LETTER OF TRANSMITTAL
CF NO. 22-003757
COMMANDING OFFICER'S ADJUDICATION

The completed complaint investigation was received on February 3, 2023.

ADJUDICATION

Public Complaint: Relevant Party 1 Los Angeles, Ca.

The Complaint Investigation, CF No. 22-003757, resulted in four allegations of misconduct against three named Department employees:

Police Officer II Jose Zavala Serial No. 40197	Newton Area
Police Officer II Julio Quintanilla Serial No. 42454	Newton Area
Sergeant Serial No.36665	Newton Area

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

ALLEGATION 1. Complainants Relevant Party 1 Relevant Party 2, Relevant Party 3 **and** Relevant Party 4 **alleged on December 18, 2021, Officer Zavala, while on-duty, utilized excessive force when he discharged his firearm at** Victim

ALLEGATION 2. Complainants Relevant Party 1 Relevant Party 2 Relevant Party 3 **and** Relevant Party 4 **alleged on December 18, 2021, Officer Quintanilla, while on-duty, utilized excessive force when he discharged his firearm at** Victim

CLASSIFICATION

It is recommended that Allegations 1 and 2 be classified as **UNFOUNDED**.

RATIONALE

Officer Zavala and his partner, Officer Quintanilla responded to an, "Ambulance Attempt Suicide," radio call. Upon arrival, Officers Zavala, Quintanilla, and Sergeant formulated a tactical plan to take the decedent into custody peacefully. This included getting additional resources to secure the location, communication with the subject, and less-lethal options. During the incident, the decedent failed to comply with Sergeant 's commands to drop the knife. The decedent eventually stood up and according to Officer Zavala and Quintanilla, they believed that the decedent started to advance towards them, and in fear fired their service weapon.

The OIS was investigated and the application of lethal force by Officer Zavala and Quintanilla were found to be, "Out of Policy/Administrative Disapproval." Although the findings found the

application of force to be objectively unreasonable, there was no evidence discovered during the investigation to support the Complainants allegations of excessive force.

Based on the preponderance of evidence, it is recommended that Allegations 1 and 2 be classified as **UNFOUNDED**.

ALLEGATION 3. Complainants Relevant Party 1 Relevant Party 2 Relevant Party 3 and Relevant Party 4 alleged on December 18, 2021, Sergeant while on-duty, failed to provide mental health care for Victim

ALLEGATION 4. Complainants Relevant Party 1 Relevant Party 2 Relevant Party 3 and Relevant Party 4 alleged on December 18, 2021, Sergeant while on-duty, failed to use tactics to deescalate a Categorical Use of Force, Officer Involved Shooting.

CLASSIFICATION

It is recommended that Allegations 3 and 4 be classified as **UNFOUNDED**.

RATIONALE

Sergeant was the only supervisor at scene and was the Incident Commander. During the incident, Sergeant attempted to establish communication with the decedent. Based on the comments of the call, Sergeant believed that the situation was fluid and he wanted to prevent the decedent from chasing anyone while armed with a knife. Due to no other supervisor present at scene, Sergeant believed that preventing the decedent from possibly hurting anyone took a priority over contacting the Mental Evaluation Unit (MEU) and directed the less-lethal officer to deploy the 40mm LLL. Sergeant took initiative and attempted to use communication and less-lethal as a means of de-escalation.

Based on the preponderance of evidence, it is recommended that Allegations 3 and 4 be classified as **UNFOUNDED**.

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

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

ADMINISTRATIVE INSIGHT FOR OFFICER ZAVALA

Employee Development Plan

None

Penalty

None

Work History Analysis

Sergeant I Joseph Scida, Serial No. 36457, Newton Complaint Unit, reviewed Officer Zavala's TEAMS II report. There are no risk management concerns.

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

None.

ADMINISTRATIVE INSIGHT FOR OFFICER QUINTANILLA

Employee Development Plan

None.

Penalty

None.

Work History Analysis

Sergeant I Joseph Scida, Serial No. 36457, Newton Complaint Unit, reviewed Officer Quintanilla's TEAMS II report. There are no risk management concerns.

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

None.

ADMINISTRATIVE INSIGHT FOR Sergeant

Employee Development Plan

None.

Penalty

None.

Work History Analysis

Sergeant I Joseph Scida, Serial No. 36457, Newton Complaint Unit, reviewed Sergeant s TEAMS II report. There are no risk management concerns.

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

None.

This letter of transmittal was submitted by:

JOSEPH SCIDA, Sergeant I
Newton Complaint Unit
Newton Area

Date: 3.15.23

APPROVED BY:

JEFFREY BRATCHER, Captain III
Commanding Officer
Newton Area

Date: 3/16/23