Administrative Interview
Advisement and Transcription Cover Page

POST CASE NUMBER: POST2302397
SUBJECT OFFICER NAME: Armando Avena

Administrative Interview Advisement

Following is the record of an Administrative Interview conducted by the Los Angeles Police Department on 12/15/2022 with Officer Armando Avena, who is the subject of this investigation. The interview was recorded and a true and correct copy of the recording is being maintained by the Professional Conduct Southern Bureau. The recording reflects all relevant statements and conversations occurring during the course of the interview. The interview was also transcribed by AXON Auto-Transcribe. This transcript was prepared by Analyst I Anna Huang, Professional Conduct Southern Bureau.

Parties Present:
Sergeant II Martha Delgado, Los Angeles Police Department, Primary Investigator
Sergeant II Miguel Ortega, Los Angeles Police Department, Secondary Investigator
Officer Armando Avena, Los Angeles Police Department, Subject
Leslie Wilcox, Attorney, Representative for Subject Officer

[00:00]
Sergeant Delgado: Okay, so this is a digitally recorded interview for CF number 22 dash 000472. Today's date is December 15th, 2022. The start time is 8 43, and this is a telephonic interview. Present to be interviewed is gonna be Officer Armando Avena, serial number 42919 of Pacific Division. And the assignment on date of alleged occurrence was Pacific Division. Uh, he is Accompanied by Leslie Wilcox as his attorney. Okay. The primary investigator is myself, Sergeant two Martha Delgado, 39903 of Internal Affairs, central Section and Secondary Investigator Sergeant two, Miguel Ortega, serial number 33273 of IA Central Division as well. Okay. So you, officer Avena, you're being interviewed as an accused employee, do you understand?

[01:01]
Officer Avena: Yes.

[01:01]
Sergeant Delgado: Okay. So the main allegations that we're gonna discuss today, there's five. Um, one is gonna be that, uh, the complainant alleges that on February 13th, 2022, um, while off duty, you operated a private vehicle under the influence of an alcoholic beverage. The second allegation is also on the same date, and that while off duty you physically assaulted her causing injuries and required, that required medical treatment. The third allegation is while on, while off duty broke her glasses and physically assaulted her. Um, the fourth allegation is that in January, 2022 while off duty, you made criminal threats toward her. And the fifth allegation is that on unknown date while off duty, you physically assaulted her. So with that being said, this interview pertains to a criminal misconduct. Therefore, I am going to advise you of your Miranda rights. You have the right to remain silent. Do you understand?

[02:04]

[21:55]
Sergeant Delgado: Okay. So as you were driving, um, did you feel you were impaired?

[22:03]
Officer Avena: Uh, no.

[22:04]
Sergeant Delgado: Okay. So from the bar, you guys went where? Home, right?

[22:09]
Officer Avena: Oh, Uh, I, we drove Home.

[22:11]
Sergeant Delgado: Okay. And, um, what, what happened when you guys got home? Was, sorry, before that, was there any physical altercation in the car?

[22:21]
Officer Avena: No.

[22:22]
Sergeant Delgado: No. Okay. Uh, when you got home, what happened next?

[22:29]
Officer Avena: So, um, I, I, I entered the gate and, uh, I, I have a, a manual garage. So I gotta lift it up every time I parked my car inside. And as I, as I did that, she got off and came inside the apartment. Uh, we're on the second floor. I put the car away, locked it up, walked upstairs. I, I entered the apartment and I saw that she was in the restroom. 'cause I could see that the light was on in there and the door was closed. And as I was in the hallway, I saw one of the entry hallway, it's, it's, it's a living room, I guess. Um, uh, we have a, uh, a side entry table. And I saw that her, her purse was there and her phone was right next to it, and it, it was unlocked. And I grabbed the phone and, um, I, I, I grabbed the phone for the reason. Um, kind of like weeks prior to this, she's kind of been hiding her phone as far as, um, she would not charge it when we would go to sleep, could we sleep on the same bed? She was, she wasn't charging her phone anymore. She would tuck it underneath her stomach when she would sleep. And she was very, uh, you know, just like small little signs that she wouldn't have her phone around me.

[23:45]
Sergeant Delgado: Mm-hmm <affirmative>.

