81975, equipped with emergency equipment and DICVS. Officer 3 had a side-handled baton and an HRD stored inside his police vehicle.
[48] Officer 3 ' statement, Page No. 17, Lines 23-25 and Page No. 18, Lines 1-2.

community no doubt was in danger, and there was no way I was going to tactically disengage from that."[49]

According to Sergeant , *"The way we positioned our vehicles, I was to the east of the location of where he was sitting in a diagonal type position. came from -- they came to the west -- They came. Yeah, eastbound They positioned themselves at a 90-degree position, so we had a triangle position on him."*[50] Sergeant estimated the distance between the officers and Victim to be approximately 20 to 40 feet.[51]

Sergeant further stated, *"I wanted to set containment around him and not give him the opportunity to -- my concern was he was going to charge. We already got comments on the radio call. I was concerned that he was going to charge, start trying to hack at people. I just wanted to contain him in that area."*[52]

According to Sergeant s BWV, at 1703:40 hours, he returned to the passenger side of his vehicle and announced out loud to the officers, *"Hey let me get a team ready to go."* Sergeant yelled to Officers Quintanilla and Zavala, *"Listen you got lethal, stay right here,"* as he pointed at them.

Sergeant directed Officer 3 to join Officer 2 and assigned them to be an arrest team. Officer 3 joined Officer 2 behind the open passenger door of Sergeant s vehicle (Videolink).

According to Witness she saw Victim , *"Trying to cut his neck or try to cut his self."*[53] further stated, *"I went out and saw right there and I was kind of asking him to please put it down, put it down."*[54]

According to Officer Zavala's BWV, at 1703:45 hours, he broadcast another request for an RA to respond and stand by at can be heard on BWV pleading with Victim Victim stood up, holding the knife to his throat. Victim then gestured the sign of the crucifix across his chest with his left hand (Videolink).

According to Sergeant when he saw Victim make the gesture of the cross, he felt *"Like he was -- it was going to be a suicide by cop, you know? Like he was -- he wanted something to happen to him."*[55] *"I was thinking -- in my mind, I was thinking he might run towards , you know what -- you know what I -- that's where I was kind of thinking he may go, you know? He*

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[49] Sergeant s statement, Page No. 45, Lines 15-25 and Page No. 46, Lines 1-4.
[50] Sergeant s statement, Page No. 9, Lines 15-21.
[51] Sergeant s statement, Page No. 23, Lines 19-20.
[52] Sergeant s statement, Page No. 11, Lines 2-9.
[53] statement, Page No. 8, Lines 13-14.
[54] statement, Page No. 9, Lines 1-3.
[55] Sergeant s statement, Page No. 55, Lines 7-9.

might try to make an attempt to run toward [redacted] *So I wanted to get over to the east side and maybe see if we can get -- get a round off to stop that from occurring."*[56]

According to Sergeant [redacted]'s BWV, he went back to Officer 1 [redacted]'s position and simultaneously directed Officer 2 [redacted] to *"put his gun up and be ready to respond."* Sergeant [redacted] announced aloud *"Forty stand by!"* as he directed Officer 1 [redacted] to fire the Less Lethal Launcher. According to Sergeant [redacted], the reason for giving the notification was, *"To make sure that they knew we were firing less lethal. I didn't want -- I didn't want any lethal rounds to be fired, for that to be mistaken to be lethal rounds."*[57] According to Sergeant [redacted] *"That's the point where I directed* Officer 1 [redacted] *to discharge the 40 at him. Reason why I did that was due to the fact that my concern was that at this point he may possibly take off running and go and start, you know, attacking civilians. I was hoping it would end with the one shot to the 40."*[58]

According to Sergeant [redacted] he did not give Victim [redacted] a use of force warning because, *"At that point I believe the situation was -- it was too dangerous with that. I didn't want to -- I didn't want to give him that warning to let him know that we were going to hit him, because that might have had him take off running. So I didn't want -- I didn't want to do that."*[59]

According to Officer 1 [redacted]'s BWV, at 1704:06 hours, he fired the 40mm LLL from an approximate distance of 30 feet. According to Officer 1 [redacted], *"He stands up at one point and I'm aiming at his navel area with the 40-millimeter, and* Sergeant [redacted] *advises me to hit him with the 40-millimeter. I do so, because I'm trying to get him to drop the knife and it's unsafe for us to approach him at this time."*[60]

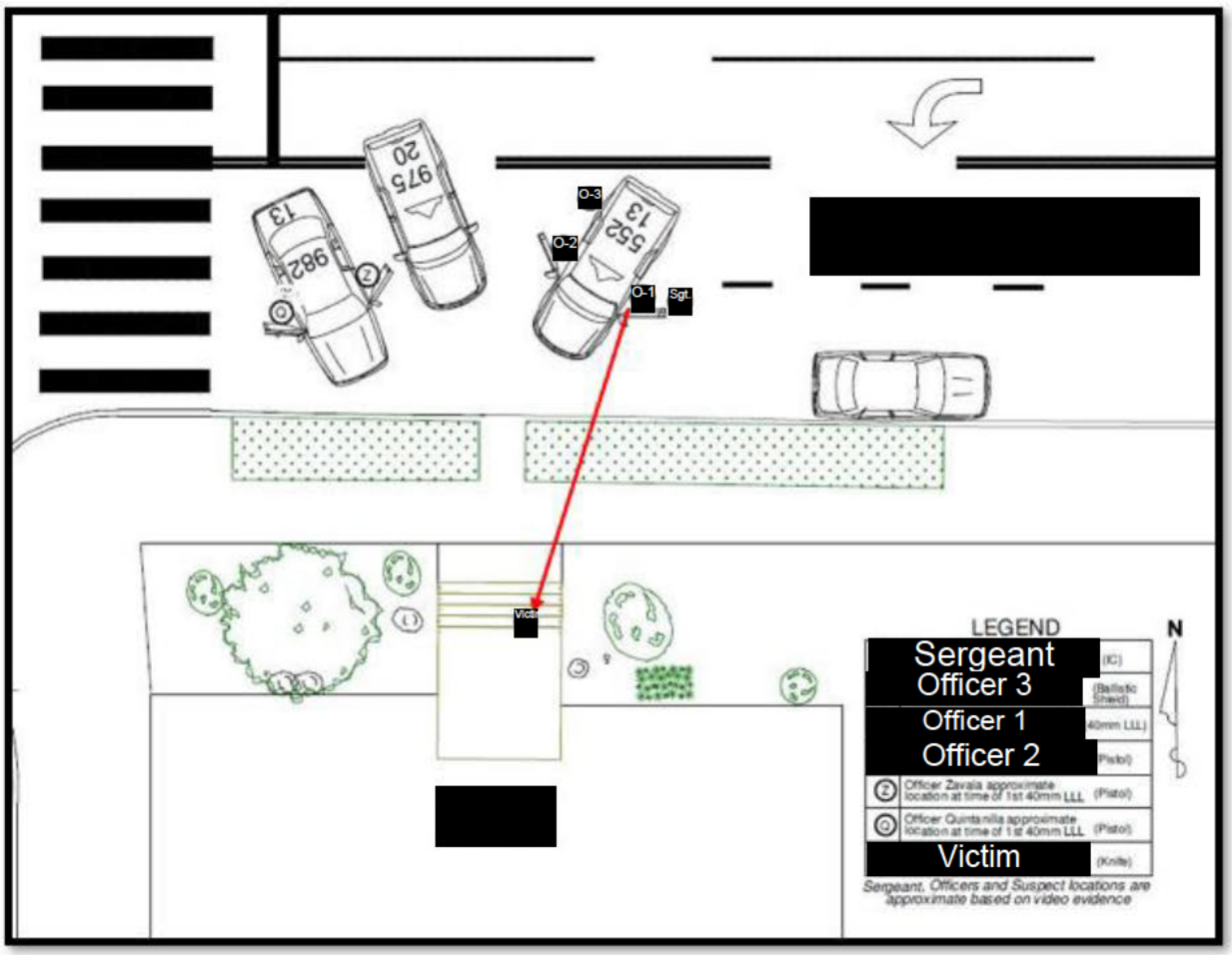
According to Officer 1 [redacted] he did not give a warning that he was going to fire the 40mm LLL because Sergeant [redacted] had already *"gave it for me."*[61]

Officer 1 [redacted] further stated, Victim [redacted] did not react to the shot, *"He didn't make any, like pain gestures, like grabbing his navel area. He just sat back down.*[62] *He continued to put the knife back up to his neck."*[63]

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[56] Sergeant [redacted]'s statement, Page No. 32, Lines 14-21.
[57] Sergeant [redacted]'s statement, Page No. 30, Lines 20-25.
[58] Sergeant [redacted]'s statement, Page No. 12, Lines 2-8.
[59] Sergeant [redacted]'s statement, Page No. 30, Lines 13-18.
[60] Officer 1 [redacted]'s statement, Page No. 8, Lines 18-22.
[61] Officer 1 [redacted]'s statement, Page No. 8, Lines 24-25.
[62] Officer 1 [redacted]'s statement, Page No, 22, Lines 12-13.
[63] Officer 1 [redacted]'s statement, Page No. 22, Lines 19-20.