[23:45]
Officer Avena: She wouldn't use it around me as much anymore. So I, I kind of had like, you know, uh, like I was kind of curious at that point, like, why is she hiding her phone? I I, I didn't bring it up

[23:55]
Sergeant Delgado: mm-hmm <affirmative>.

[23:55]
Officer Avena: Until, you know, un until I, 'cause I didn't really have anything to go off of, like, like for me to think that she's, you know, cheating on me or anything.

[24:03]
Sergeant Delgado: Right.

[24:04]
Officer Avena: But it was still in my mind. So when I saw the phone was unlocked, I was like, Hey, I'm just gonna go through her phone. I'm curious. Um, so I, I grabbed the phone and then as soon as I, as I grabbed the phone, and you can, it's an iPhone, so you can swipe up. And it shows that a recent open apps, and it was on, it was on the Instagram, uh, social media platform, and it was on the messages, and she was, um, it, it, it, it was on a message board with, um, uh, it, and it, it had a guy's face on there. And I, I clicked on his page and it showed that it, they don't even have each other as friends, but I guess you can still message each other.

[24:43]
Sergeant Delgado: Mm-hmm <affirmative>.

[24:44]
Officer Avena: And I went back to the messages and No, I'm, I'm sorry. So when, when I clicked on his, on the picture, I, I saw who it was, and I recognized him as it being her ex-boyfriend.

[24:55]
Sergeant Delgado: Okay.

[24:56]
Officer Avena: And I was, I was kind of even more interested in like, wait, wait a minute, what are they talking about? And I just, I saw, I went back to the messages and w what the, one of the latest messages was, you know, her giving him updates as far as to which restaurant we were at, what kind of drinks she was drinking. So I was like, why is she telling him like, all these little details? And so I, so in my mind I'm like, she, you know, she's probably just been talking for a little bit, but I start to swipe down. So to go back to the oldest to like the old messages, and it's just, it's going and it's going and it's going, I'm like, wow. Like, just paragraphs and paragraphs and conversations. And I don't remember everything. I remember small bits and pieces, but, um, small things as that I do remember is, um, them calling each other babe, which, you know, that's usually when you're in a relationship with someone that, how you speak to each other. Um, him, him telling her to stick to her list of things she has to do before she leaves me.

[25:56]
Officer Avena: Um, I, I can't remember everything right now, but it was just a, a lot of small details like, um, which day I'm going to work and which day they can hang out. Small things like that. So I, at this point, I knew, hey, she's constantly talking to this guy on a daily basis, on an hourly basis. He, he, he knows what we're doing. Like when I'm with her and she's planning to meet me, and they have a list of things that they're trying to do before she separates. So I'm, I'm reading all this within a span of,

you know, three minutes or so. And, um, I'm, I'm still standing in the hallway. I have both my hands on the cell phone and I'm holding it up to my face, and I'm, I'm reading it. And, um, she, she walks out of the restroom and she looks at me standing, um, in the entryway.

[26:51]
Officer Avena: And she's kind of like shocked. Like she couldn't believe I was holding her phone. I think she had like a pink case on it, so it, you could, stands out from my phone. Um, and then, um, and then I, I, I began to tell her what I, what I found. And she kind of made, uh, she made a face to where she seemed like confused. Like she didn't know what I was talking about. So then I began to read the messages out loud to her. Um, you know, like, oh, hi babe, good, or, or good morning babe, and so forth, or whatever the conversation they were having. I just, I just started reading from where I was at. And, um, as, as I was holding the phone and looking down at it, reading it, um, she ran towards me and she had to both her hands out to try to take her phone.

[27:39]
Officer Avena: And I twisted my upper torso. And as, as I did that, I kind of swung away with the phone in my hand still

[27:46]
Sergeant Delgado: mm-hmm <affirmative>.

[27:46]
Officer Avena: To prevent her from getting, 'cause I wanted to read more. I, I, I, I wanted to read everything. I wanted to find out everything that happened,

[27:51]
Sergeant Delgado: right.

[27:52]
Officer Avena: So as, as she came towards me and she charged towards me, I twisted my upper torso and my, uh, right elbow struck her on the side of her face. And she fell over to the side, um, which knocked over that entry table. And, um, at, at, at that point, I ran to the bedroom, to our bedroom, and I, I locked the door so she won't, so to prevent her from, you know, coming in and,

[28:25]
Sergeant Delgado: because you still?

[28:26]
Officer Avena: I stood on the phone and I, I wanted to continue reading the conversations. Um, as I, as I laid on the bed, and I was, as I was there, she, she first started to knock for me to open the door, and I didn't even respond. And she started to bang on the door very hard for about, I wanna say two minutes maybe, but like, repeatedly hitting the door very hard. And I, I still continued to, um, read the messages and actually tried calling, uh, the guy that she was messaging through her Instagram. I, I, there's a dial option. I called him a few times, he wouldn't answer. Um, so I was like, okay, this, this guy's not gonna answer. So I just continued to read

and the, the banging continued. And then as I was laying on the bed, I observed the, the, the door kind of bust open, which, which broke like the wooden door jamb. Um, and she, she ran towards me as I was on the bed, and she jumped on top of me. Um, and she was trying to take her, trying to take the phone. And I still, I, I wanted to read everything.

[29:32]
Officer Avena: You know, someone, I've been in a relationship for almost 10 years with I, I wanted to know everything that was going on. So I did everything I could to, you know, hold onto the phone. And she, you know, she know she, she was throwing like her, like, she jumped on top of me and I was, I told her to get off. She wouldn't get off. She wanted the phone and I was preventing her. And in, in doing so, I was able to, uh, push her off of me. And she fell off the bed onto the, onto the bedroom carpet. And I got up and I ran to the living room. And as I was in the living room, um, I, I continued to read for, I don't know, maybe 20 more seconds. And her phone died. And then as it happened, I heard her throwing up in the, in the bedroom.

[30:24]
Officer Avena: Um, and then I walked into the, to the bedroom. And then I observed her, she was standing over the dirty clothes hamper, throwing up on it, on, on the dirty clothes and on herself. And she asked me if I could turn on the shower for her. So I went into the restroom, I turned on the shower, and then she walked straight into the restroom and she went into the bathtub and sat down with her clothes on. And then she started to cry. And, uh, uh, she began apologizing about what I had discovered. And I, at that point, I just wanted to, I just wanted to contact this guy to get, you know, his side of the story. 'cause I couldn't read any more of her messages. I wanted to see what he had to say. So that's when I went to the, I went back to the room.

[31:14]
Officer Avena: Um, and, uh, I, I was, I, I was crying, of course, I, I was sad of what I had discovered. And I, I got on my phone and I went on Instagram, and I remember his username. So then I went ahead and messaged him. Uh, I told him to call me asap and of, of course, he didn't answer or write back because it was maybe like three in the morning at the time. Um, and then I, and then I just sat there crying and I kind of like dozed off on my phone. 'cause I, I was, I was, since I couldn't find him, his profile was private at the time. I, I tried finding him on other platforms, like, I don't know, Facebook, things like that. I can find out more about this guy. And as I was doing, so, I, I kind of dozed off and kind of started falling asleep, uh, for a few minutes.

[32:05]
Officer Avena: And then I, I heard Victim calling my name. It, what, what, as I had my eyes closed, it kind of sounded far away. And I, and I, and I opened my eyes and, and then I, I heard her calling me. She's like, babe, babe. And I, I, I, I got up and I went to the restroom and the shower was still running. And she said, can you please gimme a towel? I'm cold. So I, I went to the closet. I, I got a towel. And uh, I handed it to her. And, uh, um, she said that she needed help. So I, I helped her get out of the shower, and I went back into the room. I laid down and I fell asleep. And then, um, that was it, that night or early morning.

[redacted] called me, said that she's filing a report for domestic violence allegations. Uh, a detective and a police officer came out and I told them, Hey, I'm, I'm off duty, uh, Los Angeles police officer, and I, I had, but prior to leaving my apartment, I, I know how the, how the process works, which in which they take your firearms. So I was like, let me just take my firearms just to give 'em to them when I'm there. So I put 'em in a backpack. And when, when I, when I, when I was explaining why I was there, I told 'em that I was LAPD and in my backpack, I have two firearms, um, which are both registered to me. And they're like, okay. Then. So I took off my backpack, gave it to them, and then they, they placed me under arrest. Uh, and that's it.