(Diagram of Officers' position at the time Officer 1 fired the 40mm LLL)

According to Officer Zavala's BWV, at 1704:06 hours, the sponge round struck Victim on the lower right abdomen area. The shot did not appear to effect Victim as he brushed his stomach area with his right hand. Victim then walked down the steps to the side walk, while he continued to hold the knife to his throat. Sergeant yelled commands to Victim to *"Drop the knife. And to put it on the ground."* Simultaneously, Officer 1 reloaded the 40mm LLL and pointed it at a low-ready position in front of Victim. Victim took a seat on the bottom step and continued holding the knife in his right hand (Videolink).

According to Sergeant *"It hit him. It didn't seem like it phased him. He walked down a few more stairs and then he sat. And at that point I was -- I was good with that, because I think, I believed that that made him change his mind from going to run. He hit it. He felt it. Now he sat down, and I think, you know, it gave us some time for him to, you know, maybe in his mind evaluate what was going on. So, I believed that was successful in that aspect, because he didn't take off running, trying to hurt anybody."*[64]

[64] Sergeant s statement, Page No. 29, Lines 21-25 and Page No. 30, Lines 1-6.

According to Sergeant 's BWV, at 1704:35 hours, Sergeant retrieved a ballistic shield from the trunk of his vehicle and gave it to Officer 3 telling him to use the shield if they need to approach the suspect. Sergeant yelled to Officers Quintanilla and Zavala, "*You still got lethal coverage right here."* Sergeant walked back to the drivers' door of his vehicle and stood next to Officer 1 (Videolink).

According to Sergeant, *"So, my plan -- my plan was I wanted to have the shield ready. In case he did drop the knife, we were going to approach with a stick. We utilize the shield and move up on him and take him into custody."*[65]

At approximately 1704:45 hours, Air Support Division, [redacted] manned by Pilot Police Officer II+6 Rutilio Villarreal, Serial No. 35041, and Tactical Flight Officer Police Officer II+5 Jaime Delieuze, Serial No. 37195, arrived overhead and provided aerial support to responding units, directing officers to perimeter and containment positions.

At 1705:03 hours, Sergeant made a second radio broadcast request for more units to respond for traffic control. He provided an update on the status of the incident, advising that Victim was holding the knife to his throat and the officers were talking to him.

Sergeant announced aloud, *"Hey, I got it, I got it, let me talk."* Sergeant began asking Victim if he spoke English. Victim did not acknowledge nor respond to Sergeant. Sergeant told Officer Zavala to speak to Victim in Spanish. Officer Zavala resumed talking to Victim in Spanish.

According to Sergeant 's BWV, at 1705:36 hours, officers can be heard warning that someone was coming out of the building, as a person attempted to walk out of the entry door of the apartment building. Sergeant yelled the command, *"Hey stay right there, do not come out."* Additional officers can be heard warning the person to stay inside and move away from the windows.

Newton Division, GED, uniformed Police Officers II Enrique Meraz Serial No. 41215, passenger, and Officer 4, Serial No. [redacted], driver, assigned to [redacted] responded Code Three to the radio call.[66]

According to Officer 4, prior to arrival he and Officer Meraz monitored the radio transmissions and responded to Sergeant 's request to block traffic and they discussed deploying the less lethal Beanbag Shotgun and the shotgun.[67]

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[65] Sergeant 's statement, Page No. 34, Lines 9-13.

[66] Officer Enrique Meraz, 9 years and 10 months, with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted]. Officer 4, 8 years and 4 months with the Department, PII - Civ. Code secs. 1798.3 & 1798.24 [redacted]. The Officers were wearing ballistic vests and had Department-approved handguns, handcuffs, TASERs, ASP batons, PR24 side-handled baton canisters of OC spray and flashlights attached to their Sam Browne equipment belts. Officer Meraz had a HRD in his sap pocket. According to Officer 4, he had a HRD on his left chest. The officers were equipped with their BWV cameras. The officers were in a marked black and white police vehicle, Shop No. 87042, equipped with emergency equipment and DICVS.

[67] Officer 4 's statement, Page No. 13, Lines 24-25 and Page No. 14, Lines 1-9.

According to Officer 4 's BWV, at 1706:05 hours, Officer 4 parked the police vehicle across the west traffic lanes of [redacted] to stop vehicle traffic. The officers retrieved the Less Lethal Beanbag Shotgun and the shotgun from the trunk of their police vehicle. Officer Meraz held the shotgun in a port arms position with the barrel pointed up, he racked the slide handle and loaded a round into the chamber.

According to Officer Meraz, he took the shotgun because, *"It's a good tool that we employ whenever there's a threat of serious bodily injury or death. It's a tool that can cover a large area, just like we used it today. We had two less lethal firearms on one side and one shotgun on my side. So, I felt very confident with that tool. We qualify with that tool, and I take one out almost every day. So I knew that that would be a good tool if the situation escalated to a point where lethal force would be necessary."*[68]

Simultaneously, Officer 4 held the Beanbag Shotgun in a port arms position, with the barrel pointed up, as he manipulated the slide handle and cycled a round into the chamber. According to Officer 4 the Beanbag Shotgun was stored in the trunk already loaded with four live rounds in the magazine well.[69]

According to Sergeant 's BWV, at 1706:15 hours, Sergeant walked toward [redacted] and asked, *"Tell me his name, does he speak English?"* A voice was heard on the BWV stating the name Victim " Sergeant returned to his vehicle and yelled aloud *"I got it, he speaks English"* as he called out to Victim by his first name several times. Victim did not respond to Sergeant

According to Officer Quintanilla and Zavala's BWV, at 1706:35 hours, the officers resumed attempts to talk to Victim in Spanish and Victim did not respond.

Officers O-4 and Meraz ran to Sergeant 's vehicle. Officer 4 took a position to the left of Officer 1 and shouldered the Beanbag Shotgun with the barrel pointed at a low-ready. Sergeant advised Officer 4 that a 40mm LLL was already deployed at that position. Officer 4 repositioned the Beanbag Shotgun, pointing the barrel upward as he stepped back away from the driver's door.

Sergeant directed Officer Meraz to provide lethal cover for Officer 1 Officer Meraz took a standing position at the driver's door and to the left of Officer 1 holding the shotgun in a low-ready position, with his trigger finger on the safety. According to Officer Meraz, *"So I decided to place myself there as designated cover officer for that 40 -- that 40 millimeter"*[70] Officer Meraz further stated, *"I think I initially self-deployed and then* Sergeant *confirmed my spot saying, 'Hey, you're going to be DCO for these two guys right here,' which were the two less lethal guys."*[71]

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[68] Officer Meraz' statement, Page No. 20, Lines 2-11.
[69] Officer 4 s statement, Page No. 25, Lines 22-25 and Page No. 26, Lines 1-11.
[70] Officer Meraz' statement, Page No. 11, Lines 12-14.
[71] Officer Meraz' statement, Page No. 20, Lines 15-19.

Sergeant directed Officer 4 to move to the west side of the containment with Officer Zavala to provide less lethal cover at that position (Videolink).

According to Officer 4 's BWV, at 1707:12 hours, he asked Officer Zavala, *"where do you need me?"* as he took a standing position at the driver's door and to the left of Officer Zavala, providing less lethal cover with the Beanbag Shotgun. According to Officer 4 , he held the Beanbag Shotgun at a low-ready position with his trigger finger along the frame, with the safety engaged.[72] Officer Zavala is heard giving commands to Victim in Spanish. According to Officer 4 , Victim was pressing the knife against his neck and he thought Victim was going to cut his own throat (Videolink). [73]

According to Sergeant 's BWV, at 1707:25 hours, he used the Public Address (PA) speaker of his vehicle to communicate with Victim . Sergeant addressed Victim by his first name and requested that he drop the knife and offered him assistance. Victim did not react or respond to Sergeant . According to Sergeant , *"There was a certain point to where he was sitting there, communication -- it was just -- it was like a dead -- like a dead stare. It didn't seem like we were getting through to him. A blank stare."*[74]

According to Officer Zavala's BWV, at 1708:10 hours, he yelled to Sergeant *"Let me talk to him in Spanish!"* Officer Zavala took over attempts to communicate with Victim . Officer Zavala told investigators that he heard [redacted] calling him Junior, so Officer Zavala began to communicate with Victim , addressing him as Junior.[75]

According to Sergeant s BWV, at 1708:36 hours, Officer 3 moved his vehicle to the south east corner of [redacted] to block pedestrian and vehicle traffic. According to Sergeant , *"I moved it over to the southeast corner just to block it. You know, just to have more containment set up. At least we had, like, two corners set up. We had the north side and west side covered for containment."*[76] Officer 3 moved the vehicle and parked it facing south in the crosswalk and north bound curb lane of [redacted]. Officer 3 is heard on BWV directing pedestrians in the area to move to the west side of [redacted]

According to Officer 4 's BWV, at 1708:54 hours, he told Officer Zavala, *"Tell him god doesn't want him to do it."* According to Officer 4 , he saw Victim gesture the sign of the cross, *"I was like, okay, you know myself being Catholic, I'm seeing him and I tell Z, 'Hey, he just -- he just did the sign of a cross. Tell him that God doesn't want him to do it.'"*[77] According to Officers O-4 and Zavala's BWV, Officer Zavala continued speaking to Victim in Spanish.