[43:15]
Sergeant Delgado: Okay. I mean, so let me just, um, we'll, I'm gonna kind of like backtrack on little additional questions. Okay. Just to clarify, not on your statements, but just like to verify with you if these things happened or not. Okay. So, um, like number one, um, in the episode where you were driving from, um, flashbacks to home, um, do you recall driving fast or, or doing any, like, or braking hard?

[43:46]
Officer Avena: No.

[43:47]
Sergeant Delgado: Okay. And then once you got to the, uh, your home, um, did you ever drag, uh, Victim into the bathroom?

[43:58]
Officer Avena: No.

[43:59]
Sergeant Delgado: Okay. Um, so it was Victim who asked, who put herself in the bathtub and, um, turned on her own shower?

[44:09]
Officer Avena: No, uh, I turned on the shower for her. Okay. She asked me to, as she was throwing up, she like, can you please turn on the shower? She had threw up all over herself.

[44:16]
Sergeant Delgado: Okay. And

[44:16]
Officer Avena: so I turned on the shower.

[44:18]
Sergeant Delgado: Do you remember the temperature of the water?

[44:23]
Officer Avena: I, I do not remember the temperature of the water.

[44:26]

Sergeant Delgado: Okay. And then, um, did you ever refuse to let her out of the bathtub?

[44:34]
Officer Avena: No.

[44:35]
Sergeant Delgado: Okay. Did you ever punch her in, in her left side of the face?

[44:41]
Officer Avena: No.

[44:42]
Sergeant Delgado: Did you ever punch her at all?

[44:45]
Officer Avena: No.

[44:47]
Sergeant Delgado: Okay. Did you ever pull her hair?

[44:51]
Officer Avena: No.

[44:52]
Sergeant Delgado: Okay. Did you ever, um, take her glasses or break them?

[44:57]
Officer Avena: No.

[44:58]
Sergeant Delgado: Okay. Um, so you never scratched or slapped her or, or choked her?

[45:05]
Officer Avena: No.

[45:06]
Sergeant Delgado: Okay. Um, has Victim ever, like, ha. There has never been any domestic violence amongst between you two?

[45:20]
Officer Avena: Hello? Hello?

[45:22]
Sergeant Delgado: Yeah. Can you hear me?

[45:23]
Attorney Wilcox: I can hear You.

[45:24]
Sergeant Delgado: Yeah. It, it kind of broke up a little bit.

[45:26]
Sergeant Delgado: Ha. Has there ever been domestic violence between you two? Physical?

[45:32]
Officer Avena: No.

[45:34]
Sergeant Delgado: Okay. So you've never pulled her hair in the past?

[45:38]
Officer Avena: No.

[45:38]
Sergeant Delgado: Okay. Uh, lemme see, what other one, do you remember, um, Victim taking two Tylenol pills in the night?

[45:51]
Officer Avena: Um, I don't remember.

[45:52]
Sergeant Delgado: Okay. And do you remember her telling you that she, um, she had pain like the night before when, before you guys fell asleep?

[46:02]
Officer Avena: No.

[46:03]
Sergeant Delgado: Okay. Um, do you remember telling her that you did not wanna go to jail and that you felt like hurting yourself?

[46:15]
Officer Avena: No.

[46:17]
Sergeant Delgado: Okay. Um, Lemme See. Better. Okay. Let me see what other need. How about an incident in January? Do you recall any incident where you, um, broke her glasses and pulled her hair? Or did you ever threaten to kill her?

[46:40]
Officer Avena: No.

[46:40]
Attorney Wilcox: January of 2022?

[46:42]
Sergeant Delgado: Yes, correct. January of 2022?

[46:46]
Officer Avena: No.

[46:47]
Sergeant Delgado: No. Okay. Um, lemme see,

[46:54]
Sergeant Ortega: I just have a couple myself. Um, that evening that you guys went out, um, do you remember where [redacted] was?

[47:03]
Officer Avena: I'm sorry, sir. The first part of the question was broken up. Can you repeat it one more time?