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[72] Officer 4 's statement, Page No. 31, Lines 13-25.
[73] Officer 4 's statement, Page No. 16, lines 10- 17.
[74] Sergeant 's statement, Page No. 11, Lines 18-21.
[75] Officer 3 ' statement, Page No. 11, Lines 11-17.
[76] Sergeant 's statement, Page No. 11, Lines 2-6.
[77] Officer 4 's statement, Page No. 18, Lines 2-5.

Officer 4 further stated, *"I can see him nodding his head up and down and then Z tells him 'Hey, God doesn't want you to do it.' But it didn't -- it didn't work. He was still -- the subject was still shaking his head, crying, sweating."*[78]

At 1709 hours, Sergeant broadcast a request for responding units to block traffic and set up containment. Sergeant directed [redacted] that were standing in the front yard of [redacted] to go inside. Sergeant walked to Officers Meraz and O-4 and reaffirmed their roles of lethal and less lethal cover.

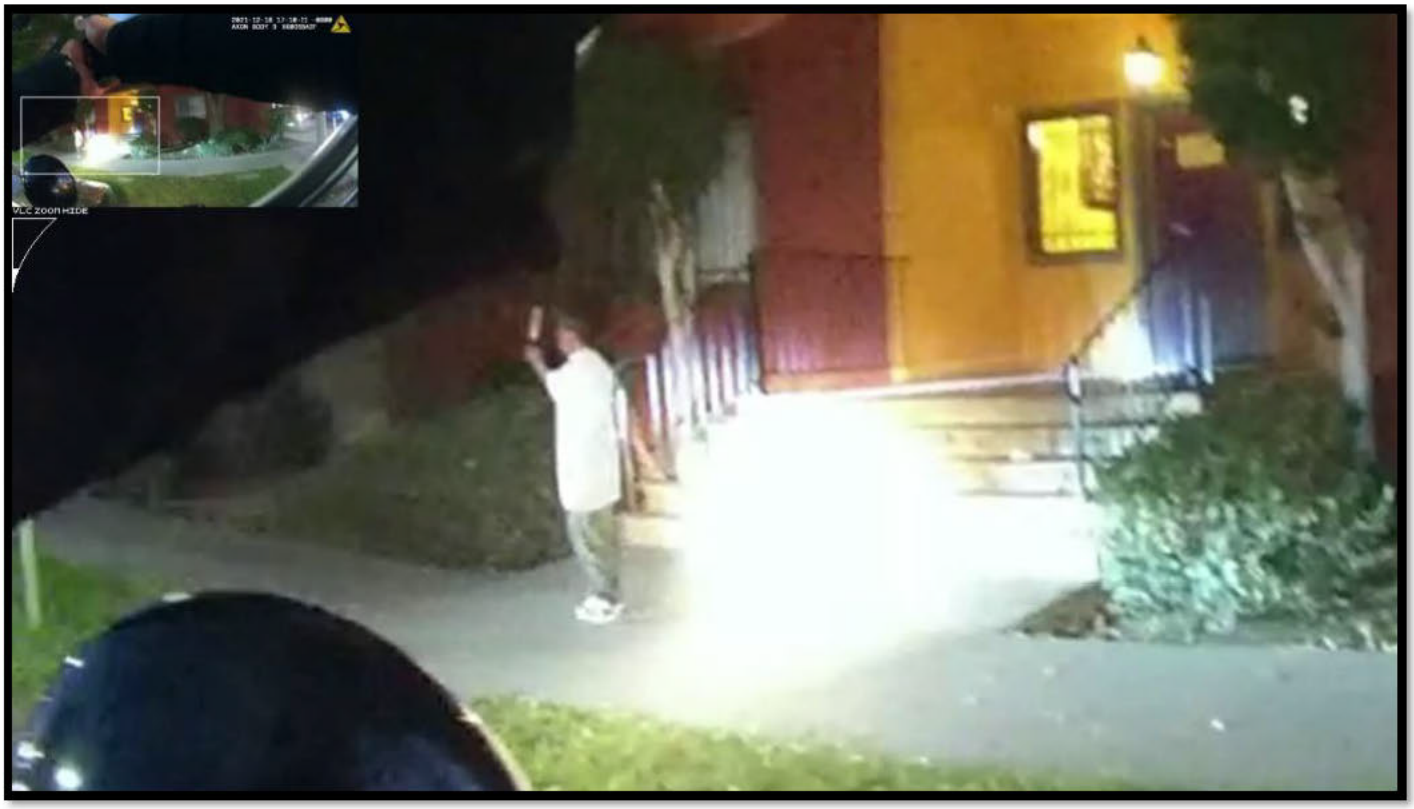
According to Sergeant 's BWV, at 1709:41 hours, he announced to the officers *"I got it, I got it!"* as he again utilized the PA speaker in his vehicle and resumed his attempts to talk to Victim . Sergeant directed Officer 2 to move his vehicle between the two police vehicles in front of Victim and then resumed talking to Victim on the PA speaker.

According to Officer 2 's BWV, at 1709:44 hours, he holstered his pistol and ran to his police vehicle. Officer 2 drove the vehicle to a position between Sergeant and Officers Zavala's vehicle, and parked his vehicle facing south. Officer 2 exited the vehicle, stood behind the open driver's door, unholstered his pistol and held it in a two-handed grip, in a low-ready position. According to Officer 2 , *"And I unholstered because the situation still could have escalated or was still escalating and to the point where deadly point may be justified."*[79]

According to Officer Zavala's BWV, at 1710:17 hours, Victim was sitting on the bottom step with the knife positioned down between his legs as his head is lowered down toward the ground. Suddenly, Victim used his left hand to knock his hat off his head and stood up holding the knife up in front of himself, above his shoulder at head level. Victim looked in the direction of [redacted] gathered in their front yard; approximately 35 feet east of his location. [redacted] can be heard on the officers' BWV yelling, *"Put the knife down Junior!"* and *"Don't do it!"* (Videolink).

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[78] Officer 4 's statement Page No. 18, Lines 10-14.
[79] Officer 2 's statement, Page No. 16, Lines 20-22.



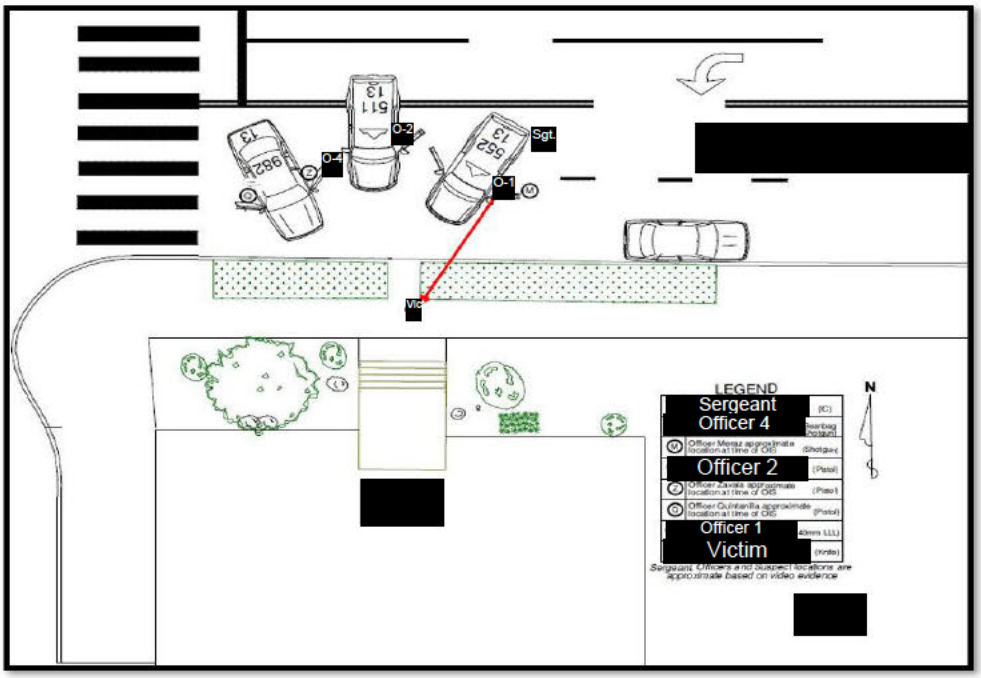
(Enlarged still frame photograph from Officer Quintanilla's BWV)

Sergeant announced, *"Get ready!"* as he simultaneously ran around the back of his vehicle toward Officer 1 's position and announced *"Forty, forty up."* According to Sergeant *"I just had a feeling, based on seeing what he did, that he was going to get up and run. You know, so I wanted to get around. I felt more comfortable with the 40 again."*[80] *"He might try to, make an attempt to run toward So, I wanted to get over to the east side and maybe see if we can get – get a round off to stop that from occurring."*[81]

According to Officer Meraz' BWV, at 1710:19 hours, Victim took four steps forward in a northerly direction toward Officer 1 and then he turned to his left in a westerly direction. At that moment, Officer 1 announced, *"Forty, stand-by"* as Sergeant directed Officer 1 to fire the 40mm LLL giving the command of "*Forty, forty up!*" Officer Meraz' BWV captured Officer 2, Officer 1 firing the 40mm LLL, from an approximate distance of 22 feet and the sponge round impacting Victim on the lower right side of the torso (Videolink).