[47:06]
Sergeant Ortega: So we're, we're talking about that evening. You, you guys went out of this incident. Um, was [redacted] home?

[47:14]
Officer Avena: No. Yeah. So, uh, prior to us, uh, going out to the restaurant, we, [redacted] came in the car with us and we dropped [redacted] off at, um, Relevant Party 3's house.

[47:26]
Sergeant Ortega: Okay.

[47:27]
Officer Avena: And then we went to the restaurant.

[47:29]
Sergeant Ortega: Okay. And so when you guys returned home, [redacted] was, [redacted] was basically spending the night at, uh, RP 3 's house?

[47:36]
Officer Avena: That's correct.

[47:37]
Sergeant Ortega: Okay. And then I know you weren't sure about the times, like what time you went to the uptown Whittier brewery. Uh, do you recall or estimate how much time you spent there?

[47:49]
Officer Avena: Uh, okay, so I would say at, at, so at the first restaurant, west Covina, the sushi, it was maybe about an hour or so.

[47:58]
Sergeant Ortega: Okay.

[47:59]

Officer Avena: And got to Whittier Brewery. We, we were there for about, I would say an, uh, an hour and a half because we, we were, you know, drinking and playing like the games they had.

[48:11]
Sergeant Ortega: Right.

[48:12]
Officer Avena: And at flashback, I believe it was anywhere between an hour and an hour and a half as well.

[48:17]
Sergeant Ortega: Okay. And then, um, you did mention when you guys initially, when you, when you, when you had her phone and she came out to grab it, you turned your right torso and your right elbow struck the side of her face. Um, so, um, I guess what I'm asking was, so you, your elbow connected with her face, was that an intentional hit?

[48:40]
Officer Avena: That was not intentional. That was, um, I, I did that to prevent her from taking the phone.

[48:46]
Sergeant Ortega: Right. So it was unintentional. Um, is that the only time that you recall her face being struck that night?

[48:56]
Officer Avena: Yes.

[48:56]
Sergeant Ortega: Okay. So do you believe that's what caused her swollen eye?

[49:02]
Officer Avena: I, I don't know. Honestly, I don't know what it was.

[49:06]
Sergeant Ortega: Right, right. Do you know if she, she fell that, that night or if anything like that?

[49:11]
Officer Avena: Uh, well, yes. Uh, as I, uh, stated earlier, uh, when that happened, when, uh, I, I prevented her from grabbing the phone from my hand and I, I twisted my upper body and she got, she was struck in the face, she fell over to the side, um, which actually knocked over the side table and then she hit the, the carpet and that, that was, uh, that time. And the second time was when I was in the bedroom and she jumped on top of me and, and she was struggling to try to, to try to get her phone. And I, I, you know, tried to get her off of me and I, and I, you know, I, I was able to get her off of me and I, you know, kind of pushed her off and she fell over off the side of the bed and fell on the carpet. Okay.

[49:56]
Sergeant Ortega: And, and the, well, both those times that she fell, she struck her face as well?

[50:01]
Officer Avena: I, I, I don't know. I didn't, I didn't see.

[50:04]
Sergeant Ortega: Okay. That's all I have.

[50:07]
Sergeant Delgado: Okay, <inaudible>. Well, um, that's all, all of our questions. Is there anything else you feel is important for us to know for this investigation?

[50:17]
Officer Avena: Not at this time,

[50:19]
Sergeant Delgado: No. Okay. Um, Ms. Leslie Wilcox, do you have anything else?

[50:24]
Attorney Wilcox: I just wanted to ask him one thing. When, um, they were asking originally about the, um, amounts and size and brands and types of, uh, drinks that you had. Um, on the night of February 12th into the February 13th, did you think it was important to remember what brand of beer you were drinking?

[50:43]
Officer Avena: No.

[50:44]
Attorney Wilcox: Okay.

[50:45]
Sergeant Delgado: Okay.

[50:45]
Attorney Wilcox: Um, if you had been interviewed in February, do you think you would have a better recollection of the type of beer or sizes?

[50:55]
Officer Avena: Yes.

[50:56]
Attorney Wilcox: Okay. That's all I have.

[50:58]
Sergeant Delgado: Okay. Thank you. Um, in hindsight, would you say or do anything different?

[51:10]