According to Officer 1 he was aiming at Victim navel area when he fired the 40mm LLL.

[80] Sergeant 's statement, Page No. 32, Lines 11-14.
[81] Sergeant 's statement, Page No. 32, Lines 17-21.



(Diagram of Officers' positions at the time of the second 40mm LLL shot)

According to Officer 1, *"I was thinking -- I mean, once he made the praying gesture, I was thinking that he was going to try to do suicide by cop and he was going to try to attack us with the knife and that's when I fired the 40."*[82] According to Officer 1, Victim was closer to other officers than to him, and he feared that Victim was going to attack his partners.[83]

According to Officer Meraz, *"He stood up and -- man, he stood up and I just saw him, like, look in the direction of Zavala and Quintanilla. And I just saw him, like, move towards them, and honestly I was going to shoot him. I was going to shoot him to stop his movement from hurting my partners or any people that were on that side, because there was a large crowd forming. But before I shot him, I was like, '40, 40.' I wanted the 40 guy to hit him with the 40 and see if that would cause him to drop the knife."*[84] Officer Meraz further stated, *"And obviously I didn't shoot him, because I knew that they had that side covered. You know, although I had that angle on him, I knew that they had that side covered, and this is what we practice and that we -- you know, there's DCO's and they cover their side. We cover our side. And that's obviously, you know, in reverence for all life."*[85]

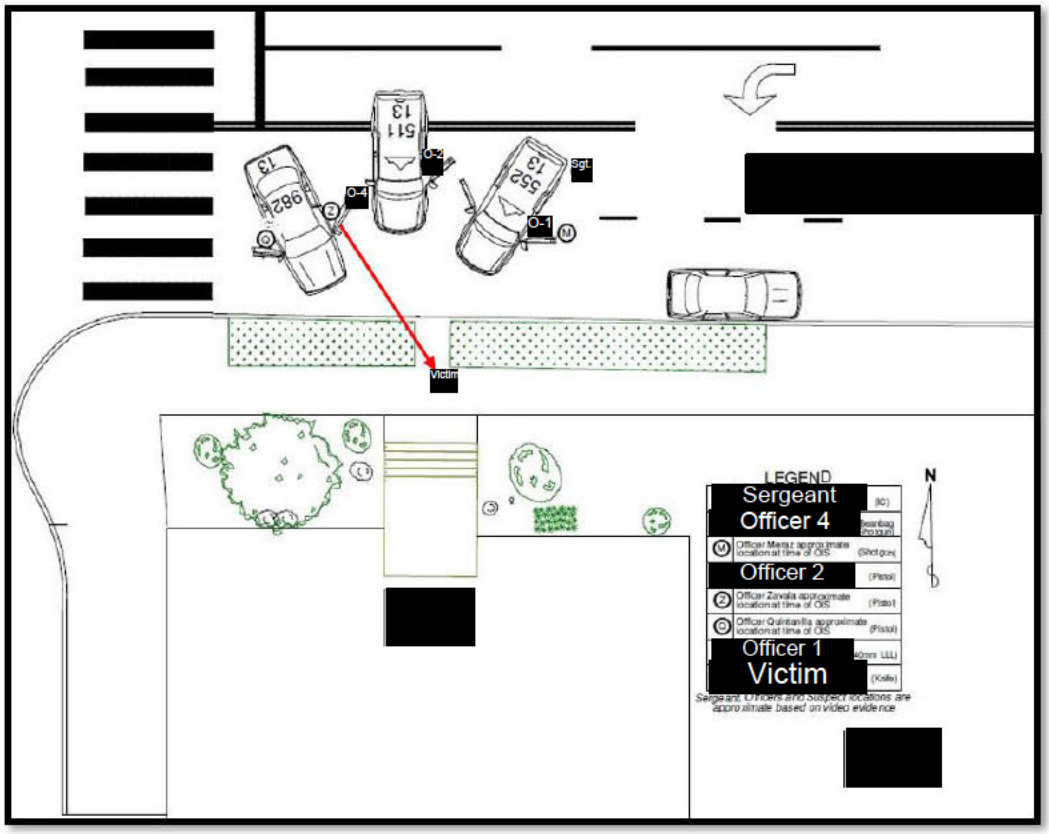
According to Officer Zavala's BWV, Victim turned to his left and Officer Zavala yelled the command to *"Stop, stop, stop!"* followed by the sound of Officer 1 firing the 40mm LLL in the back ground.

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[82] Officer 1 s statement, Page No. 27, Lines 22-25 and Page No. 28, Line 1.
[83] Officer 1 s statement, Page No. 28, Lines 13-24.
[84] Officer Meraz' statement, Page No. 15, Lines 14-23.
[85] Officer Meraz' statement, Page No. 16, Lines 11-17.

Approximately .382 seconds later, Officer Zavala fired three rounds from an approximate distance of 25 feet (Investigators Note No. 3).

The rounds struck Victim in the lateral right side of the chest, the anterior right side of the neck and the anterior right side of the torso. Victim fell to the ground, onto his back and the knife fell from his hand coming to rest on the sidewalk (Videolink).



(Diagram of Officers' positions at the time Officer Zavala fired three rounds)

Officer Zavala told investigators, the reason he fired the shots was because, *"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."*[86]

[86] Officer Zavala's statement, Page No. 12, Lines 8-25 and Page No. 13, Line 1.

> **Note:** The Coroner's report did not identify any injuries to the hands or throat consistent with an edged weapon.

According to Officer Zavala, *"So when I fired two, three shots, that's when I assess. He was already on the ground."* [87] Officer Zavala stated, *"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."*[88]

According to Officer Quintanilla's BWV, Victim stood up and walked in a northerly direction. [redacted] are heard in the background repeatedly yelling *"Don't do it!"* Officer Quintanilla yelled the commands *"Don't walk over here!"* as Victim held the knife up above his shoulder at head level. Victim turned to his left, facing Officer Quintanilla when the sound of the 40mm LLL is heard being fired, followed by the sound of Officer Zavala firing three rounds. Victim is depicted falling to the ground onto his back.

Approximately .322 seconds after Officer Zavala fired his third round, Officer Quintanilla fired one round from an approximate distance of 28 feet (Videolink).

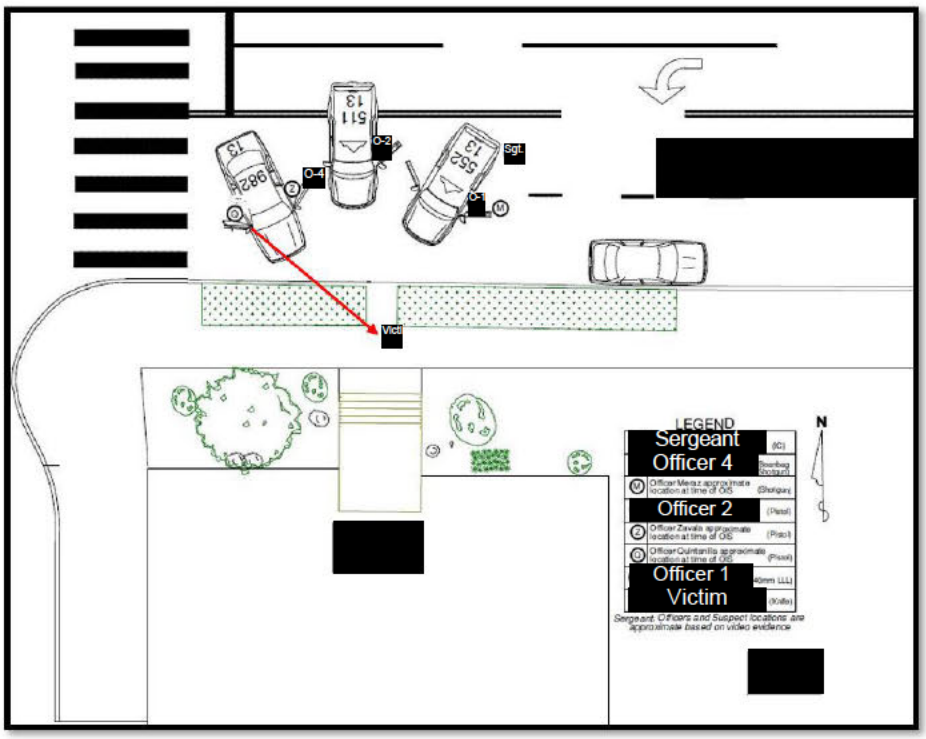
According to Officer Quintanilla, he aligned his sights on Victim' chest, when he fired. Officer Quintanilla told investigators the reason he fired was because, *"When he came down, we kept giving him commands and once he hit the sidewalk, I mean, I was scared and he ended up walking towards us -- towards the officers and myself and that's when I -- I had to use deadly force."*[89] Officer Quintanilla further stated, *"I had to stop the threat. He was coming towards us. He was going to cause myself or my partner serious bodily injury. He was going to cause death. And also, there was still civilians just to the right of me, just a few feet away from me. So he could have caused serious bodily injury or death to them if I didn't do that. I had to do it."*[90]

Officer Quintanilla further stated, *"So the background to where the suspect was and where I was pointing my firearm, there's an apartment building that was behind him. However, the apartment building is elevated. There's a stairway where he comes down from, which is below where the apartment is."*[91] According to Officer Quintanilla, *"And when he went down, I stopped shooting. I stopped.* [92]

> **Note:** Officer Quintanilla told investigators that he fired two shots. Investigators' review of BWV and the post OIS magazine count determined that Officer Quintanilla fired a single shot.

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[87] Officer Zavala's statement, Page No. 28, lines 24-25 and Page No. 29, Line 1.
[88] Officer Zavala's statement, Page No. 29, Lines 16-19.
[89] Officer Quintanilla's statement, Page No. 14, Lines 13-15.
[90] Officer Quintanilla's statement, Page No. 31, Lines 4-10.
[91] Officer Quintanilla's statement, Page No. 26, Lines 3-8.
[92] Officer Quintanilla's statement, Page No. 32, Lines 13-14.



(Diagram of Officers' positions at the time Officer Quintanilla fired a round)

According to Officer 4, he saw Victim stand up and *"He takes one or two steps, and I go up at, like, on target and the he – I remember him pivoting slowly towards our direction. I remember just looking at him like, oh, my God. And then right when I was about to discharge my beanbag, I hear -- I hear what sounded like three -- to me sounded like three 40 rounds, just boom boom boom."*[93] Officer 4 told investigators he intended to shoot the beanbag stating, *"I had every intention to. I remember looking at it, looking downrange, and right when I was about to just -- I heard what sounded like sequential just multiple 40's going off."*[94]

According to Sergeant 's BWV, at 1710:30 hours, he broadcast, *"We got shots fired, officer needs help, shots fired* Street 2 *and* Street 1 *suspect is down."*

According to Sergeant 's BWV, at 1710:42 hours, he moved to Officer Zavala's location and gathered officers for an arrest team.

According to Sergeant , *"He was laying on his back. I was comfortable the knife was a good distance away. I could tell he was injured pretty bad based on the white shirt, it was red. He was on his back semi-conscious the knife is a good distance."*[95]

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[93] Officer 4 's statement, Page No. 19, Lines
[94] Officer 4 's statement, Page No. No. 33, Lines 10-14.
[95] Sergeant 's statement, Page No. 35, Lines 12-15.

Sergeant stated, *"I wanted to push forward and take him into custody, so we did that."*[96] Sergeant further stated, *"I could tell that [redacted] were -- they were being held back. They were going to advance towards him. I didn't want -- I didn't want them to try to lynch him or for them to try and grab the knife from where he was at."*[97]

Sergeant directed Officers Meraz and O-1's attention to [redacted], who had exited the gate of the property and were gathering on the sidewalk. Officers Meraz and O-1 told [redacted] to stay back (Investigators' Note No. 4).

Sergeant began assigning specific roles to individual officers, directing Officer Zavala as lethal cover, Officer 4 as less lethal and Officers O-2 and Quintanilla were assigned as the arrest team. The officers formed together and moved forward. Officer Zavala held his pistol in a two-hand grip pointed at a low-ready as he walked forward. Officer 4 held the beanbag shotgun at a low-ready position as he walked beside Officer Zavala (Videolink).

According to Officer 1's BWV, at 1710:55 hours, Officer 1 placed the 40mm LLL into Sergeant 's vehicle. [redacted] was visibly agitated and emotional as they ignored the officers' direction and walked toward Victim laying on the ground.

> **Note:** Officer 1 told investigators that he had slung the 40mm LLL and then he responded to the approaching [redacted].[98] Investigators' review of Officer Meraz' BWV at time stamp 1711:25 hours, depicts Officer 1 without the 40mm LLL slung as he engaged with [redacted] on the sidewalk.

Officer 1 took a position on the south sidewalk in front of [redacted] and gave the command to *"stay back."* A female adult wearing a blue sweater and yellow shirt did not comply with his direction. Officer 1 stepped in front of the female and attempted to block her movement. The female yelled [redacted] Officer 1 took a hold of the female's arms and pulled her back away from Victim and the officers. Simultaneously, a second female Hispanic, wearing a gray sweater and tan pants, attempted to walk past Officer 1 and a shirtless male Hispanic simultaneously confronted Officer 1 (Videolink).

According to Officer 1 he held a female back and grabbed hold of a male's arm to prevent them from approaching.[99] Officer 1 stated, as he attempted to hold [redacted] back, his BWV camera was knocked loose from the chest plate mount.[100]

According to Officer 1, a male Hispanic spat on his face and uniform, as he attempted to block [redacted] approach.[101] As the two female adults walked past Officer 1, Officer Meraz stepped in front the females to prevent their advance.

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[96] Sergeant 's statement, Page No. 35, Lines 17-18.
[97] Sergeant 's statement, Page No. 36, Lines 20-24.
[98] Officer 1 's statement, Page No. 31, Lines 13-25 and Page No. 32, Lines 1-4.
[99] Officer 1 's statement, Page No. 35, Lines 3-12.
[100] Officer 1 's statement, Page No. 33, Lines 10-25 and Page No. 34, Lines 1-25.
[101] Officer 1 's statement, Page No. Page No. 9, Line 25 and Page No. 10, Lines 1-2.

According to Officer Meraz, *"And I didn't -- the knife was still in play. It was still on the ground next to him and the last thing I wanted is for any more people to get hurt, you know?"*[102] The officers blocked [redacted] approach. According to Officer Meraz, *"And I just kept the rest of [redacted] away and tried to de-escalate them, you know, to prevent any more people from getting hurt or even getting arrested or any, you know, further action."*[103]

According to Sergeant 's BWV, at 1711:15 hours, as the officers approached Victim [redacted], the knife was visible laying on the sidewalk next to Victim. Officer Zavala used his left foot to slide the knife away from Victim to the west. Officer Zavala stated he "kicked" the knife, *"Due to the fact that the suspect was still moving around, and the knife was right by him, sir, and it was unsafe."*[104]

Officer 2 holstered his pistol and walked behind the officers toward Victim. Officer Quintanilla holstered his pistol and moved forward behind Officer 2. Sergeant moved forward with the arrest team directing the officers to roll Victim over and handcuff him.

According to Officer 2 's BWV, at 1711:15 hours, he took a hold of Victim' left forearm with his left hand and Victim' left bicep with his right hand. Officer 2 lifted Victim' left arm up and rolled him onto his stomach. Officer 2 placed his left knee on Victim' buttock area. Officer Quintanilla took hold of Victim' left wrist, as Officer 2 transitioned his left hand to Victim' right wrist. Officer 2 used his left hand to pull Victim' right arm out from under his body, while simultaneously retrieving his handcuffs from his Sam Browne handcuff case using his right hand. Officer 2 secured Victim' wrists behind his back with the handcuffs. Officer 2 [redacted] rolled Victim onto his right side, into a recovery position, as he and Officer Quintanilla then searched Victim' waistband and pockets for weapons. The officers checked Victim for injuries. Officer Quintanilla directed Officer 2 to retrieve his medical kit from the trunk of his vehicle. After Victim was handcuffed, Officer Zavala holstered his pistol (Videolink).

At 1711:33 hours, Sergeant broadcast, *"We have a Code Four suspect is in custody, get an RA to respond to [redacted] for a male, approximately 20 years old, suffering from gun shots wounds to his chest."* Sergeant asked Officer Zavala, *"How many shooters?"* and Officer Zavala replied, *"Me!"* Sergeant asked Officer Quintanilla, *"Did you shoot?"* and Officer Quintanilla replied, *"Yes!"* (Videolink).

Sergeant turned his attention to [redacted] that were moving toward Victim. According to Sergeant, *"They started running towards him while he's was down as we made our approach. So I know Officer Meraz, he utilized some physical force to restrain a woman that was making an advance towards the suspect while he was on the ground."*[105] Sergeant further stated, *"There was a little non-cat with Meraz based on my recollection. He used*

[102] Officer Meraz' statement, Page No. 17, Lines 11-13.
[103] Officer Meraz's statement, Page No. 17, Lines 18-22.
[104] Officer Zavala's statement, Page No. 43, Lines 17-19.
[105] Sergeant 's statement, Page No. 15, Line 1-5.

physical force just to stop that from occurring."[106] *"And I think once he did that,* [redacted] *came out, took ahold of her, and then (Unintelligible) handled that situation."*[107]

> **Note:** Sergeant advised he only observed Officer Meraz use physical force and did not see any other officers involved in a use of force. According to Officer Meraz, he placed a C-grip on an unknown female's wrists and pulled her away and prevented her from reaching Victim

According to Sergeant 's BWV, at 1711:56 hours, an unknown person in the crowd threw a black and yellow dust pan in the direction of Officer Zavala (Photolink) (Photolink). Sergeant broadcast a request for additional units to respond, advising, *"We have a 415 crowd, forming over here, go outside, let's get some more units here."* Sergeant advised that they were taking rocks and bottles, and wanted to set up a skirmish line.

Sergeant gave the command for a skirmish line to form and Officer Zavala repeated the command, yelling "skirmish line." According to Sergeant , *"My -- at this point it was -- I wanted to save the crime scene. I didn't want anybody to jump in the crime scene or do anything, like move any evidence or anything. So requested a skirmish line."*[108]

In the interim, Officer 4 positioned himself on the south sidewalk between the arrest team and [redacted]. According to Officer 4 's BWV, at 1712:03 hours, Officer 4 can be heard talking to [redacted] in Spanish. [redacted] bent down, picked up a broom from the sidewalk and he held it in his right hand as he yelled in Spanish. Officer 4 pointed the Beanbag Shotgun at a low-ready position in front of [redacted] as he gave commands in Spanish. According to Officer 4 when asked if he felt threatened by the man with the broom, he responded, *"I think -- yes. I mean, it was a potential for someone being struck, either myself or other officers that were there."*[109] Officer 4 further stated, he pointed the Beanbag Shotgun at the male and disengaged the safety.[110]

According to Officer 4 's BWV, [redacted] tossed the broom to the ground and Officer 4 then repositioned the Beanbag Shotgun to a port arms position and continued to talk to [redacted]. At that time [redacted] ceased their advance toward Victim [redacted] Officer Meraz continued to talk to [redacted], directing their attention to the RA that was arriving (Videolink).

On Officer 4 's BWV, he is heard directing Officer 1 to pick up the broom and move it away from the area. Officer 4 told investigators that his intent was, *"Just to eliminate it as a potential tool for anybody to use against us or anyone there at the scene."*[111] Officer 1 placed the broom on the ground next to Sergeant 's vehicle.

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[106] Sergeant 's statement, Page No. 36, Lines 4-5.
[107] Sergeant 's statement, Page No. 40, Lines 6-8.
[108] Sergeant 's statement, Page No. 16, Lines14-18.
[109] Officer 4 's statement, Page No. 36, Lines 21-23.
[110] Officer 4 's statement, Page No. 36, Lines 24-25 and Page No. 37, Lines 1-12.
[111] Officer 4 's statement, Page No. 37, Line 25 and Page No. 38, Lines 1-2.

Sergeant walked to the south east corner of [redacted] and directed the officers to take a position on the sidewalk and keep the crowd at the intersection away from the crime scene.

At 1712:15 hours, officers' BWV capture Officer Quintanilla directing Officer 2 to retrieve a medical kit from the trunk of his vehicle to render aid to Victim. Officer 2 went to Officer Quintanilla's vehicle and retrieved the medical kit. As Officer 2 attempted to locate the medical kit in the trunk, LAFD, RA No.1, which was staffed by Firefighter/Paramedics (FF/PM) Craig Shubsda and Matthew Farris, arrived at scene.

According to Officer Quintanilla's BWV, at 1713:18 hours, Officer Quintanilla is heard telling the paramedics that Victim had gunshot wounds, directing their attention to a wound on Victim's chest. Officer Quintanilla removed the handcuffs from Victim at the paramedic's request. The RA transported Victim to LAC+USCMC, Emergency Room (ER), [redacted] (Addendum No. 1).

At 1714 hours, Newton Patrol Division, uniformed Police Officers II Adrian Guzman, Serial No. 42654, and Ricardo Huerta, Serial No. 43801, assigned to unit 13X31, arrived and took a position at the southwest corner of [redacted] to control the crowd of pedestrians gathering at the intersection. Sergeant approached Officers Guzman and Huerta and directed them to go with the RA to the hospital. Sergeant directed Officer 2 [redacted] to retrieve his PR 24 baton and assist with crowd control at the southeast corner. Sergeant [redacted] approached Officers Quintanilla and Zavala and advised them they needed to separate and to leave their BWV cameras on.

According to Officer Quintanilla's BWV, at 1714:10 hours, he turned on the DICVS of his police vehicle. Officer Quintanilla walked back and retrieved Victim's hat from the stairs. Officer Quintanilla picked up an expended 40mm sponge round from the sidewalk, looked at it and dropped it back on the ground. Sergeant and Officer Zavala told Officer Quintanilla to leave the items where they were and advised him not to move the knife.

According to Officer Quintanilla, he picked up the hat because, *"Every time something -- somebody gets transported with the fire department or the RA, we want to make sure, that all their belongings are with him or her. So in my head so much going on, I wanted to make sure that he had his belongings going with him to the hospital. So I picked up his hat in an attempt to make sure he gets it. But then I was told, 'Oh, no. You have to leave it,' and I remembered that's right to an OIS. I'm going to leave it here, so I threw it back -- I tossed it back to -- to the direction where I had picked it up."*[112]

According to Sergeant's BWV, at 1714:58 hours, he directed Officer 1 to secure the crime scene with crime scene tape.

[112] Officer Quintanilla's statement, Page No. 40, Lines 7-18.

According to Sergeant 's BWV, at 1715:16, he directed Officers Quintanilla and Zavala to leave their BWV cameras on, due to the situation being tactical. Sergeant directed the officers to separate from each other and take a seat in separate police vehicles.

At 1716:05 hours, Sergeant broadcast a request for additional supervisors for separation and monitoring of the involved officers.

At 1716:24 hours, Newton GED Sergeant I Gabriel Gaxiola, Serial No. 35056, and Newton Patrol Sergeant Victor Cruz, Serial No. 38632, arrived at [redacted] and Sergeant briefed them. Sergeant Gaxiola took control and managed the skirmish lines. Sergeant Cruz initiated monitoring of Officers Zavala and Quintanilla.

Sergeant Gaxiola set up a skirmish line and blocking forces at the intersection of [redacted] Sergeant Gaxiola directed the officers on the skirmish line to move the crowd to the west side of the intersection as the blocking forces moved and set up skirmish lines on the north and south side of the intersection. Upon establishing control of the intersection, Sergeant Gaxiola directed officers to secure the outer perimeter with crime scene tape.

At 1717 hours, Sergeant broadcast himself as the Incident Commander and requested the response of five additional supervisors to the scene. At approximately 1718 hours, Central Patrol Sergeant I Arnold Castellanos, Serial No. 40202, arrived at [redacted] and assisted with managing the skirmish line on [redacted], east of the OIS scene.

At approximately 1720 hours, Sergeant Castellanos took over monitoring of Officer Zavala. Sergeant Castellanos and Officer Zavala turned off their BWV cameras and Sergeant Castellanos took a Public Safety Statement (PSS).

At approximately1720 hours, Sergeant Cruz directed Officer Quintanilla to turn off his BWV camera. Sergeant Cruz took a PSS from Officer Quintanilla.

At 1722 hours, Sergeant gathered Officers O-4 O-3 Meraz and O-1 for separation and monitoring. Sergeant directed the officers to turn off their BWV cameras at that time.

On December 18, 2021, at approximately 1739 hours, Sergeant notified the Department Operations Center (DOC) that a Categorical Use Of Force, Officer Involved Shooting occurred, Incident No. 21121800002616, at [redacted]

At approximately 1744 hours, the DOC contacted FID Commanding Officer, Captain III Richard Gabaldon, Serial No. 31356, and notified him of the OIS.

Force Investigation Division Detective II Thomas Brown, Serial No. 34045, reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident to officers prior to being interviewed by FID investigators (Addendum No. 2).

Force Investigation Division received the Assessment of Supervisory Response to a Categorical Use of Force on February 8, 2022 (Addendum No. 3).

During a review of BWV, multiple officers were seen not wearing face coverings during this incident. This was brought to the attention of the Newton Area Commanding Officer.

SCENE DESCRIPTION

The OIS occurred on the public sidewalk in front of the apartment building located at [redacted]

The incident occurred during hours of darkness, at approximately 1710 hours. The weather conditions were dry and clear. Vehicle and pedestrian traffic on Street 2 was very heavy.



CANVASS FOR WITNESSES

On December 18, 2021, Newton Patrol Division officers conducted a canvass of the immediate area of the intersection of [redacted]. On December 20, 2021, investigators conducted a canvass for witnesses at [redacted] On February 22, 2022, investigators canvassed the area of [redacted] for witnesses. No additional witness were identified during the canvass. All witness statements were digitally recorded and stored in the TEAMS II system.

SUSPECT INFORMATION

Victim

Victim, a male Hispanic with black hair and brown eyes. At the time of the incident, he was 4 feet 9 inches tall, weighed approximately 98 pounds, with a date of birth of [redacted] Victim was identified by Criminal Information Index (CII) No. [redacted] and California Department of Motor Vehicle Identification Card No. [redacted]

[redacted] (Addendum No. 4).

Two Investigative Reports (IR) titled Assault with a Deadly Weapon on a Peace Officer, DR No. 2113-20675, Victim Officer Zavala and DR No. 2113-20677, Victim Officer Quintanilla, were completed (Addendum No. 5).

On May 11, 2022, Detective Brown completed a Follow-Up Report for Assault with a Deadly Weapon, for DR Nos. 2113-20675 and 1213-20677, listing the Case Status as Cleared Other (Addendum No. 6).

[redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

Note: According to [redacted] Victim had [redacted] and [redacted].[113]

According to [redacted] had [redacted][114]

INJURIES

At 1715 hours, LAFD RA No. 1, staffed by FF/PM's Tannor Agor, Matthew Farris, Eric Lazar and Craig Shubsda transported Victim to LAC+USCMC. Victim was assigned [redacted] and was treated by Doctor Knipp for [redacted]. Doctor Bryan Knipp provided [redacted]. At 1809 hours, Victim succumbed to his injuries and was pronounced deceased.

EVIDENCE

On December 18, 2021, Forensic Science Division, Firearms Analysis Unit (FSD/FAU), Supervising Criminalist III Marissa Biraimah, Serial No. N3136, Criminalists II Mathew Saucedo, Serial No. N4688, and Andrea Munoz, Serial No. N6276, arrived at scene and conducted an examination for ballistic evidence, projectiles and associated evidence (Addendum No. 7).

A total of 12 items of evidence were collected from the crime scene and booked as evidence in conjunction with this investigation. Included in those items, were a knife (**Item No. 1**), four discharged 9mm caliber casings (**Item Nos. 3-6**), one fired bullet (**Item No. 7**), one bullet jacket fragment **(Item No. 8)**, two discharged 40mm sponge round cartridge casings (**Item Nos. 9-10**), one 40mm sponge round plastic base (**Item No. 11**), two fired 40mm sponge "baton" rounds (**Item Nos. 12-13**), clothing **(Item Nos. 14-16),** cell phone with battery and a sim card (**Item Nos. 17-19**) (Addendum No. 8).

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[113] [redacted] statement, Page No. 2, Lines 8-22.
[114] [redacted] statement, Page No. 4, Lines 21-25 and Page No. 5, Lines 1-11.

CORONER'S INVESTIGATION

On December 21, 2021, at approximately 1000 hours, Los Angeles County Department of Coroner Forensic Attendant Eric Azeredo responded to LAC+USCMC (Coroner's Case No. 2021-13845). Victim' remains were subsequently transported to the Los Angeles County Forensic Science Center (LACFSC).

Autopsy
On December 22, 2021, the Department of Medical Examiner-Coroner, County of Los Angeles, Deputy Medical Examiner Doctor Brice Hunt, performed a post-mortem examination of Victim' remains. Force Investigation Division Detectives Stephanie Carrillo, Serial No. 35971, Jose Olmedo, Serial No. 32391, and Los Angeles County District Attorney's Office Investigator Oscar Rodriguez, were present during the examination. Doctor Hunt completed an Autopsy Report, No. 2021-13845, dated June 1, 2022. Doctor Hunt determined Victim sustained three gunshot wounds. One being to the neck and two to the torso. Doctor Hunt concluded Victim' death was a result of a gunshot wound to the torso and the manner of death was determined to be homicide (Addendum No. 9).

- A nonfatal gunshot entered the soft tissue of the anterior right side of the neck from front to back, right to left and exited the soft tissue of the posterior of the neck.

- The fatal gunshot entered the lateral right side of the chest, traveling from front to back, right to left and in a downward path. The bullet penetrated the soft tissue, perforating the right No. 7 rib bone, travelled into the right thoracic cavity, continued through the right lung, transected the T8 vertebra and spinal cord, into the left thoracic cavity, through the left lung, through the posterior left rib No. 8 and exited the soft tissue of the left side of the back.

- A nonfatal gunshot entered the soft tissue of the anterior side of the right chest from front to back, left to right, in an upward direction, which did not enter the thoracic cavity and exited the soft tissue of the posterior of the right shoulder.

Toxicology
On March 25, 2022, a Forensic Science Laboratories Report was approved by Department of Medical Examiner-Coroner, Los Angeles County, Supervising Criminalist, Sarah Buxton de Quintana. The blood analysis results identified the presence of Benzodiazepines, Cannabinoids and Ethanol in Victim' blood (Addendum No. 10).

WEAPONS

Victim was armed with a knife (meat clever). The knife had a 6 and 1/2 inch blade and a 5 and 1/4 inch black plastic handle. On December 18, 2021, Criminalist Saucedo recovered the knife from the ground in front of [redacted] (Photolink).

Officer Zavala was armed with his Department-approved Glock, Model 17, 9mm caliber, semi-automatic pistol, [redacted]. The pistol was carried in a Department approved Safariland, Level I retention holster on his Sam Browne utility belt. According to Officer Zavala, at the time of the OIS, his pistol was loaded with 20 rounds. One round in the chamber and 19 rounds in the magazine. Officer Zavala further stated, he had two additional magazines each loaded with 17 rounds of Department-authorized ammunition (Photolink) (Investigators' Note No. 5).[115]

On December 18, 2021, at approximately 2230 hours, Detective Brown conducted a post-incident examination of Officer Zavala's pistol. Detective Brown observed that the pistol was loaded with Speer Gold Dot G2, 9mm Smith & Wesson, 180 grain, of Department approved ammunition. There was one round in the chamber and 16 rounds in the magazine. This information was consistent with Officer Zavala having fired a total of three rounds during the OIS. An inspection of the two additional magazines that Zavala had in the magazine pouch on his utility belt, determined that both magazines were loaded to Department standards with 17 rounds each of Speer Gold Dot G2, 9mm Smith & Wesson, 180 grain ammunition to manufactures capacity (Photolink) (Photolink).

On January 12, 2022, FSD/FAU Criminalist Antoinette Woiwode, Serial No. N4427, completed a report documenting the test-firing of Officer Zavala's pistol. The pistol was found to be functional and the trigger pull value for this pistol was within the Departments established range (Addendum No. 11).

Officer Quintanilla was armed with his Department-approved Smith and Wesson, Model M&P, 9mm caliber, semi-automatic pistol, [redacted]. The pistol was carried in a Department approved Safariland, Level III retention holster on his Sam Browne utility belt. According to Officer Quintanilla, at the time of the OIS, his pistol was loaded with 18 rounds. One round in the chamber and his two additional magazines were loaded with 17 rounds of Department-authorized ammunition (Photolink).[116]

On December 18, 2021, at approximately 2230 hours, Detective Brown, conducted a post-incident examination of Officer Quintanilla's pistol. Detective Brown observed that the pistol was loaded with Speer Gold Dot G2, 9mm Smith & Wesson, 180 grain, of Department approved ammunition. There was one round in the chamber and 16 rounds in the magazine. This information was consistent with Officer Quintanilla having fired a total of one round during the OIS. An inspection of the two additional magazines that Quintanilla had in the magazine pouch on his utility belt, determined both magazines, were loaded to Department standards with 17 rounds of Speer Gold Dot G2, 9mm Smith & Wesson, 180 grain Ammunition (Photolink) (Photolink).

[115] Officer Zavala's statement, Page 51, Lines 5-25 and Page No. 52, Lines 1-5.
[116] Officer Quintanilla's statement, Page No. 51, Lines 19-25 and Page No. 52, Lines 1-6.

On January 12, 2022, FSD/FAU Criminalist II Lawrence Iwaki, Serial No. N4687, completed a report documenting the test-firing of Officer Quintanilla's pistol. The pistol was found to be functional and the trigger pull value for this pistol was within the Departments established range (Addendum No. 12).

Officer 1 deployed his Department issued 40mm LLL, Serial No. FW17512 (Photolink).

On December 21, 2021, the Los Angeles Police Department Training Division, Ordinance Unit inspected, and test fired the 40mm LLL. The launcher's trigger pull met Department specifications. The Eotech optic was in working condition and the launcher shot at point of aim and impact at the twenty-five foot range (Addendum No. 13).

FIREARMS ANALYSIS

On May 11, 2022, Criminalist Saucedo, completed a Bullet Path Analysis Report. Criminalist Saucedo documented two bullet pathways that were identified as pathway A and pathway B (Addendum No. 14).

Pathway A (including impacts A and A1) is consistent with a bullet traveling from north to south, west to east, and in a downward direction, deflecting at impact A in a south to north direction and continuing to impact A1. The bullet jacket fragment **(Item No. 8) (Photo ID 12)** is associated with this pathway.

- Impact A was documented as a non-penetrating impact, located on the north facing surface of the stairs, on the third step up (Photolink).
- Impact A1 was documented as a non-penetrating impact, located on multiple branches of a bush in the planter to the east of the stairs (Photolink).

Pathway B (including impacts B and B1) is consistent with a bullet traveling from north to south, west to east, and in a downward direction. The fired bullet **(Item No. 7) (Photo ID 11)** is associated with this pathway (Photolink).

- Impact B was documented as a non-penetrating impact, located on the west facing surface of a tree in the planter east of the stairs (Photolink).
- Impact B1 was documented as a non-penetrating impact, located on the west facing surface of a tree in a planter east of the stairs (Photolink).

On April 7, 2022, Criminalist II Trisha Ariyasu, Serial No. N4729, completed a Type and Caliber Laboratory Report that identified **(Item No. 7)** a fired bullet and **(Item No. 8)** a bullet jacket fragment exhibited general rifling characteristics consistent with **(Item No. 26)** the bullet test fired from Officer Zavala's pistol.

The Laboratory report further indicated that **(Item Nos. 7 and 8)** did not exhibit general rifling characteristics consistent with **(Item No. 21)** the bullet test fired from Officer Quintanilla's pistol.

The Laboratory Report concluded that the fired bullet **(Item No. 29)**, recovered by the Los Angeles County, Coroner's Medical Examiner, during the autopsy lacked sufficient information to make a type and caliber determination (Addendum No. 15).

On May 12, 2022, Criminalist II Gabriel Mueck, Serial No. N4632, completed a Serology/DNA-STRI Laboratory Report that identified **(Item No. 7)** a fired bullet was processed and a deoxyribonucleic acid (DNA) sample was extracted **(LIMS #3-1-1)**. Short Tandem Repeats (STR) analysis of the sample identified the presence of [redacted] Victim ' DNA on the fired bullet recovered from the scene.

Evidence **(Item No. 8)** bullet jacket fragment was processed for DNA sample **(LIMS #3-2-1)** and did not contain enough DNA for STR analysis (Addendum No. 16).

Evidence **(Item No. 29)** bullet recovered by the Medical Examiner during the autopsy was not submitted for DNA analysis.

VISUAL DOCUMENTATION

Digital In-Car Video System (DICVS)
There were three DICVS videos related to this incident. Each video was reviewed in its entirety by FID investigators. The DICVS videos captured the officers' response to the scene and post OIS activity. The DICVS of Officers Zavala and Quintanilla's vehicle was not activated during the UOF and did not capture audio or videos of the OIS. Officer Quintanilla activated the DICVS after the OIS, which captured post OIS activity.

Body Worn Video (BWV)
There were 10 BWV recordings related to this incident. Each video was reviewed in its entirety by FID investigators.

[redacted] Sergeant had his camera on in buffer mode as he initiated his response to the radio call. [redacted] Sergeant 's BWV recorded three videos, one was 21 minutes and 55 seconds, a second was 3 minutes and 6 seconds and a third was 1 minute and 27 seconds in length. [redacted] Sergeant 's BWV captures his Code Three response, his arrival to [redacted] drawing and exhibiting, tactical planning, tactics, the OIS and post OIS activity. [redacted] Sergeant turned off the BWV camera when he initiated administrative duties post OIS.

Officer Zavala did not activate his BWV while responding Code Three to the call. Officer Zavala had his BWV camera in buffer mode, as he arrived at [redacted] The BWV audio microphone was not actively recording sound for the initial 51 seconds he was at the scene. Officer Zavala's BWV recorded 19 minutes and 9 seconds of video, which captured the officers' arrival, contact with [redacted] Victim, drawing and exhibiting, tactics, the OIS and post OIS activity. Zavala turned off the BWV camera when he was directed to do so by [redacted] Sergeant .

Officer Quintanilla did not activate his BWV while responding Code Three to the call. Officer Quintanilla had his BWV camera in buffer mode, as he arrived at [redacted]

The BWV audio microphone was not actively recording sound for the initial 10 seconds that he was at the scene. Quintanilla's BWV recorded 20 minutes and 9 seconds of video, which captured the officers' arrival, contact with Victim, drawing and exhibiting, the OIS and post OIS activity and handcuffing. Quintanilla turned off the BWV camera when he was directed to do so by Sergeant.

Officer 1 had his BWV camera in buffer mode as he initiated response to the radio call. Officer 1 's BWV recorded 26 minutes and 2 seconds of video, which captured the officers' Code Three response, his arrival to the scene, the contact with Victim, drawing and exhibiting, the OIS and post OIS activity. Officer 1 turned off the BWV camera when he was directed to do so by Sergeant.

Officer 2 had his BWV camera in buffer mode as he initiated response to the radio call. Officer 2 's BWV recorded 24 minutes and 42 seconds of video, which captured the officers' Code Three response, his arrival to the scene, the contact with Victim, drawing and exhibiting, the OIS and post OIS activity. Officer 2 turned off the BWV camera when he was directed to do so by Sergeant.

Officer 4 had his BWV camera in buffer mode as he initiated response to the radio call. Officer 4 's BWV recorded 23 minutes and 9 seconds of video, which captured the officers' Code Three response, the arrival to the scene, the contact with Victim, drawing and exhibiting, the OIS and post OIS activity. Officer 4 turned off the BWV camera when he was directed to do so by Sergeant.

Officer Meraz had his BWV camera in buffer mode as he initiated response to the radio call. Officer Meraz' BWV recorded 23 minutes and 13 seconds of video, which captured the officers' Code Three response, the arrival to the scene, the contact with Victim, drawing and exhibiting, the OIS and post OIS activity. Officer Meraz turned off the BWV camera when he was directed to do so by Sergeant.

Officer 3 had his BWV camera in buffer mode, as he initiated response to the scene. Officer 3 ' BWV recorded 18 minutes and 19 seconds of video, which captured his response, his arrival, tactics, the OIS and post OIS activity. Officer 3 turned off his BWV camera when he was directed to do so by Sergeant.

Other Department Video
None.

Outside Video
On December 18, 2021, investigators canvassed the apartment building for security cameras located at [redacted] Cameras were located that provided a view of the exterior of the entry door of the apartment building. There was approximately 20 minutes of video downloaded. The video captured Victim seated on the stairs, the officers' arrival, tactics and the OIS. The video was documented and stored under TID No. 774022.

On December 19, 2021, Investigators recovered security camera video from [redacted] There were two exterior cameras, which provide a view of the intersection of [redacted], and an east facing view toward the apartment building located at [redacted] There was approximately 54 minutes of video downloaded. The video captures images of Victim walking north on [redacted] and east on [redacted] the officers' arrival and post OIS tactics. The video was documented and stored under TID No. 774023.

Social Media
Personnel assigned to FID Cyber Unit monitored the news and social media platforms from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Photographs
Technical Investigation Division Photographer III, Henry Wang, Serial No. N5698, photographed the scene. The photographs associated with this incident are documented under control numbers, 0804019, 0804020, 0804045 and 0801018.

NOTIFICATIONS

On December 18, 2021, at approximately 1739 hours, Sergeant notified the Department Operations Center (DOC) that a Categorical UOF occurred. The details of the subsequent notifications were included in this report (Addendum No. 17).

PERSONNEL AT SCENE

Force Investigation Division Detective Brown arrived on scene at approximately 1900 hours. Crime Scene Logs documenting additional personnel at the location are contained within the FID Case Book and are available for review.

COMMUNICATIONS

Copies of the CD computer-generated Incident Recall Report associated with this occurrence, Incident No. 21121800002616, the corresponding 911 calls for service and the audio recordings of Newton Division Area base frequency are stored in the FID Case Book. (Addendum No. 18).

The digitally recorded interviews of the involved and percipient officers, along with the civilian witnesses, are stored in the Training Evaluation and Management System (TEAMS II) database.

JUSTICE SYSTEM INTEGRITY DIVISION

This case met the criteria for presentation to the Los Angeles County District Attorney Office, Justice System Integrity Division and will be presented shortly after completion of this administrative report.

INVESTIGATORS' NOTES

1. [redacted] resides at [redacted] and she is [redacted] Victim [redacted] refused to speak with investigators and did not provide any further details. [redacted] account of the events that occurred on December 18, 2021, which led up to the OIS was recorded on the Communications Division 911 call, Incident No. 20121800002616.

2. Investigators' located and recovered security camera video footage from [redacted] (TID No. 774022) and [redacted] (TID No. 77403). Investigators' review of the available security camera video footage did not reveal any images of Victim approaching or attacking anyone in the area.

3. Investigators utilized a sound graph analysis of the officers BWV, to obtain the timing and sequence of the shots that were fired. The less lethal and lethal shots were fired in a 1.5 second time frame. On Officer 1's BWV, he fired the 40mm LLL at time stamp 1710:23 hours. The sound graph analysis determined that Officer Zavala fired his 1st round .382 seconds after Officer 1 fired the 40mm LLL. Officer Zavala fired his 2nd round .381 seconds later and his 3rd round .514 seconds after the 2nd round. All three of Officer Zavala's rounds were fired in a 1.277 seconds time frame. The sound graph analysis determined that Officer Quintanilla fired one round .322 seconds after Officer Zavala's last round was fired.

4. Investigators' review of BWV noted that immediately after the OIS, [redacted] exited the yard of their residence at [redacted] and began moving toward Victim Among the [redacted] were [redacted] along with two additional male Hispanic adults and another female Hispanic adult. Investigators interviewed [redacted] and [redacted] on December 18, 2021. [redacted] refused to provide an interview and the additional males and female refused to identify themselves to investigators. Investigators utilized department resources to query information of the current residents of [redacted] and located the names of [redacted], [redacted], [redacted], date of birth unknown, [redacted], date of birth unknown, [redacted] and [redacted], date of birth unknown.

5. Investigators' review of Officer Zavala's equipment noted that he was carrying a Glock manufactured 17 round magazine with an attached +2 base plate that increased the magazine capacity to 19 rounds. The Police Science and Training Bureau In-Service Training, Training Division, Notice 12.1.2, under the General Handgun Specification, Section, No.13, states that the 17+2 magazines are not authorized for wear on a uniform duty equipment belt. On January 26, 2022, Newton Area Command was notified that Officer Zavala's magazine was not authorized for uniformed carry (Addendum No. 19).

[redacted]

ANTHONY LJUBETIC, Lieutenant
Officer-in-Charge, Investigative Section C
Force Investigation Division

APPROVED:

[redacted]

LAURA M. CURTIN, Captain
Assistant Commanding Officer
Force Investigation Division

DATE